

M.Sc. 2011

ENCLAVE EXTRACTION AND UNRULY ENGAGEMENTS:

OIL SPILLS, CONTAMINATION AND THE COCAMA-COCAMILLA INDIGENOUS PEOPLE IN THE PERUVIAN AMAZON

TAMI OKAMOTO MENDOZA



NORWEGIAN UNIVERSITY OF LIFE SCIENCES
DEPARTMENT OF INTERNATIONAL ENVIRONMENT AND DEVELOPMENT STUDIES (NORAGRIC)
MASTER THESIS 60 CREDITS 2011





Enclave extraction and unruly engagements:

Oil spills, contamination and the Cocama-Cocamilla indigenous people in the Peruvian Amazon

By: Tami Okamoto Mendoza

MSc Thesis in Development Studies



The Department of International Environment and Development Studies, Noragric, is the international gateway for the Norwegian University of Life Sciences (UMB). Eight departments, associated research institutions and the Norwegian College of Veterinary Medicine in Oslo. Established in 1986, Noragric's contribution to international development lies in the interface between research, education (Bachelor, Master and PhD programmes) and assignments.

The Noragric Master theses are the final theses submitted by students in order to fulfil the requirements under the Noragric Master programme "International Environmental Studies", "Development Studies" and other Master programmes.

The findings in this thesis do not necessarily reflect the views of Noragric. Extracts from this publication may only be reproduced after prior consultation with the author and on condition that the source is indicated. For rights of reproduction or translation contact Noragric.

© Tami Okamoto Mendoza, May 2011
tami_okm@yahoo.com

Noragric
Department of International Environment and Development Studies
P.O. Box 5003
N-1432 Ås
Norway
Tel.: +47 64 96 52 00
Fax: +47 64 96 52 01
Internet: <http://www.umb.no/noragric>

Declaration

I, Tami Okamoto Mendoza, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date.....

To the people of the Marañón,
whose stories taught me how important it is to trust

Acknowledgements

I would like to thank first and foremost my mother, the bravest woman I've ever known. She has not only encouraged me to pursue my ideals in life but has also gone out of her way to put up with the expectations that some of these ideals mean in our society today. Likewise, to my brother and my father, whom although might be unaware of it, have inspired me to develop critical thoughts about the world and the ways of perceiving it since I was very young. Thanks to my friends in Lima, Loreto, Canada, Tanzania, India and not least Norway, the “nerdiest” friends of all, who added the necessary touch of humour to my academic life. Words cannot be sufficient to thank Stefan K. for the insightful conversations and for being so generous at reading and thoroughly commenting this work; most of all for waiting with some good music, warm nice food, and a big smile after late night of writing.

I am thankful to my faculty, Noragric, which at all times provided me with an academically stimulating and extremely friendly environment that allowed me to expand and deepen my critical thoughts. Special thanks to Esben Leifsen, my supervisor, for the freedom and trust that he offers to his students as a main learning guide. Likewise, to Maria Guzman-Gallegos, whose life experience and knowledge is a source of inspiration on its own. Also, I am grateful to my colleagues at SUM whom encouraged me to continue at all times.

I would like to mention that this work wouldn't have been possible without the financial support of the Norwegian Latin American Research Network (NorLARNet), the Freedom of Speech Foundation (FrittOrd) and Noragric, who provided me with generous scholarships.

I dedicate this work to the people of the Marañón. To the Cocama who embrace to be part of their lives without hesitation. I'm especially in debt to my host family in Urarinas (Don Jose, Doña Karina, Don Juanito, Sra. Lily, Lexi, la abue and Macuto) who asked me never to forget them. To Fonsho, Miller, Mariza, Prof. Chanchari, Lucho, and Wendy whose evolving ideas and strength are a true source of admiration.

Abstract

In the Peruvian Amazon, conflicts between the state, indigenous people and oil companies have been on the rise during the last few years. To understand the roots of these conflicts, this study recognizes the need to go beyond ‘resource curse’ literature and instead applies new analytical concepts from oil extraction literature in Western Africa. The concept of “enclave” is treated here not only as a spatially-segregated geographic area and an economic domain where large amounts of capital are invested through the oil industry. It also considers private-public partnerships and other social, political and legal issues that are entrenched in its making and that enable the oil industry’s ‘disentanglement’ or detachment from its local surroundings, including the ‘disentanglement’ from the environmental contamination (i.e. oil spills) that it generates.

The study also adopts the concept of “unruly engagements” which refers to the unregulated, inflexible, ambiguous and uneven ways in which the state, the oil company and indigenous people relate to each other at the local level (e.g. through meetings, negotiations, compensations). This thesis advances the understanding of such forms of “engagements” at the local level by studying the interactions between the Cocama indigenous people, Pluspetrol, and the Peruvian government in the aftermath of a June 2010 oil spill in the Marañón area of the Peruvian Amazon. The study argues that the mechanisms used in dealing with oil spills are unregulated and highly inefficient in minimizing or preventing social unrest among the affected indigenous communities. Instead, contrary to claims of government authorities and corporate parties, it is both, precisely *because* and *despite of* these “unruly” forms of “engagement” that power asymmetries, ambiguous forms of participation and dialogue, and the overall “enclave” form of extraction is reinforced in Amazonia, enabling oil companies like Pluspetrol to effectively disentangle themselves from the social and environmental costs of their actions.

Finally, the study recommends an increasing acknowledgement and respect of the internal decision-making processes of indigenous communities and associations in order to foster meaningful Cocama participation (i.e. better representations of local people’s perspectives) in the negotiations with state and oil companies and thereby to circumvent further conflicts in Amazonia.

Table of Contents

Declaration	i
Acknowledgements	v
Abstract	vii
Table of Contents	ix
Maps	xi
Figures	xi

Introduction

<i>Opening</i>	1
<i>Objective</i>	3
<i>Situating the discussion</i>	3
<i>Theoretical approaches</i>	10
<i>Methodology</i>	16
<i>Study design</i>	18
<i>Methods of data collection</i>	20
<i>The Cocama-Cocamilla people of the Bajo Marañón</i>	21
<i>Structure of the thesis</i>	24

Part I. Enclave extraction in the Peruvian Amazon

<i>Enclave model of extraction</i>	25
1. Oil extraction and national discourses	
Government narratives and Bagua	31
Brief history of Amazonia.....	36
Contemporary policies governing Amazonia.....	38
Government and oil companies' relationships in Peru	40
2. An enclave of neglect in the Bajo Marañón	
Oil Block 8E.....	43
Forty years of extraction and contamination.....	44

Part II. Unruly engagements with Indigenous peoples

<i>Participation in development and Indigenous participation</i>	51
<i>Community</i>	55
<i>Power</i>	58
<i>Unruly engagements and the dual dynamic of the enclave</i>	59

3. The June 2010 oil spill	
First days after the oil spill.....	61
A first look into the level of contamination and some urgent needs.....	65
4. Is there contamination after all?	
State contradictions: disagreements between official reports	71
Another contradictory evaluation on contamination levels.....	76
The implications of negating contamination in the Marañón	77
5. Selecting eligibility for negotiation and compensation	
The ‘technical meeting’ at GOREL	81
Negotiations with Nauta’s Asociación por la defensa	87
In direct negotiation with Parinari district	89
Negotiations with the Urarinas district	92
Negotiations with AKUBANA	95
6. Further disentanglements	
Mechanisms for ‘effective disentanglement’	101
‘O aceptas o nada’	105
‘Ruling’ the ‘unruly’	109
Concluding remarks.....	111
References	115
Acronyms and Spanish names.....	123
Appendix 1	124

Maps

Map 1. The Marañón basin area showing oil spill route 1

Map 2. Petroleum and gas concessions on Peru's northern border 5

Figures

Figure 1. Cartoon in La República newspaper 33

Figure 2. Forty-year old leaking pipelines in Pluspetrol's oil block 8E 50

Figure 3. Different typologies of community participation 52

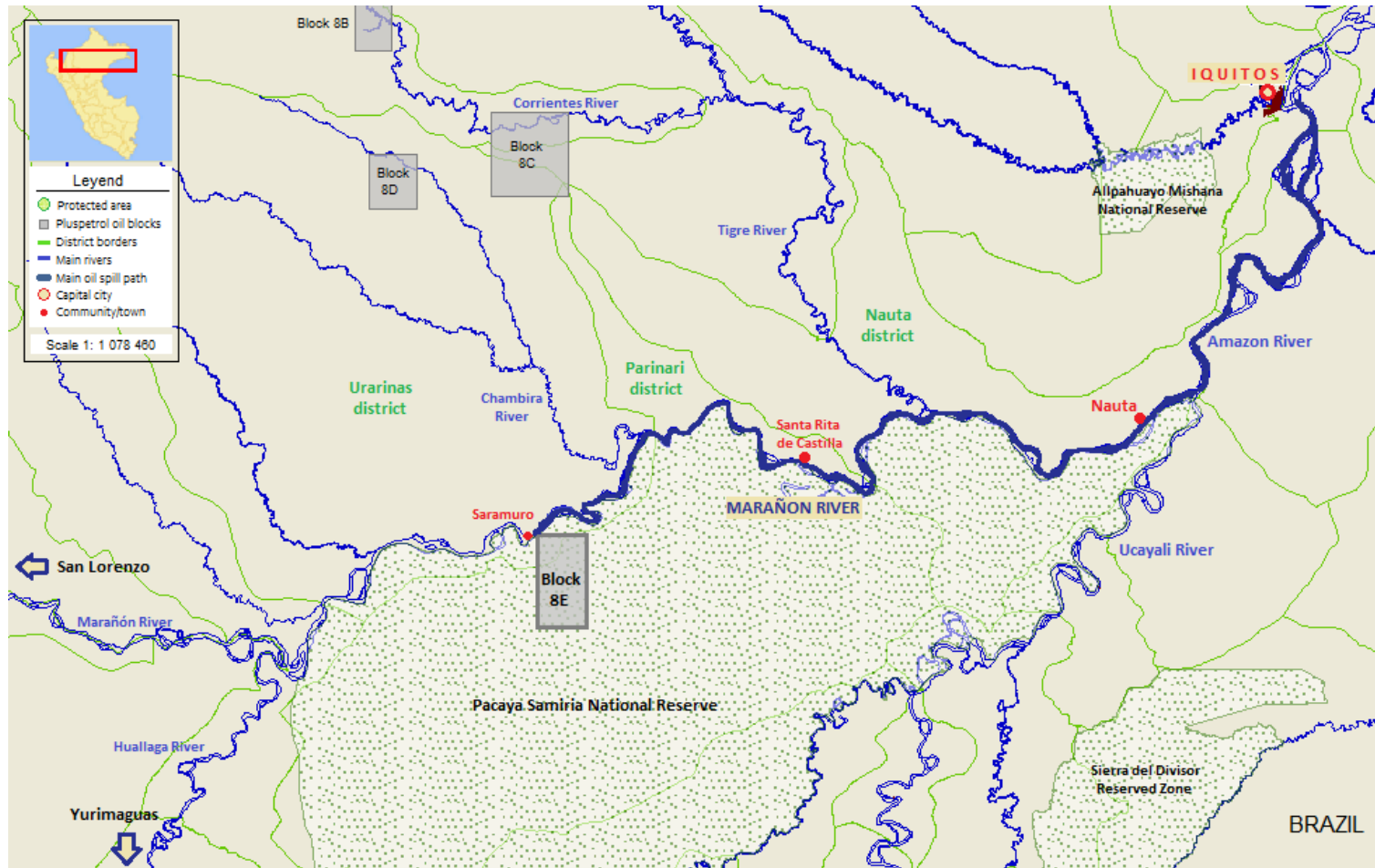
Figure 4. Blocka of the Marañón River..... 78

Figure 5. *Mesa de diálogo* in the community of Puerto Orlando..... 86

Figure 6. Representatives of the Cocama Association AKUBANA 97

Figure 7. Pluspetrol installations in Block 8E along the Marañón River..... 124

Figure 8. Barge hired by Pluspetrol for transporting crude oil) 124



Map 1. The Marañón basin area showing oil spill route from Saramuro (Pluspetrol's installations in oil block 8E) across the Marañón River in the north-eastern province of Loreto, Peruvian Amazon.

Source: Author's own creation. Basic map obtained from Instituto del Bien Común (IBC)

Introduction

Opening

Sitting in my hammock facing the Marañón River, I too started getting used to see the white barges full of crude oil pass by, *undisturbed*. It was rainy season in the Peruvian Amazon but the river tide was unusually low. Next to me, Señora Lily warned that the white barge that was passing by would get stuck any minute if it continued moving forward on the right margin of the river. Juan, her brother, smiled in agreement. They knew the river's right margin was not deep enough these days for such a big boat to pass: "they should have gone a bit more to the left, just a bit". A few minutes later, the white barge got stuck. It was quite entertaining to watch such a spectacle at first. Eventually, however, they all got bored and went back to tend to their daily village chores. In a way, we all knew the barge's crew would get help and sooner than we expected they would reach the city of Yurimaguas, where the crude oil would enter the market, *undisturbed*.

A few months earlier, in June 2010, nearly 400 barrels of crude oil had been spilled in that same river making its brown waters turn black for some days. Patches of grease could still be seen floating on the river surface five months later. A 'coat' of grease would also appear in the cups and buckets of water that we used for drinking and cooking every day in the community. The local Cocama people would say, "now, the fish is small... its head has the same size though, it's big, but its body, its body is so small now (*un cuerpecito*)... and tasteless (*ya no sabe*)"¹. The local people living the closest to Pluspetrol's oil wells in

¹ Community of Buenos Aires (Urarinas district). Field notes, book no. 2 - 01.12.2010.

Saramuro would tell me, “there are oil spills all the time, small ones, sometimes big ones, like the one in June... but spills happen *all* the time”². And the white barges? They kept going back and forth, from Saramuro to the main cities in Loreto, *undisturbed*. This scenario led me to wonder: how are the white oil-barges allowed to circulate without ever being questioned for the serious contamination that they are apparently creating in their wake?

In this study I intend to answer this question, at least partially, by building on new concepts in the academic world concerning the ‘oil-extractive industry’: the ‘enclave’ form of extraction, the ‘disentanglements’ of the oil industry from the local setting, and the ‘unruly engagements’ of the oil industry with local communities and local circumstances. By drawing on a case study in the lower Marañón region, an area highly influenced by the oil activities from Block 8E, I undertake a detailed analysis of the corporate culture of Pluspetrol and the Peruvian government in their relations and interactions with the affected communities. I focus particularly on the underlying forms of negotiations between the actors involved in the aftermath of an oil spill that occurred in June 2010.

Pluspetrol’s Block 8E is situated on the southern margin of the Marañón River (one of the main tributaries of the Amazon River) inside the Pacaya Samiria National Reserve, north-eastern Peru (see Map 1). Its wells and pipelines, many of which have been operating for more than 40 years, are some of the oldest in the Peruvian Amazon. Indeed, Block 8E is one of the oldest extraction sites in the region, and one of the most significant boosters of oil production nationally³. No communities are located inside Block 8E. However, many of the impacts associated to the contamination from oil spills and oil leaks naturally affect the communities living downriver, which are mainly Cocama-Cocamilla indigenous communities.

As a framework of analysis, the study is situated within alternative approaches to the traditional resource curse thesis - a thesis suggesting that natural resource abundance has negative economic, political and social impacts leading to conflicts (among other negative developmental outcomes). Essentially, alternative approaches draw attention to the broader social and political dynamics that are embedded in historical factors when analysing the connection between resource abundance (e.g. oil) and conflict (in my case of ‘indigenous

² Community of Saramurillo (Urarinas district). Field notes, book no. 2 - 02.12.2010

³ The operations in oil Blocks 1AB and 8 started in the 1970s. Together they represent 53 percent of national oil production in Peru

upheavals'). I build on concepts employed by James Ferguson in *Global Shadows* (2006), Kristin Reed in *Crude Existence* (2009) and Hannah Appel in *The making of modularity* (2011). The study draws on these three recent approaches to analyse the mechanisms that enable the detachment of the oil industry from Amazonian surroundings and how they operate to facilitate and simultaneously contribute to the *undisturbed* passage of the white barges full of crude across the Peruvian Amazon, in spite of continuous and alarming contamination.

Objective

The overall aim of this research is to analyse the local level relationships and negotiations between the Peruvian state, Pluspetrol, Cocama indigenous communities and associations, and (to a lesser extent) other non-indigenous actors, based on the case study of the aftermath of an oil spill in June 2010. More specifically, the study aims to investigate: (1) Which approaches and mechanisms (what I call 'engagements') are established by the state and Pluspetrol when oil contamination occurs in order to deal with local communities affected by the oil spill?; (2) How are issues of participation and power manifested in these 'engagements' between the involved actors?; and (3) How are these approaches and mechanisms related to social and political structures in the Amazonian and the Peruvian contexts?

Situating the discussion

Over the last 5 years, Peru has been one of the fastest growing economies in Latin America, with an average GDP growth rate of 8 to 9% per year⁴; growing at an even faster rate than China. Much of this growth has been triggered by the mining and hydrocarbon sectors. Between 2006 and 2010, the expansion of the mining sector has led Peru to be the world's top producer of silver and highly ranked in the production of several other minerals⁵. In this same period, oil production increased more than 40%. Moreover, the extractive sector has been the most significant portion of Peru's export revenue comprising of nearly 70% of it in 2010;

⁴ The GDP was 153 Million USD in 2011, double as much compared to five years ago and trice as much as ten years ago

⁵ Second world's producer of zinc, third in copper and tin, fourth in lead, and sixth in gold

where hydrocarbons alone took up 10%⁶. The government shows great interest to materialize the investment projects in mining and hydrocarbon sectors in the next years as it would apparently cover 30% of the GDP, which would be a record and ostensibly positive for the national economy (El Peruano 2011).

Much of the investment in the hydrocarbon sector has occurred in the Amazon region. Today, more than 70% of Peru's Amazonian territory is covered by hydrocarbon concessions, up from 7% in 2003 (Finer and Orta-Martínez 2010, See Appendix 1). The proliferation of hydrocarbon exploration activities has been celebrated by Perúpetro (the state institution in charge of promoting investment in exploration and exploitation of hydrocarbons) because of the potential scenario of an 'oil boom' (Perúpetro 2011). Indeed, Orta-Martinez and Finer (2010) already signal that the Peruvian Amazon is currently experiencing a 'second oil exploration boom'⁷ (the first one being in the 1970s).

However, the government's recognition for the current economic growth and expanding extractive frontier has also come at the expense of massive upheavals across the country. The Ombudsman's office signals that more than 50% of conflicts⁸ in the country are related to social-environmental issues (117 in total), which are to a great majority associated to extractive activities (Defensoría del Pueblo 2011). The fact that between a quarter and two thirds of several of the country's main watersheds overlap with concessions (Bebbington 2009), poses high risks or has already proven high levels of water contamination to the surrounding communities, whose livelihood depend on those water sources. This has led to multiple violent upheavals. At the end of the year 2010, in reaction to the increased violent confrontations around extraction sites, the *La República* newspaper called the current situation in the country: "The war for water", (See Campos and Poma 2010).

In the Amazon region alone, more than 15 open conflicts related to hydrocarbon activities have been registered in 2010⁹. To a large extent, these involve tensions with indigenous peoples as oil and gas concessions overlap with more than half of all titled indigenous territories (Orta-Martinez and Finer 2010). Other studies have indicated that overall, if one

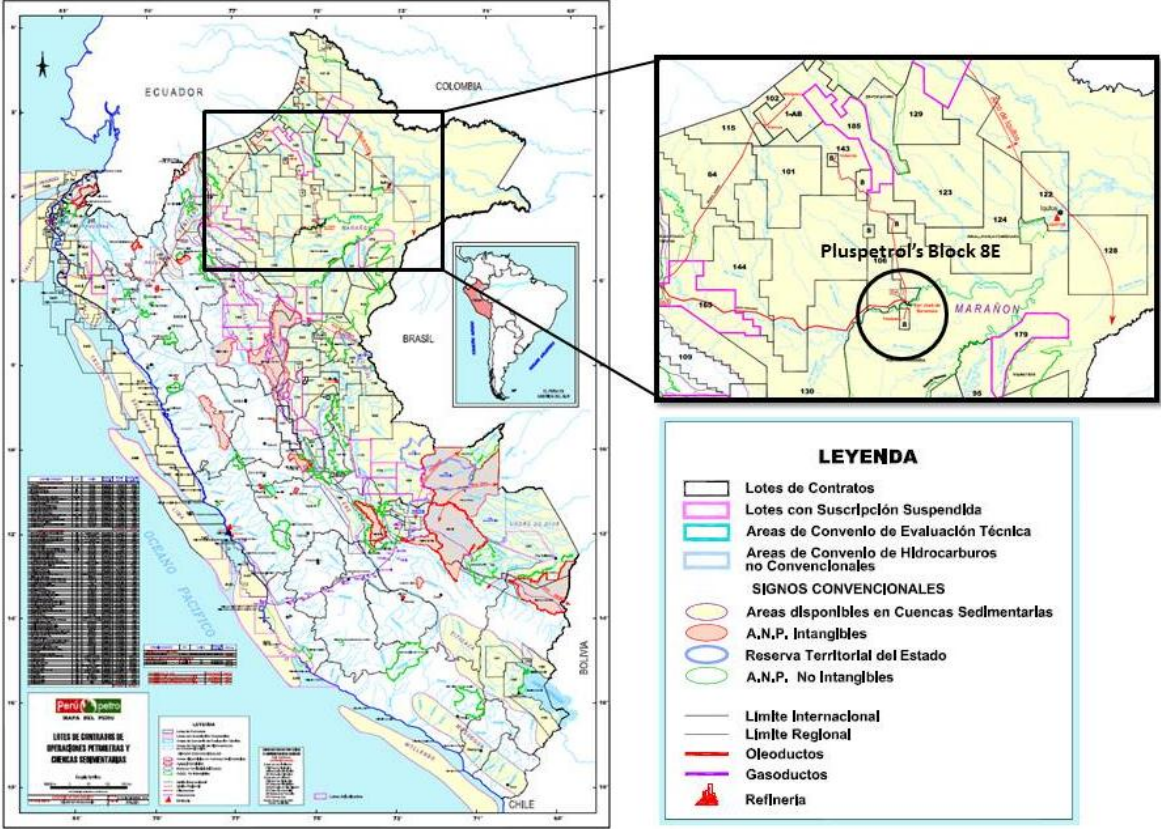
⁶ Oil and gas added up to 3,130 Million USD of a total of 34,820 Million USD in export revenues in 2010

⁷ They indicate that the second oil boom is linked to the high oil prices from 2003 to 2008

⁸ This figure corresponds to the Ombudsman's report of April 2011. The Ombudsman's Office does not define 'conflict' as violence *per se*, but as a dispute that could involve conflict.

⁹ As reported in January 2010 (Defensoria del Pueblo 2005-2009)

was to include all native communities and territorial reserves for indigenous peoples living in voluntary isolation, concessions overlap with about 80 to 95% of indigenous territories (Benavides 2010; Chase-Smith 2009).



Map 2. Petroleum and gas concessions on Peru's northern border in November 2010. Source: Perúpetro S.A. (November 2010)

Some of the direct and indirect impacts linked to this ‘second oil boom’ in the Amazon region have been documented. These vary from health problems (Anticona Huayante 2008; Hurtig and Sebastián 2004; San Sebastián et al. 2002), to prostitution and sexual abuses by the workforce in the local communities¹⁰ (Beristain et al. 2009), to long-term environmental and social damages such as the decline of indigenous people’s perceived well-being (Izquierdo 2005) and the loss of biodiversity (Finer and Orta-Martínez 2010; Suarez et al. 2009).

¹⁰ Both of which involve a potential for sexually transmitted diseases like HIV/AIDS

These impacts have been particularly well-documented in the Corrientes region, where Pluspetrol Norte S.A. (a subsidiary of the Argentinian oil company Pluspetrol) operates in oil Block 1AB. The direct social and environmental damages have been identified by Orta-Martínez and Finer (2010) as significant triggers to the conflicts with the indigenous Achuar people who inhabit the area¹¹. The studies carried out on this region demonstrate that it took 13 years after environmental laws were enacted in Peru for the state and the oil company to finally act upon the high levels of contamination in the area in 2006 (e.g. above permissible levels of lead and cadmium in people's blood as well as serious environmental damages). In general, studies in Corrientes (as well as in the rest of Amazonia) tend to conclude that the Peruvian state and the operating oil companies are generally negligent and incompetent in their approach to oil exploitation and the management of associated impacts on the local communities¹².

Pluspetrol Norte is now the leading crude oil producer in Peru with about 53% of national oil production¹³ (Pluspetrol 2009). Besides oil Block 1AB, Pluspetrol currently operates in oil Block 8. Blocks 1AB and 8 are located in the northern part of the Peruvian Amazon, stretching from the border of Peru and Ecuador in the Loreto region¹⁴. Oil Block 8 consists of five disconnected smaller blocks (8A, 8B, 8C, 8D, 8E) located in the areas of Corrientes, Yanayacu, Chambira and Pavayacu (Pluspetrol 2009). Considerable amount of information is available on the agreements between Pluspetrol and the Achuar indigenous federations from the Corrientes region (in oil Block 1AB). However, poor information exists on the impacts on many other basins where oil production sites are located, including Pluspetrol's Block 8. Existing reports point out both the non-existence of a thorough assessment of the health status of the region's population, as well as a lack of in-depth analysis of the corporate culture of the involved companies and government agencies regarding their handling of the adverse impacts of oil exploitation (Orta-Martínez and Finer 2010).

¹¹ Although to a much more limited degree, there has also been some documentation of cultural damages like the loss of institutions, rituals, knowledge and practice induced by the presence of oil activity in the area.

¹² See Bebbington et al (2009), Chirif (2010), Orta-Martínez et al. (2007), Quarles (2009), Lu (2009).

¹³ It was 52.68% in 2008. Additionally, Pluspetrol is a leading partner of two consortiums in charge of the production and transportation of the Camisea Natural Gas Project in Cusco, Peru which is the third largest reserve of natural gas in Latin America (it has an investment of US\$2.7 billion) (Pluspetrol 2009)

¹⁴ Pluspetrol currently holds concessions that cover 5.6% of Loreto's territory composed of 4 oil blocks: 2 with drilling rights (Block 8 and 1AB) and 2 other for exploration (information based on preliminary map designed by Wendy Pineda; restricted circulation)

It is important to highlight that since the 1990s there has been a much larger effort to document the problems in the Loreto region. To a large extent, this derived from the integration of the Corrientes's indigenous federation FECONACO¹⁵ and other affected indigenous communities into the larger Amazon indigenous movement (headed by AIDASEP, the national indigenous association). It is then that a firmer process of awareness and organization among indigenous people in Amazonia was consolidated with the aim of defending indigenous rights and promoting the respect of their cultures and traditional values (Bebbington et al. 2009).

Concerning indigenous movements and organizations, the renowned anthropologist Joanne Rappaport (2005) points out the tendency of many scholarly studies analysing them in Latin America to neglect the inter-cultural aspects and the heterogeneity within them (especially within indigenous organizations). Bebbington and Bebbington (2009) assert that heterogeneous positions are common within social movements involved in mining conflicts in Peru. They point at how the coexistence of diverging visions within movements brings about a number of advantages (like allowing to integrate more people into the movement), but how it also implies a potential for it to weaken and divide. Thus, although at times social movements may converge because they perceive a common threat (e.g. contamination from oil activity); the group is often characterized by various positions which see different possibilities to negotiate the ways out of a conflict.

Similarly, Guzman-Gallegos (2010b) stresses the importance of seeing the State as a heterogeneous and contradictory actor when analysing the relations between indigenous peoples, the state and non-indigenous actors (e.g. corporate actors, missionaries, NGOs, etc). Even though exclusion is undeniable in the Peruvian state's relations to indigenous peoples¹⁶ - as it is in the Ecuadorian case that she analyses- "to focus solely upon state exclusionary practices might result in creating a monolithic vision of the state and in neglecting other co-existing state practices" (Guzmán-Gallegos 2010b: 8). She asserts how besides the state's exclusionary practices, there are also "paternalistic inclusive practices" or "paternalistic forms of national inclusion for Indians"¹⁷. Most of these paternalistic inclusive practices tend to be in the form of laws which, although they attempt to integrate indigenous peoples in the

¹⁵ Native communities of the Corrientes river Federation

¹⁶ Empirical evidence can be found in Thorp and Paredes (2010)

¹⁷ The latter quote appears in Kim Clark (1998:374) in Guzman-Gallegos (2010)

construction of the nation, are often based on perceptions of the indigenous as miserable and incapable (Guzmán-Gallegos 2010b).

Concerning the recent social-environmental conflicts in Peru for example, *La Defensoría del Pueblo* (Ombudsman's Office) which is considered part of the 'state actor', has marked a very different position to that of the Executive branch in many of the recent conflicts involving indigenous people. It has for instance facilitated to a much larger extent discussion and debate between the actors involved in conflicts (Bebbington and Bebbington 2009). Also, the National Office for Natural Resource Evaluation (ONERN), which in 1992 became INRENA¹⁸, played a distinct role from that of the Executive branch during the conflict between the Achuar people, the state and the oil company in block 1AB. Already in 1984 (20 years before the government and Pluspetrol openly accepted the high levels of contamination), INRENA had warned that this area was "one of the more critically damaged environmental zones in the country" (Chirif 2008). These cases demonstrate that the state is not a monolithic entity in Peru.

Furthermore, Guzman-Gallegos and Rappaport also stress the limited attention that has been given to non-indigenous actors, such as non-governmental organizations (NGOs) and missionaries, in spite of their constant involvement in those spheres¹⁹. Heterogeneity and ambiguity of and within different actors are thus central to understanding local as well as larger dynamics at stake. I address these aspects in the case of the Marañon conflict throughout Part II by identifying and carefully analyzing the different actors involved in the aftermath of the oil spill.

Among scholars who focus their analysis on the relations between the state, extractive companies and indigenous peoples in Amazonia, there is a broad agreement of these being highly ambiguous. Commonly, encounters between these different parties tend to happen in the form of negotiations or informative workshops (Chirif 2003a). Orta-Martinez and Finer (2010) have noted the problem of power asymmetries, uncertainties and ignorance in these types of negotiations. There are several examples where authors document that relations with

¹⁸ National Institute of Natural Resources

¹⁹ This has been pointed out in Guzman-Gallegos (2010). According to her, the importance of looking at NGO's as a heterogeneous actor in order to understand "their distinct and contradictory relations with their home countries' governments and with local elites" (Guzman-Gallegos 2010:11). However, in my study area and during fieldwork, NGOs did not play a big role in the conflict. Thus, I will not make particular emphasis on the role of actor here.

indigenous peoples in the Peruvian Amazon have been commonly used to undertake unfair and non-transparent processes of decision-making.

In their article about the oil industry's impact on the Urarina people in the Chambira basin (Loreto), Witzig and Ascencios (1999: 64) make reference to how the oil company Enterprise was able to "enter and exploit Urarina lands using a classic 'divide and rule' scheme, by securing the signature of one individual whose views did not represent the group's wishes. This individual signed only on his own behalf, not as a representative of the Urarina, but he received a boat and motor from the Enterprise for his exclusive use". The authors called this kind of interaction a "fraudulent contract" as they remark that the Urarina people were not properly represented and received nothing in return.

Similarly, in the Corrientes region, various accounts reveal that the agreements between the Achuar federations, the transnational Pluspetrol and state authorities were not regulated and therefore in many cases not enforced²⁰. *Chronicles of a Deception* (ODECOFROC 2009) portrays a similar case in the Cordillera del Condor, ancestral territory of the Awajun and Wampis peoples, in northern-most Loreto, where years of numerous workshops and highly bureaucratic procedures with indigenous communities evidenced a non-compliant state in many of the stages during the process of land titling. Suspicion of bribery by the company to some indigenous leaders also appears to be further aggravating the situation in the area (Servindi 2011).

Additionally, in late 2008 and early 2009, a case involving the Cocama association ACODECOSPAT and the U.S. transnational ConocoPhillips (owners of oil Blocks 123 and 124 also in Loreto) depicted negotiation workshops that were little participatory and apparently disrespectful attitudes of the company towards community perspectives and concerns. In this particular case, ConocoPhillips carried out consultation workshops itself. Although these workshops were advertised to be done 'in good faith', an account indicates that overall the company showed limited capacity to provide detailed information concerning the mechanisms implemented to foster participation in their consultation workshops (Anderson et al. 2009; LVS 2008).

²⁰ A. Chirif, personal communication, 15.12.2010

As portrayed in my ‘Objectives’ section above, this particular thesis focuses on power and participation in the interrelation between the involved actors and the spaces where they engage (and negotiate) with each other. My particular concern in these aspects is that these issues appear to be associated to the further deepening of conflicts in the region. More specifically, I consider that research in the Marañón area is necessary and represents an important contribution to the debate on the increasing oil conflicts in Amazonia for three main reasons. First, Block 8 represents a major site of oil production in the country. Thus, complications in this area are significant to the national economy and put major economic and political interests at stake. Second, being the leading producer of crude oil in the country, Pluspetrol has emerged as a significantly powerful actor in Peru’s economy. Thus, it is pertinent studying its corporate culture, relations and influence among state actors, communities and the general local circumstances. Third, considering the significance of Pluspetrol and Block 8 to Peru’s oil sector in addition to the rapid proliferation of extractive industries in the Peruvian Amazon along the emerging violent responses, there is an urgent need for research and analysis of the impacts of oil activity in this area. Not only has the Marañón area in particular remained largely understudied, but there are also limited in-depth accounts of the actual ‘interactions’ (meetings, negotiations, etc) between the state, oil companies and indigenous peoples in the Peruvian Amazon in general.

In the next section, I present the theoretical approaches that guide my analysis.

Theoretical approaches

Nearly twenty years have seen the accumulation of considerable scholarly literature trying to explain why the discovery of oil and gas reserves, rather than complying with the expectations of economic prosperity, have frequently failed to benefit national economies and citizens (Lynn Karl 1997). This conundrum is also known as the ‘resource curse’, a term commonly used to describe a series of negative economic, political and social outcomes that countries rich in natural resources counter-intuitively have and may continue to experience.

The ‘resource curse’ has become of special interest to scholars since the late 1980s trying to unfold what lied behind the then two decades of negative developmental outcomes in resource-rich countries. This has led to the emergence of considerable scholarly literature

documenting that some of the most common symptoms perceived in resource rich countries are: (i) reduced economic growth (Auty 1993; Sachs and Warner 1995; Sala-i-Martin and Subramanian 2003); (ii) growing poverty and inequality (Ross 2003); (iii) impediments to democracy and possible reinforcement of authoritarian regimes (Ross 2001; Wantchekon 1999); and (iv) the emergence of conflicts and possible civil wars (Collier and Hoeffler 1998; Lynn Karl 1997; Reynal-Querol 2002). This literature has been greatly influential in creating the idea that natural resources are detrimental for development. The ‘resource curse’ thesis is today widely accepted, in particular among research and policy circles, including representatives at the major international financial institutions like the World Bank and the International Monetary Fund (Rosser 2006).

These observations underline the fact that the arguments that Latin-American governments like the one in Peru use when making reference to the importance of extractive industries for economic growth, are supported only partially by exceptional cases through history (Bebbington and Bebbington 2009) or perhaps by the conventional wisdom existent prior to the late 1980s that considered resource abundance as advantageous for development (Rosser 2006).

Acknowledging the meaningful advancements that have been made by traditional ‘resource curse’ literature in the study of the links between natural resources and conflicts, the evidence linking resource abundance and the various pathologies previously listed are by no means conclusive (Rosser 2006). Indeed, there is increasing recognition of a range of gaps and limitations in these traditional analyses. One of the most debated is the ‘historical context’ limitation. Academics have pointed at a lack of firm historical foundation in most studies of resources and conflict (Omeje 2008; Schrank 2007; Zalik 2009). Similarly, Arellano-Yanguas (2008), who analyses mining conflicts in Peru, notes the need to account for the ‘present historical context’, characterized by “accelerated change, new emergent factors, such as the expansion of democracy, the new ethos of participation, prominence of new actors (NGOs and companies), trade agreements and international standards and regulations (i.e. EITI)” (Arellano-Yanguas 2008: 13) all of which, according to his analysis, influence the ‘resource curse’ theory.

Another limitation concerns the quality of the data on which the theories of the ‘resource curse’ are based. There seems to be a broad reliance on macro-economic data which tends to

be short of careful testing. Many studies have been criticized for leaving their arguments underspecified, using ambiguous variables and domains, and vague causal mechanisms connecting natural resources and conflict (Ross 1999). Moreover, conventional ‘resource curse’ literature has also been scrutinized by approaches from anthropology and human geography, partly due to its ‘commodity fetishism’²¹ (Watts 2009, 2008; Mitchell 2009 in Appel 2010), and partly for how it applies a universalizing model to drastically different places around the world (Watts 2004, Sawyer 2004, Okonta and Oronto 2003, Coronil 1997 in Appel 2010).

In relation to literature concerning the hydrocarbon sector and conflict, a commonly recognized gap has been in terms of the analytical scope used within traditional ‘resource curse’ analysis given that it has been largely dominated by political science and economics. Consequently, most studies regarding conflicts from hydrocarbon activity remain confined to recommendations that are based on issues linked to governance and national politics (McNeish 2010b). In this respect, Rosser (2006), central to my study’s analytical framework, suggests that the conflicts related to the hydrocarbon sector are not merely a question of institutions and transparency as the ‘resource curse’ analysis has commonly suggested. He argues that there is also a need to observe the way in which political and social variables shape the relationship between natural resource wealth and negative developmental effects. Furthermore, Rosser points that researchers have been too “reductionist”, by solely explaining the pathologies associated to the ‘resource curse’ based on the size and nature of a countries’ resource endowments. This has left little room to understand e.g. resource conflicts in relation to a broader range of factors that are particular to each case (e.g. social discrimination, racism, conflicting understandings of ‘development’ and ‘sovereignty’, etc).

The most common recommendations to overcome the ‘resource curse’ focus on macroeconomic policy changes, changing the mindset of political elites and rent-seeking by social groups, and strengthening institutions²². Rosser argues that for most part these recommendations have not taken into account the issue of political feasibility, i.e. whether the officials and policymakers of resource-rich countries are willing to accept and support the

²¹ ‘Commodity fetishism’ refers to the cover-up of social relationships elemental in the processes of production

²² Whilst some have seen economic policy changes to be particularly important to avoid the ‘Dutch disease’ (Usui 1997 in Rosser 2006) other have stressed the need for resource-rich countries to diversify their economies in order to reduce resource-dependence (Auty 1994; Collier 2000 in Rosser 2006)

recommended public policies. Thus, many of these recommendations have left unclear the ways in which to bring about change – if at all possible, since most analysts suggest that it is not possible to bring about change as long as countries remain resource dependent.

In the Peruvian context, most public policies trying to address conflicts from extractive industries have focused principally on issues of rent (e.g. oil revenue allocation and distribution). Indeed, Bebbington and Bebbington (2009) highlight how the increasingly frequent use of the word “conflict” in Peru appears to be resulting in straight associations with issues of rents. If one looks at the current national elections (May 2011), one can see that the two strongest presidential candidates are proposing better distribution of tax revenues from the extractive sector as a way to lessen social-environmental conflicts. Bebbington and Bebbington (2009) see a problem in this way of understanding “conflict”. From their perspective rents are after all negotiable and bring along a set of issues related to transparency, distribution and compensation. Whilst rents are important, other factors underpinning social-conflicts in Peru are being left unattended. In that sense they review an understanding of conflicts from a ‘post-development’ thesis like the one supported by Arturo Escobar (2005 in Bebbington and Bebbington 2009). From Escobar’s perspective, conflict is “a manifestation of contradictions between the different ways of understanding development, democracy and the desired society”. Escobar’s definition points to the need of understanding what Rosser calls the role of social forces, social relations and politics or what McNeash and Logan (2011, in McNeash 2010) have called ‘resource sovereignties’, i.e. the role of historical grievances and complications of class, ethnicity, identity, ideology, etc.

In that sense, Rosser highlights that “it will be only by further exploring the dynamics underpinning variation in resource abundant countries’ development performance that we are likely to uncover potential levers that might be employed to trigger the required policy, behavioural, institutional or social changes” (Rosser 2006: 26). On a similar line, McNeish (2010) suggests that there is a need for an alternative approach to the study of natural resources in relation to conflict. He further comments on the greater recognition that exists on the need for qualitative research that is able to grasp more in-depth contexts related to historical analyses as well as social ideologies, political dynamics and the legitimacy of decision-making over resources.

I situate my analysis within this alternative approach to the traditional ‘resource curse’ thesis, retaining as primary foci the political and social variables that influence resource conflicts. I focus on such variables at the local level in the Marañón region of the Peruvian Amazon; an area where oil is becoming a significantly more important economic resource and where conflict from this resource is on the rise. More specifically, I analyse my case using theorizations and ethnographic accounts in line with this alternative approach and based on cases in Western African countries where conflicts from oil activity are a central point of discussion. As mentioned in the introduction, I use the analytical approaches from James Ferguson in *Global Shadows* (2006), Kristin Reed in *Crude Existence* (2009) and Hannah Appel in *The making of modularity* (2011). The analysis in all three publications can be seen to be inspired by political ecological perspectives. Fittingly, political ecology can be broadly defined to be “the study of power relations in land and environmental management” (Benjaminsen et al. 2009: 4). Besides their focus on power, the three publications employ themes like ‘enclave’ and ‘unruly engagements’ which also find a central place in my analysis.

Block 8E, like other oil blocks in the Peruvian Amazon, has many of the features of an enclave: an area “where a private transnational corporation establishes a controlled territory within another country” (Guzmán-Gallegos 2010b: 21) in which a substantial amount of capital is invested and produced and where a relationship between the government and the transnational oil corporation becomes essential for the efficient generation of oil revenues. An enclave model of extraction has proven to be economically efficient in many countries in Africa, as argued by James Ferguson’s model in *Global Shadows* (2006). Ferguson’s model emphasizes how extractive enclaves function despite surrounding political, economic and social disorder (including warfare) in the case of Angola. His model illustrates the spatial mechanisms that facilitate the disconnection or *disentanglement* between the oil industry and what happens in the rest of the country, outside the fences of the oil base. In that way he explains how an enclave form of extraction in Angola has enabled the exclusion of the wider society from sharing the oil wealth and how this particular mode of extraction makes profit-making highly efficient for the oil corporations. I expand fully on his model in Part I with regards to the case study in the Marañón.

Kristin Reed (2009) shows in greater detail how collaboration between government and oil corporation perpetuates an enclave model of extraction. She emphasizes how this collaboration is crucial to understanding the state's weak responses to local communities' demands against the negative impacts of oil activities. More recently, Hannah Appel (2011) combined both Ferguson's and Reed's approaches to argue that it is through both Ferguson's mechanisms of a *disentangled* oil-extraction enclave model and Reed's focus on the collaboration (or *entanglements*) between the oil company, government and the affected communities, that the oil company "can convincingly disentangle its profits from the place in which they happen to be produced...[removing] itself from responsibility for (Equatorial Guinea's) social, legal, political, and environmental life" (Appel 2011: 8).

Appel uses the concept of 'unruly engagements' to describe the messy interactions between the oil industry and local people, institutions, and environments. It is precisely the fact that these interactions are 'unruly' which enables the effective *disentanglement* of the industry from the "social, legal, political and environmental chaos it creates in its wake" (Appel 2011: 8). I adapt the concept of 'unruly engagements' to describe and analyse the way in which the state, the company and the indigenous peoples related and negotiated after the June oil spill in the Marañón region. When I refer to 'unruly engagements', I speak of the array of meetings, compensations, negotiations and bargaining processes which take place between the actors involved; all of which proved to be unregulated, inflexible, ambiguous and uneven (i.e. asymmetric in terms of power). I will analyse in fuller detail these types of interactions and processes of decision-making to argue that it is through 'unruly engagements' with the affected communities that Pluspetrol ultimately achieved effective 'disentanglement' from the social, legal, political, and environmental chaos it creates in the Peruvian Amazon. Overall, the analyses will be linked to the historical context (particularly concerning indigenous grievances) in Amazonia and the political dynamics at the various levels of governance that influence such types of 'engagements'.

The concepts of 'enclave' and 'unruly engagements' do not appear to be widely used in academic debates concerning oil conflicts in Amazonia. One reason may be the fact that they are taken from relatively recent publications (i.e. Ferguson, Reed and Appel). Moreover, it is necessary to recognize the differences that exist between the regional context in which the three publications focus (West Africa) and the Amazonian context. In particular, differences

in terms of the complexity of interrelation between processes of ‘enclave’ and processes of governance. Nevertheless, the fact these concepts entail analyses of social and political dimensions at the local level and thus remain distant from the deterministic leanings of traditional analysis of the ‘resource curse’, allows the possibility of exploring the connection between oil activity and conflicts from a wider perspective in Amazonian cases.

The depiction of my field of enquiry and the theoretical approaches are consistent with the research questions of this study. This also applies to the methodological choices made regarding the way in which my research was conducted. In the three methodology sections below, I outline how these theoretical approaches were applied to my own research.

Methodology

This study is mainly a product of a four-month fieldwork in Peru, most of which took place in the department of Loreto, located in the country’s north-eastern Amazon region²³. I came to know the Cocama Association for Development and Conservation San Pablo de Tipishca (ACODECOSPAT)²⁴, a central actor in my case study in the Marañón, through a report published by an international NGO on the conflict between Cocama communities associated to ACODECOSPAT and the ConocoPhillips oil company in the year 2009. Based on this report, my study was initially going to focus on the level of meaningful participation and consultation of Cocama indigenous communities living inside (and adjacent to) Oil block 123 owned by ConocoPhillips, also in Loreto. However, at the time of my arrival to the Amazonian city of Iquitos, in October 2010, some members of ACODECOSPAT informed me that the case with the ConocoPhillips was ‘settled’ and that there was a more critical current situation with the Pluspetrol Norte oil company. Pluspetrol had been responsible for an oil spill on June 19th, 2010 (and a subsequent one on December 5th, during the time I was in the field) affecting Cocama communities located along the Marañón River. As a result, the Cocama leaders suggested that it would be more convenient to focus my study on the current

²³ Primary information was also produced in the capital city of Lima and to a lesser extent in the months subsequent to the fieldwork, while in Norway, through telephone and e-mail communication with several of my informants.

²⁴ Asociacion Cocama de Desarrollo y Conservacion San Pablo de Tipishca

case of Pluspetrol. As such, my starting point in the search for relations between actors was the Cocama associations and in particular ACODECOSPAT.

From the beginning, I informed the indigenous Cocama leaders, non-indigenous supporters of their association and related informants of my 'neutral' position as a researcher. They acknowledged my position and gladly invited me to be part of their meetings, private conversations, and their daily life circumstances throughout the conflict at the end of the year 2010 and at the beginning of 2011. This made it possible for me to have detailed insights on the relations that the Cocama and their associations had among themselves and with other actors, such as the Regional Government of Loreto (GOREL), the oil company (Pluspetrol), non-indigenous advisors and supporters, national and international NGOs, and also missionaries.

A 'neutral' position implied that the intention of my research was to approach the Marañón case without prejudice and determined suppositions, therefore indicating an inductive stance. However, it is undeniable that my position and starting point for this research was influenced by previous accounts of the unregulated and uneven relations with indigenous people and associations in Amazonia. In addition, I was also influenced by theoretical assumptions put forth through alternative literature to the 'resource curse' thesis (particularly within the field of political ecology)²⁵. It is important to clearly state my position and assumptions as a researcher, given that it demonstrates that indeed, the study used both inductive and deductive stances simultaneously²⁶. Both the collection and the analysis of data to a large extent took place at the same time during fieldwork. As such, my plans in the field were influenced on a daily basis by the information gathered and analysed as well as by the new insights obtained.

The overall research strategy was based on qualitative research. There are several reasons for this choice. First, qualitative methods were adequate to the research problem as it focuses on documenting the details of people's interaction during part of the conflict. Understanding and effectively engaging in issues of politics and power certainly entails extensive local knowledge (Geertz 1983), which qualitative methodology was able to grasp. Second, qualitative methods provided the space to adapt my investigation according to the conflict's

²⁵ Political ecology is used as an important point of reference to much of the analysis along my study. I refer to it in greater detail in Part I

²⁶ The clear declaration of a researcher's position and relationship is referred to as 'naive empiricism' (Bryman 2008)

level of sensitivity and the rapidly changing circumstances. In some instances, tension did not allow for direct explicit questions. Therefore, qualitative methods, and in particular participant observation proved convenient in many cases. Third, as mentioned above, scholars have identified a need for in-depth qualitative research in the field of inquiry and in the general study of the connections between natural resources and conflict.

My ontological position is that of *social constructivism*. This position is commonly used in the social sciences and particularly in qualitative research. It asserts that meanings and facts are socially constructed and undergoing constant change (Bryman 2008). As such, the “reality” which is the object of study is not considered to be external or disconnected from the observer; instead it is dependent on the observer’s perceptions and descriptions. Therefore, what is being studied are people’s socially constructed interpretations of what we refer to as reality.

Broadly consistent with this ontological position is the epistemological view known as *critical realism*, which I adopted for this study. Critical realism asserts that the study of the social world should be conscious in identifying the structures that create that world. It is ‘critical’ because the intention is to identify structures (power structures, power relationships, etc) in order to change them, so that inequalities and injustices could be countervailed. In contrast to positivist epistemology which is empiricist, critical realism consents that the structures that are detected may not be amenable to the senses (Bryman 2008). It thus tries to avoid building on empirical evidence and states that we cannot understand reality exactly as it is. Instead, we can simply refer to reality with terms that try to describe it as accurate as possible; and these terms will always be socially constructed. In the words of Bryman (2008: 18) “the scientist’s conceptualization is simply a way of knowing that reality”.

Study design

The Marañón conflict was chosen for this study with the purpose of conducting “a detailed and intensive analysis of a single case” (Bryman 2008: 52), a clear indicative of a case study design. Broadly speaking, within the social sciences, case studies can be defined as units of investigation or units of analysis. These units can entail studies on e.g. individuals, organizations, geographical locations, or incidences (Henn et al. 2009). It is important to

mention however, that focusing on a particular case also entails a trade-off where some aspects will be included while some others will be excluded. This goes hand in hand with criticisms on the limited generalization that can be derived from findings in case studies (Bryman 2008).

However, proponents of case study research argue, that limited external validity has been precisely the point of carrying out this kind of studies (Bryman 2008). Moreover, a case study design is adequate for conducting “qualitative in-depth contextual research” in my field of enquiry which looks at alternative connections between natural resources and conflict in Amazonia. As mentioned earlier in the theoretical section, research within this field has had an almost exclusive focus at a general macro-economic level. This has resulted in studies largely limited to contexts of large-scale conflicts with efforts designed to work at the national level, leaving issues at sub-national levels inadequately addressed (McNeish 2010a: 18). What is important with the selection of the ‘Marañón case’ is that it allows unpicking at close hand a particular form of conflict at the regional level, i.e. social-environmental conflict associated to the oil industry and enables to take a closer look at the local dynamics behind it.

The fact that some of the observations and findings in this study may be similar to previously analysed cases in the Peruvian Amazon²⁷ (e.g. the form of ‘unruly engagements’ with indigenous people) may suggest that to a certain degree there is a hint of possible generalization to the rest of the region. It is important to clarify however, that even if this is perceived to be the case, it is not the aim of the study. My intention is to describe and examine in greater depth a particular incident (the oil spill) and the influence and impacts of a particular oil enclave. As argued by Mitchell (1983) and Yin (2003) the main concern lies on the quality of the theoretical foundation in which the case study research takes part, or in other words, how good the data supports the theoretical arguments that are produced.

Finally, the study also aims to contribute to accounts of the Peruvian Amazon’s oil history which until today is considered to be rather limited (Orta-Martínez and Finer 2010). A case study design makes it possible to contribute a detailed account of this particular case to the historical record.

²⁷ Namely, the case of Achuar indigenous in the Corrientes basin (see Bebbington et al 2009)

Methods of data collection

My position as being immersed and taking part in the daily live situations of many of the indigenous leaders (both, in Iquitos and to a lesser extent in their communities) allowed me to apply a multitude of qualitative methods. The main research method I applied was *ethnography*, which allowed a deeper qualitative exploration of the meaning of conflict and development, of how individuals adjusted their lives to fluctuating conditions and reconsidered their relationship through both emblematic and practical actions.

I observed interactions, was attentive to conversations, inspected documents, and kept field notes with my daily impressions and experiences. My choice of methods for data collection was also influenced by the fact that “case study designs often favour qualitative methods such as participant observation and unstructured interviewing” (Bryman, 2008: 53). Also, due to the tension that evolved around my case in the months during fieldwork, these methods offered me and my respondents a form of security. I considered that asking too many direct explicit questions in some instances would have generated a lack of trust as well as the loss of valuable time for my respondents. Therefore, especially at the beginning of my fieldwork, participant observation was central to information gathering.

I was a passive spectator of several meetings between the different actors involved throughout those three months and was able to evaluate from direct observations the types of relationships that existed between them. During my time in the field, the Cocama communities were struggling to unite and present a common demand to the oil company and the regional authorities. Different smaller associations or committees were created after the oil spill, each demanding compensation separately. I became close to most of the different groups, as they were not necessarily in conflict with each other.

I also conducted focus group discussions in twelve communities in the District of Urarinas, where Pluspetrol’s 8E oil Block is located. The communities were chosen based on three considerations. First, they were the most affected by the contamination from the June oil spill given to their immediate proximity to the place of the incident. Visiting them gave me the opportunity to evidence (to a larger extent) the level of contamination associated to the oil spill. This was important particularly because at that time, contamination was being negated by most authorities in Iquitos and Lima. Second, the Urarinas communities initially supported

the Cocama association ACODECOSPAT, but later decided to negotiate on a separate basis. Visiting them and talking to their representatives gave me an opportunity to explore the factors triggering divisionism within the indigenous group. Third, while I was in Iquitos, I was personally invited by the different leaders that represented them to visit these particular communities. The fact that this was an invitation also provided additional security for me and my informants in the communities as well as a sense of trustworthiness between us.

I spent a total of two weeks in the communities of Urarinas. Besides focus group discussions, I was also able to undertake life history interviews and semi-structured interviews with leaders, elders, other community members, and non-indigenous people with public positions living in the communities (teachers, *jueces de paz*, medical assistants). Some personal relationships between and within the communities' members were traced during my time there in addition to a variety of differing perspectives about the conflict. These observations ended up being crucial for the understanding of inner disputes within the Cocamas.

During all interviews notes were taken. The majority of them were also recorded and later transcribed by myself. It is important to remark that, being a native Spanish speaker, what I finally used, analysed, and quoted are my own English translations from Spanish.

Finally, in terms of secondary data, I have inspected a broad amount of written material on the Marañón case such as government documents, political documents and public declarations (*comunicados, pronunciamientos*), local and national newspaper articles, legal documents and reports (particularly concerning the environmental status of the area), community records on the population's health status, agreement documents (*actas*), letters exchanged between stakeholders, as well as historical and socio-economic background information.

In the next section, I outline some historical, geographical and cultural aspects of the Cocama people, which will help to contextualize their interactions with other actors, their organizing efforts as well as the challenges they face; all important aspects for this study's analysis.

The Cocama-Cocamilla people of the Bajo Marañón

The Cocama-Cocamilla belong to the Tupí-Guaraní linguistic group and appear in some of the oldest historical accounts of the first contacts by Spanish explorers for their notable

navigation and fishing skills. These were skills that became object of greed among *patrones* (landlords) and slaveholders, whom for 400 years exploited the Cocama-Cocamilla. The exploitations that they underwent resulted in forced displacement as ‘highly specialized peons’ all over Amazonia for several centuries. They underwent deep processes of cultural change through the emergence of a missionary culture and the intensification of their relations with other indigenous groups that were part of such missions. After the rubber boom at the beginning in the 1900s, the Cocama-Cocamilla started returning to their ancestral territories as ‘free’ men. Through the reconstruction of their territories, little by little, the Cocama-Cocamilla became closer to their ancestral lands, along main rivers (Barclay et al. 2010).

Many rubber *patrones* who worked in the deep frontiers of the Amazon however, also came back with their peons to establish *fundos* (estates) in areas with better river communication. Indeed, most of the Cocama communities in my study, living in the lower part of the Marañón River, used to be *fundos* until relatively recent times. Other Cocama also settled in this area when they became free from their *patrones*, and it is here where many adopted Spanish as their first language (Barclay et al. 2010).

Progressively, through the integration with new settlers along the main rivers (also known as *ribereño* or *mestizo-ribereño*), the Cocama-Cocamilla were thought to have lost their ‘tribal identity’. Many simply thought of them as *ribereños*. Indeed, the fact that today some Cocama are re-taking their indigenous identity has been associated to Anthony Stocks’ anthropological study in *Los nativos invisibles* (1981) (‘the invisible natives’). In that study, Stocks highlights that the Cocama’s “invisibility” has not only been the product of a large degree of acculturation in terms of language and clothing, but also that most Cocama-Cocamilla have covered their indigenous identity due to the social stigmas that have been historically attached to it²⁸. Accordingly, many anthropologists argue that it is not possible to draw a line separating indigenous Cocama from *ribereño* communities given that just as the former can cover its identity among the latter, the Cocama can also regain their indigenous identity when they manage to overcome the social stigma (Chirif 2003a). Still, today many tend to generally look down upon the indigenous identity:

²⁸ Also, Stocks identifies that fact that they can be easily confused for white-*mestizos* (because of their physical appearance) to be another aspect of the “invisibility” of the Cocama

"We are Cocama - What does that mean? - We are cholito - What does that mean? - It means that we do not know a high society" (no conocemos alta sociedad)²⁹

The Cocama-Cocamilla people live primarily in the areas of Alto Amazonas, Bajo Huallaga, Bajo Ucayali, Bajo Pastaza and Bajo Marañón. A great portion of them also inhabit the slum areas of Amazonian cities³⁰ (Rivas Ruiz 2004). It is estimated that their population is of about 85 thousand people, but currently there are no reliable available figures on the exact population size³¹. Indeed, it argued that the amount of Cocama has been augmenting largely because more people have been acknowledging their identity (Aguëro 1994; Landolt 2000).

Interestingly, Stocks' argues that the attitude whereby the rest of society assumes that the Cocama-Cocamilla (and many other native groups) have disappeared, been integrated, assimilated or become *mestizo* is a convenient way of avoiding the recognition of their needs and rights (Stocks 1981). This discussion leads to apprehend how crucial it is to consider the aspect of historical discrimination against indigenous people in Peru.

In this respect, this study is in broad agreement with Thorp and Paredes' recent research on *Ethnicity and the Persistence of Inequality* (2010) in Peru where they argue that "the idea that when indigenous people enter into contact with 'civilization' they are no longer indigenous is at the heart of the type of discrimination that has created the cultural and psychological barriers preventing indigenous people from organizing politically along ethnic lines" (Thorp and Paredes 2010: 7)³². Their research explains that the existent prejudice in Peru is a mechanism that has been historically constructed, reproduced and consolidated over many years by the institutions that were built around it. Their argument is in line with a strong vein of Peruvian social science that considers identity as a social construction³³. This understanding of identity and the empirical evidence on historical racism and discrimination of the Cocama people are factors that are considered throughout the analysis of this study.

²⁹ Quote obtained from an anthropology student doing fieldwork in the area

³⁰ Iquitos, Yurimaguas, Requena, Nauta, Lagunas, Tamishacu, Genaro Herrera and Leticia (Colombia)

³¹ In the 1970s one study reported that there were about 28 thousand and another one that there were 19 thousand. In the 1980s, the estimate was of 25 thousand (according to Stocks, 1981). The census of 1993 indicated 10,705. However, many believe this is highly unlikely (Rivas Ruiz 2004).

³² This idea is based on Van Cott (1994) who argues that the conventional notion that 'indigenous' people only exist in small numbers in the vicinities of the Sierra (highlands) and the Amazon 'frozen in time' living exactly as their ancestors did 500 years ago is misguided and false. He argues that indigenous peoples in Peru have transformed themselves based on the opportunities and constraints they have come across –absorbing customs, technologies and ideas from a white-*mestizo*-dominated society.

³³ Thorp and Paredes (2010) cite Cánepa (2008, 1998), De la Cadena (2000), García (2005).

Structure of the thesis

After having described in this introductory chapter the methodology that I apply, and the context and the theoretical approaches in which my research is situated, the thesis is hereafter divided into two main parts. In **Part I**, I analyse the process of ‘enclaving’ in the Peruvian Amazon, and in the lower Marañón region in particular, by presenting the political, historical and geographical realities of the extractive activities. Thereafter, the analysis moves on to more context specific data in **Part II**, where I depict the specific relations and negotiations between the Cocama, the regional authorities and Pluspetrol in the case study region. Whereas the first chapters in Part II introduce the details of the oil spill of June 2010 and its immediate consequences and reactions, the last chapters focus more on the issues of power and participation that can be observed in the relations and negotiations between the various actors, before I conclude with some final remarks.

Part I.

Enclave extraction in the Peruvian Amazon

*“Amazonia in relation to Lima...
is nothing [but] their vegetable garden”
- Cocama leader³⁴*

Enclave model of extraction

Central to my analysis in Part I is the concept of ‘enclave’, which I define as an “area where a private transnational corporation establishes a controlled territory within another country” (Little 2001:76 Guzmán-Gallegos 2010b) in which a substantial amount of capital is invested and produced and where a relationship between the government and the transnational oil corporation becomes essential for the efficient generation of oil revenue. I argue that a model of oil extraction based on enclaves has been a significant factor which contributed to a growing number of oil-related conflicts in the Peruvian Amazon including the one in the Marañón region. I build on the conceptualization and theorization of the role of oil enclaves from both James Ferguson’s ‘Angolan model’ described in *Global Shadows* (2006) and Kristin Reed’s approach in *Crude Existence* (2009). Combining these two analytical foci allows having a broader understanding of the enclave not only as geographical site of

³⁴ Cocama male leader, Nauta, 12.11.2010. Audio record no. 101111_000. In Spanish: “Y la Amazonia en relación a Lima, es nada, su huerto”

extraction (i.e. a fenced oil field or base), but also as a conceptual site that involves economic, political and social dimensions.

In *Global Shadows*, Ferguson engages most notably with anthropological approaches and globalization theories. One of his main foci is on the way in which vast amounts of capital have been concentrated in spatially segregated enclaves. He refers to several African cases where significant new capital is indeed being invested. However, he argues that much of the problem of why the countries as a whole remain 'poor' is associated to the fact that most of the capital is concentrated in geographic and economic enclaves, like the extractive sector. Noteworthy in Ferguson's argument is that he does not simply link the poor developmental outcomes in Africa to the overwhelming investment in mineral-extracting industries, as traditional 'resource curse' analyses does. He raises awareness on the *type* of investment and the *way* in which this capital is being governed, namely the spatial mechanisms and matters of political order that exclude common people from having a portion of the oil wealth.

Ferguson makes a clear distinction between the Angolan model -which he also refers to as a 'socially thin model of enclave extraction'- versus a 'socially thick model of the national development state'. To illustrate the latter he uses Zambia's socially 'thick' mining industry as an example, whose 1980's boom entailed far-reaching social investment³⁵. In contrast, Angola's socially 'thin' oil production (mainly occurring offshore) sees very little of the oil revenues entering the wider society³⁶. In this model, oil fields are 'enclaved', spatially secured and *ring-fenced* against the inefficiencies of the rest of the economy. Additionally, the process of 'enclaving' is also eased by the good relationship between the government and the oil companies (often involving acts of corruption). Overall, the entire set-up facilitates offshore oil to be loaded onto tankers without mainland *entanglement*, i.e., without ever having to deal with the country's local conditions or having to be involved in disagreements taking place on mainland territory. In Ferguson's own words, oil is being shipped off without dragging into "costly and politically damaging disputes over environmental damage, demands for social services, and so on" (Ferguson 2006: 201).

³⁵ Ferguson gives examples of social investment or social projects such as the construction of mining towns which resemble the classic examples of colonial-era corporate paternalism; towns where the company provided housing, school, hospital and recreational amenities. He cautions that although the extractive business involved a broader social project, it was nevertheless exploitative under this model as well.

³⁶ Ferguson notes that although there are billions of dollars invested in the oil sector, very few jobs are created given that most of the equipment, material and staff is imported

By contrasting the two political models (Zambia vs. Angola), Ferguson's point is to highlight that it is precisely the features of a radically 'thin' Angolan model that seems the most efficient from the oil companies' point of view. This reflects on why Angola has been the most successful country in Africa in attracting foreign capital investment (particularly for oil extraction) in the last few years and is one of the world's leading oil exporters today. Angola achieved all of the above, in spite of being a country with a dismal record in democratic governance, vast corruption and civil strife. Ironically for outside observers like the IMF, these latter would have been the exact reasons to justify why African economies fail to attract private investment and thus remain economically stagnant.

Hence, contrary to these assumptions, Ferguson argues that 'political disorder' in itself poses little or no barrier to an expanding industry where mineral resources are exploited through secured enclaves owned by private firms, with little contact with domestic markets, and within an environment of rampant corruption. Indeed according to Ferguson, all these 'Angolan features' that enable an effective disconnection or *disentanglement* from local conditions, are precisely what makes Angola so efficient from the oil companies' perspective, which "for their part ...[are] quite satisfied with the existing arrangements" (Ferguson 2006: 200).

Kristin Reed extends the concept of 'enclave' to include more social and political particularities (including legal mechanisms) that facilitate the effective disentanglement of the extractive industry and ultimately impede the populace from benefiting from produced revenues. She lays particular emphasis on the collaboration between government and oil corporations in the process of 'enclaving' the oil sector and argues that, "the relationship between the Angolan government and the transnational oil corporations forms the basis of the enclave economy and the distorted patterns of governance" (Reed 2009: 3). In order to understand the linkage between the enclaved nature of the oil sector and the experience of people living in and around extractive zones, Reed goes on to examine the government-company relationship in a historical perspective of the country's extractive industry. She concludes that the state-company partnership is crucial to understanding the state's weak responses to local communities protesting against the unequal impacts of oil activities in Angola.

In her analysis, Reed draws on tools from the academic field of political ecology. Therefore, in order to fully understand her (as well as Ferguson's) conceptualization of 'enclave', a brief explanation of some of the elements of political ecology is necessary. Furthermore, this will help to understand where Reed's and Ferguson's theorizations fit in relation to the 'resource curse' analysis as well as in relation to the alternative ways of looking at the connection between natural resources and conflict.

Much of the foundational work of political ecology underscores the dialectic between nature and society, connecting environmental degradation to political-economic processes (Blaikie 1985; Blaikie and Brookfield 1987). It is a relatively young approach originated in the 1980s and grounded in a combination of critical perspectives, sub-disciplines and theoretical approaches (Rocheleau 2008). Among these perspectives is the Marxian understanding of political economy which stresses power dynamics. Accordingly, political ecology has been broadly defined as "the study of power relations in land and environmental management" (Benjaminsen et al. 2009: 4).

Moreover, political ecology identifies relationships of scale, "drawing connection between local and regional patterns of degradation, and transnational processes of capital accumulation" (Hecht and Cockburn 1989 in Reed 2009:19). In other words, it also sees resource-linked conflicts as embedded not only in the historical patterns of social, political and economic relations within countries but also between countries (Le Billon 2001). The Amazon for example is said to be connected to the world economy since the 16th Century through the extraction of forest products, minerals, spices, rubber, etc (Andrade Echevarría 2010). Important in that sense is the way in which political ecological analysis consider problems in Amazonia to be connected to specific histories as well as to external 'global' economic and political contexts.

Deterministic thinking (like the one commonly used in traditional 'resource curse' analysis) is inclined to exclusively relate resources to conflict. It has tended to take a narrow understanding of resource endowments that focuses on the use value and the location of the particular resource. This 'apolitical' way of looking at conflicts over natural resources generates hegemonic narratives (i.e. dominant stories about certain process or phenomenon) (Adger et al. 2001). In turn, such hegemonic narratives often tend to be supported by apparently sound and objective scientific knowledge. For instance, many studies using

traditional ‘resource curse’ analysis have often selected resources like oil, as ‘proxy’ or representative variables, entirely replacing variables on social processes. Similarly, issues of poor governance and violent repression in resource-dependent countries (Reed 2009) have also characterized ‘resource war’ narratives – evident in how they are frequently reported in the public media (Le Billon 2007). Political ecology aims to deconstruct this kind of hegemonic narratives and through this process of deconstruction uncover the premises and myths resource conflicts are built upon. In this way, political ecology offers critical tools for developing an understanding of the political dimensions of the so-called ‘resource curse’.

Moreover, the field of political ecology attempts to incorporate the broader contexts -such as political and social variables- as well as the larger scales and interconnections into their analysis; aspects which have been often been overlooked in conventional studies (Le Billon 2007). Such efforts have been considered to bring significant advances to the debate on resource conflicts³⁷. Following these experiences and Reed’s conceptualization, I consider the ‘enclave’ not only as a geographic and economic label for a fenced oil base that is detached from the rest of the economy. It is pertinent to also look at the ‘enclave’ for the social, political and legal aspects that guarantee such spatially-segregated dispositions. In the words of Reed, the enclave is also a “conceptual site of partnership between the government and the oil corporations. Each partner relies on the other for legitimacy” (Reed 2009: 19)

Overall, Ferguson and Reed’s analysis suggest an alternative way of looking at oil-linked conflict and more generally, provide the conceptual tools to analyse hegemonic narratives that support major discourses on ‘resource conflicts’. In their approaches, oil-related conflicts are not seen from a purely deterministic approach whereby resource abundance is directly linked to conflict. Rather, their models propose a greater appreciation of the complexity of the interrelation between processes of enclave extraction and processes of governance that take into account the historical patterns of social relations and institutions in which these interrelations are embedded.

Ferguson recognizes that there are significant differences in the ways in which enclaves are secured and governed around the world. He warns against taking Angola as a paradigm for the rest of neoliberal countries in Africa, or for that matter, neoliberal governments around the

³⁷ This has been mentioned in McNeash (2010), although he also stresses the need look at different fields of study

world. It is important to note however, that the Angolan model detects trends that extend beyond the country's particular case. Ferguson, as well as many other proponents supportive of alternative analysis to the traditional 'resource curse' (e.g. Rosser 2006, Watts 2004; McNeash 2010), recommend that research be based on extensive ethnographic case studies, which in general have been very limited.

In Part I below I attempt to identify and examine some of the 'Angolan features' in the Peruvian context, drawing particular attention to the socio-cultural, economic and political factors which, overwhelmed by a long history of misconceptions about Amazonia, have enabled the effective *disentanglement* of the oil sector today. Overall, this first analytical section tries to deconstruct some of the complex narratives and interrelations that are crucial in the process of 'enclaving' in the Peruvian Amazon.

1. Oil extraction and national discourses

Government narratives and Bagua

One of the most prevalent political discourses in Peru is the one trying to equate development with the extraction of natural resources. In this first section I examine the types of narratives or underlying stories that make up this larger discourse. These narratives portray the governing perceptions concerning the current indigenous upheavals and Amazonian indigenous peoples in general. This will serve to contextualize the events and conflict in the Marañón area that will be analysed in Part II.

This study adopts the definition laid out by Adger et al. (2001) whereby a discourse is broadly defined as “a shared meaning of a phenomenon” (ibid: 683). They explain that a discourse is comprised of a body of expressions which can be homogeneous in terms of message as well as in expressive means. These expressive means entail how the message of a discourse is transmitted, which in turn can be seen as the narratives. Indeed, various narratives make up a larger discourse.

I start by pointing at a narrative termed “*el perro del hortelano*”³⁸, because it is perhaps the most explicit manifestation of the current national approach to natural resource extraction, indigenous peoples’ rights and development. I consider it the most politically influential narrative in Peru today. *El perro del hortelano* (The Dog in the Manger Syndrome)³⁹ is the name given to a series of controversial articles released at the end of 2007 bluntly outlining President Alan García’s vision of development. In the first series of the articles on *El perro del hortelano*, García indicates:

³⁸ “*El perro del hortelano* is a Spanish proverb referring to a manger dog that does not eat and does not let anyone else eat either (*que no come ni deja comer*)

³⁹ See A. García Pérez, 'El Síndrome Del Perro Del Hortelano', *El Comercio*, October 28th 2007a, A. García Pérez, 'Receta Para Acabar Con El Perro Del Hortelano', *El Comercio*, November 25th 2007b, A. García Pérez, 'El Perro Del Hortelano Contra El Pobre', *El Comercio*, January 2nd 2008.

“There are millions of hectares for timber extraction that lie idle, millions more that communities and associations have not, and will never cultivate, in addition of mineral deposits that cannot be worked”⁴⁰

In descriptions like the ones above, García depicts rural Peru as an immense area in need of being colonized (once again) in order to exploit its resources and obtain profits that can generate economic growth for the country. According to his perspective, the solution lies in formalizing property rights that could allow large pieces of land to be sold with the purpose of attracting foreign investment and modern technology. The problem he sees however is that the development of resources like oil for example, are being obstructed by what he considers backward rural and indigenous small-scale peasants and nomads. For instance, in his articles, García demonstrated his reluctance to believe in the existence of non-contacted indigenous groups in the Amazon, regardless of the extensive evidence that demonstrates their existence (see Regnskogfondet 2011; Survival International 2001).

He writes that those who have “created the image of the ‘non-contacted’ jungle native” are using it to question the expansion of the extractive industry in these areas⁴¹. In García’s eyes, these are pretexts used to hinder his vision of Peru’s development: progress based on free trade, foreign investment and ‘modernization’. As anthropologist Chase-Smith (2009: 51) noted, García’s vision points to “a clear project of state reform oriented towards the concentration of land and natural resources in private hands”. Chase-Smith adds that the arrogance and contempt that is being inflicted by García’s theory and other similar open forms of racism towards rural people, indigenous and mestizos, is a main element generating distrust and conflict in Peru.

In addition to Chase-Smith, many other local analysts shared his opinion denouncing the Peruvian government for open racism. This remark was particularly evident after one of García’s speeches in which he made a clear distinction between “Peruvians” and “natives”, condescendingly referring to the latter as ‘second class citizen’:

“Enough is enough. These peoples are not monarchy, they are not first-class citizens. Who are 400,000 natives to tell 28 million Peruvians that you have no right to come here? This is

⁴⁰ Translation from Spanish in Bebbington (2009)

⁴¹ He refers to them as “old anti-capitalist Communists of the 19th Century, who disguised themselves as the protectionists of the 20th century and then changed T-shirts again in the 21st century to be environmentalists” García Pérez, 'El Síndrome Del Perro Del Hortelano'.

a grave error, and whoever thinks this way wants to lead us to irrationality and a retrograde primitivism”⁴²



Figure 1. (left – group of indigenous leaders) "For us, development is solidarity, equality and sustainable management of resources" "How ignorant! Development is to take out oil and log the forests to produce ethanol". Published in La República newspaper on 20.05.2009.

The *perro del hortelano* theory served as a form of campaign to justify a set of 99 legislative decrees approved by the Executive branch in June 2008. These decrees aimed to reduce (to an even greater extent) the possibilities indigenous groups had in claiming collective rights to territory; an issue that affected Amazonian communities in particular. The decrees were justified by Mercedes Aráoz, then interior minister, as well as a few other government officials, as being crucial to the governmental policy framework for the implementation of the Free Trade Agreement with the U.S.A. However, given that Peru has ratified the ILO 169 Convention on Indigenous Peoples' Rights, one of the main legal problems with the approval of these decrees was that the process omitted the consultation of the communities that were going to be directly affected by them⁴³. This led to two months of indigenous protests across the Peruvian Amazon requesting the derogation of the decrees. The protests culminated in the

⁴² Translation from Spanish in Bebbington (2009)

⁴³ For a detailed description of several other problems (not only legal issues posed by the decrees) that led to the incident in Bagua see Chase-Smith (2009) and Pinto (2009)

Amazonian town of Bagua. Several thousand indigenous and mestizo people gathered together with police forces (sent by the central government), experiencing one of the most violent and tragic episodes in many years; what came to be known as *El Baguazo*. The confrontation resulted in the death of 33 people (among them policemen, civilians and indigenous peoples), 83 arrested, and about 200 injured (DPLF 2010).

The government's eagerness to approve the decrees outside the law and the deplorable outcomes in Bagua epitomize today's most powerful political discourse regarding Amazonia; a discourse that clearly connotes discrimination and exclusion in the state's relations and practices regarding indigenous peoples. In the subsequent months of *El Baguazo*, the Amazonian problematic and particularly those concerning indigenous peoples received much more attention than it is usual in national discussions and media. As it gained momentum, also much of the urban population, who in general tends to react indifferent to rural happenings, showed themselves supportive of the indigenous demands and mobilized peacefully in the cities.

Two and a half years later however, indigenous leaders, including Alberto Pizango (head of the national and largest indigenous organization in Peru, AIDSESEP) recognized that Bagua and the sacrifice that it involved after all did not accomplish the desired results:

"...we managed to derogate [the decrees]. Finally, they [the government] recognized that we had been right [in our demands]... and then what else? Nothing else. Our brothers in Bagua they still died. What for? There has been a process of dialogue [through] working groups⁴⁴... but what for? After much persistence, the legislative power finally promulgated on May 19th the Law for consultation but the government just as easy has 'observed it' [not approved it] and that has been it... that's where it all ended. All the sacrifice..."⁴⁵

In an interview, one of AIDSESEP's closest ex-advisors underlined the need to see Bagua as part of a long history of state exclusion of the Amazon region in general and of indigenous peoples more specifically⁴⁶. Furthermore, there is a need to see it as part of a rather recent - however ignored- history of the indigenous movement in the Peruvian Amazon. The ex-advisor expressed that many –in several sectors of the government as well as a large part of the urban population- had taken *El Baguazo* as an isolated incident that all of a sudden busted

⁴⁴ In Spanish: *mesas de trabajo* or *mesas de dialogo*

⁴⁵ Alberto Pizango, Iquitos, internal meeting discussion, 27.10.10. Audio record no. 101027_001

⁴⁶ Personal interview, Lima, December 2009

in 2008, whereas it sought to be identified as part of numerous manifestations of indigenous resistance in the Peruvian Amazon, such as in the Corrientes region, in La Cordillera del Condor and the Cenepa River among other cases, where people also had long been demanding respect for their rights. These other struggles had also led to violent deaths among the indigenous population.

Additionally, from the ex-advisor's perspective, Bagua was a conflict that was forewarned and as such the government could have avoided it. The situation he described was depicted in the front page of a local magazine⁴⁷ as “apparently in scheduled wars, soldiers *do die*” in sarcastic contrast to a well-known Spanish proverb connoting that if one is aware of a coming conflict, no one is supposed to die. The ex-advisor stressed that the main problem in seeing Bagua as an isolated event is that it has led to numerous interpretations associated to ‘indigenous radicalism’ and the influence of foreign forces behind it.

Certainly, a narrative relating indigenous radicalism to foreign interests became very influential after the violence experienced in Bagua. The government referred to indigenous protesters as extremists and the indigenous national leader, Alberto Pizango, was charged for sedition and rebellion (Collins 2009). Jaime de Althaus, a well-known Peruvian journalist, in his article “Indigenous radicalism” clearly portrays this narrative:

“Even if the decrees would have been consulted, they would have been rejected anyways, simply because AIDSESEP is largely financed by radical European foundations, which in good part, are the spearhead of an international strategy in Peru oriented for native ethnic groups to conquer the title of their territories as autonomous ‘ethnic territories’ in which national state regulation concerning the exploitation of hydrocarbon and other resources couldn’t be applied... this strategy severely affects national sovereignty...” (de Althaus 2009)

Along the same lines, narratives based on external manipulation or association of indigenous peoples by NGOs, leftist or ‘red’ missionaries (as they are commonly called), drug trafficking mafias, the Venezuelan and the Bolivian governments, and opposition parties like the Nationalist Party (*Partido Nacionalista*) have been very influential in shaping public opinion concerning indigenous upheavals. At some point, Yehude Simon, president of the Ministers’ Council (PCM), also indirectly referred to the Ecuadorian government for being behind the

⁴⁷ Revista Ideele (www.revistaideele.com) based on research journalism. Instead of ‘*Guerra avisada no mata gente*’ they referred to the incident in Bagua as ‘*Guerra avisada mata gente*’.

current indigenous uprising, with the purpose of damaging Peru's oil productivity in order to avoid competition. Similar allegations were made by Norman Lewis, vice-president of Loreto, the region bordering Ecuador and where most of the oil in Peru is being produced (including Block 8).

The above arguments associating 'indigenous radicalism' to 'foreign interests and manipulations' have been heavily contested by local scholars as well as media commentators. They have criticized them for being ungrounded and for reflecting a lack of knowledge about indigenous rights in particular and human rights in general. Despite of solid counterarguments, narratives portraying indigenous protesters as radicals continue to be extremely influential among the general (particularly urban) population today. To a great extent, the media appears having played an important role at portraying indigenous protesters in this light. Much of this has been associated to the way Peruvian media tends to be controlled by the government⁴⁸.

Overall, the use of these narratives have served to delegitimize the actors involved in the conflicts and consequently lessen the possibility to establish an open and thorough dialogue, in which all voices represented have equal value and, which exposes willingness to explore the real causes of conflicts in an attempt to search for solutions (Bebbington and Bebbington 2009). It is crucial to situate these narratives and today's oil-related conflicts in the historicized account of Amazonia's past as well as in part of the present-day policy formulation. This facilitates understanding the shifting nature of the relations between the Peruvian state and indigenous peoples (Bartholomew 2002). In the next two sections I examine the state's relation to indigenous peoples. First, from a historical perspective on Amazonia and later, in the way it is reflected in state's policies concerning natural resource governance in Amazonia.

Brief history of Amazonia

As depicted above, proponents of alternative resource-conflict literature have pointed out the 'historical context limitation' within main stream resource curse argumentation and how this has led to the neglect of some important aspects that help understand current resource

⁴⁸ Revista Ideele 12.04.2010

conflicts (Arellano-Yanguas 2008; McNeish 2010a; Rosser 2006; Watts 2004). Certainly, if one looks back at the oil (and “pre-oil”⁴⁹) history of Amazonia, there is evidence of exclusion, discrimination and “paternalistic inclusion” of indigenous people.

The Peruvian Amazon covers more than 60% of Peru’s national territory. Its population is about 3.6 million people (approximately 13% of the national population), more than 300,000 of which are indigenous peoples belonging to 59 different ethnic groups and 17 linguistic families (INEI 2007). There are 57 indigenous federations and organizations representing them (AIDSESEP 2011). Until relatively recently these groups remained largely detached, both in political and geographical terms. Indeed, it has been mainly through the expansion of extractive industries at the end of the 20th and at the beginning of the 21st century that overall, Amazonian indigenous peoples through their social movement gained visibility on the ‘national’ level (Bebbington et al. 2009).

The practices of exclusion, frequently alluded in studies of Amazonian indigenous organizations and communities, are associated to a particularly imagery of the region that entails a vast and empty frontier (Guzmán-Gallegos 2010b). This imagery has been closely associated to myths of *El Dorado*, the lost city of gold that long fascinated explorers since the times of the Spanish Conquistadores. In due course, the idea of *El Dorado* appears to have shaped the ideological construct of Amazonia as a space awaiting to be occupied, civilized and ultimately nationally incorporated (Bartholomew 2002; Chase Smith 1982). This is reflected in the way indigenous peoples across the Peruvian Amazon have for centuries been confronted with unregulated waves of colonisation as well as evangelizing missionary work (Bartholomew 2002).

Nevertheless, there is a need to recognize, that historically there have also been interests driving state presence in the region that go beyond Amazonian resources *per se*. Among them were the projects aiming at creating new access routes to promote navigation and foreign immigration in the decades following the country’s independence (Santos-Granero and Barclay 1995). Subsequently, state presence in the region was also triggered by nationalist sentiments aiming at guaranteeing territorial sovereignty in the long-standing border dispute with neighbouring Ecuador (Rivera 1994). Furthermore, the Peruvian state has also been

⁴⁹ Particularly stressed in Watts (2004): “oil’s contribution to war and authoritarianism builds upon pre-existing (pre-oil) political dynamics.” (Watts 2004:26)

faced by regionalist expressions like Loreto's desire for increased autonomy (especially after Fujimori signed the 1998 peace agreement with Ecuador) (Chirif 2004) and the confrontation with armed rebel groups, such as the MRTA (Tupac Amaru Revolutionary Movement) and *Sendero Luminoso* (Shining Path) (Bartholomew 2002).

Nevertheless, state intervention in Amazonia must in general be seen connected to ruthless forms of entrepreneurship. A good example underlining this point is the notorious Putumayo rubber boom scandal in the late 1800s and the early 1900's. The publication of the Putumayo reports alleging brutality, slaving, and genocidal murder of Bora, Huitoto and Ocarina peoples by rubber barons and their henchmen brought world attention on Amazonia (Chirif and Cornejo Chaparro 2009; Taussig 1987). The rubber era saw perhaps some of the first documented cases of conflict involving natural resources and indigenous as well as non-indigenous peoples in the region. In addition to the atrocities connected to rubber exploitation, the last decades have seen some of the most egregious cases of environmental degradation associated to coca cultivation and processing, as well as to multinational logging, mining, and oil companies (Bartholomew 2002).

Contemporary policies governing Amazonia

Imageries of the 'Amazon awaiting conquest' as well as one that portrays the native as 'savage' and primitive' have been and to a large extent continue to be influential in the formulation of policies concerning Amazonia. In this section I outlined briefly some of the most important and best known policies in recent history concerning Amazonian indigenous peoples and their territories, which to various degrees reflect such imageries.

During the 19th century, there were almost no laws protecting the rights of indigenous peoples in the Peruvian Amazon. If there were any laws referring to indigenous peoples, they were mainly promoting measures for their 'reduction'. Basically, the purpose of these laws was to liberate land for its colonization, obtain potential workforce from its indigenous inhabitants as well as to indoctrinate or acculturate them in what has been referred to as a state-sanctioned "civilizing" project (Bartholomew 2002). In the same way, the Constitution of 1920 had no explicit reference to the indigenous communities in the Amazon (only those in the highlands and the coast). It was not until 1974, during the reformist military government, known for

entailing one of Latin America's most widespread land redistribution, that the first law recognizing native communities was promulgated. Although a strong *indigenista* (pro-indigenous) sentiment was behind the approval of this law (and the general development strategy in Amazonia), the purpose of this law was to promote the interests of private forestry, agricultural and agro-industrial companies (Bartholomew 2002; Chirif 2003b); in other words, the extraction of natural resources for 'development'.

An avalanche of neoliberal policies in the 1990s, introduced during the government of Alberto Fujimori, exacerbated the political discourse that equates development to natural resource extraction. Although the new Constitution of 1993 brought about numerous changes to the indigenous legislation that recognized their autonomies and legal existence (e.g. providing legal land titles as 'native communities')⁵⁰; fundamentally, these maintained the basic safeguards that were included in the previous Constitution from 1979. The norms that did indeed show explicit changes were those concerning private companies which during this period gained greater benefits and facilities (Thorp and Paredes 2010). An example of this was the Law of Organic Hydrocarbons⁵¹ (Law 26221) enacted in 1993, which sought to promote the expansion of the oil industry, particularly in the Amazon, by allowing concessions valid of up to 30 years for oil exploration and 40 years for natural gas. Moreover, it made explicit that the concessionaire is the legal owner of the extracted resource (La Torre López 1999).

Therefore, compared to previous regimes, Fujimori's government fostered to a larger extent the expansion of the oil frontier in Amazonia, particularly through the Law of Organic Hydrocarbons. However, the notable extension of concessions in the last few years during García's government suggests that the oil frontier is being pushed to ever more remote areas of Amazonia (Orta-Martínez and Finer 2010). By the end 2009, 72% of the Peruvian Amazon was covered by 80 blocks intended for hydrocarbon activity⁵² (Perúpetro 2009). All the concessions are owned by foreign companies which in their great majority are of private capital, although there are also a few state owned companies like Petrobrás (from Brasil) and Sapet (from China) (Benavides 2010).

⁵⁰ The Constitution does not literally refer to them as indigenous peoples, but just as '*comunidades campesinas*' (peasant communities) in the Andes and the coast, and '*comunidades nativas*' (native communities) in the Amazon (Pinto 2009a). Also see Chirif (2003) for changes concerning land rights.

⁵¹ *Ley Orgánica de Hidrocarburos*

⁵² From which 11 were being exploited, 49 where under exploration, and 20 were being offered for bidding

Large part of these concessions overlaps with legitimate indigenous territories. Although Peru ratified the ILO 169 Convention in 1994, there has not been a single case of previous consultation in the process of granting of these blocks⁵³. Viewed in that sense, indigenous legislation has not advanced in any form during the last twenty years. The lack of rights-based focus in the 1990's decade - among several, the right to be heard and to be able to influence public decisions that affect peoples' lives in their communities, the right to live in a healthy environment, and the right to equality - remains until today. Neither has there been any advancement in the regulation of mechanisms to control major types of investments in response to public interest (de Echave 2009). Significant gaps in the policies governing Amazonia have signified major challenges for indigenous peoples defending their rights. De Echave (2009) cites John Ruggie⁵⁴, who points at how those governability gaps come to light precisely when for instance, economic actors (e.g. the states, companies, investors) intend to go beyond the capacity that the society has to control and regulate their activities for the common good.

For several decades thus, the sense of remoteness and inhospitality which the natural conditions of Amazonia represent made it difficult for oil companies to carry out exploration activities. Recently, however, the neoliberal policies that I have outlined (certainly connected to global economic trends) have promoted a governing extraction based on the "enclave". This has been a major factor enabling the unprecedented expansion of oil frontiers in the last few decades. In addition to this, the collaboration between oil companies and the Peruvian government have also facilitated the "enclaving" process. This peculiar collaboration will be examined in more detail in the next section.

Government and oil companies' relationships in Peru

Given that the World Bank supports a paradigm of development based on the expansion of extractive industries (e.g. World Bank 2006), there has been a major effort to look for solutions to some of the negative symptoms associated to such industries. For this, 'resource curse' literature has been crucial (Rosser 2006). It is by no surprise then that the

⁵³ A. Chirif, personal communication, Iquitos. 29.11.2010

⁵⁴ Social scientist and professor at Harvard University. Representative of the UN General Secretary for consultation on transnational and human rights.

recommendations are essentially the reflection of traditional analyses to the ‘resource curse’ which are, almost exclusively focused on macro-economic policies and national level governance (Bebbington et al. 2008; Rosser 2006). Among these recommendation, is the need for greater collaboration between public institutions and extractive companies (Arellano-Yanguas 2008)⁵⁵

The Peruvian government, particularly since Fujimori, has been a close supporter of the economic and political recommendations prescribed by the World Bank. The recent period of significant expansion in the extractive sector in Peru, has not been the exception. In the light of the increasing upheavals and conflicts related to extractive activities, a major strategy of the Peruvian government has been to follow World Bank suggestions to improve their collaboration with the multinational extractive companies. Policies aiming at ameliorating collaboration have been adopted progressively since the year 2000 (Arellano-Yanguas 2008).

Some of these pro-mining and pro-oil reform policies (mainly fiscal policies established in the early 1990s) have been systematized by Arellano-Yanguas (2008) as following: “(a) companies operating in Peru did not pay royalties⁵⁶ for the minerals or oil they extracted; (b) companies did not need to pay tax on profits until they had recovered their initial investment; and (c) president, Fujimori signed a fiscal stability agreement with extractive companies in which the state renounced its right to introduce changes to fiscal policies without the companies’ approval”. Looking at the facilities that the extractive sector was given indicates how central the idea of partnership is to the process of ‘enclaving’ the extractive sector. Overall, these three points evidence how such a state-private sector partnership legitimizes the ‘enclaving’ process.

The partnership however, has also been evident outside the ‘legal’ boundaries however. A number of corruption acts also serve to evidence the strong (and personal) relationships that exist between the government officials and the extractive companies. In García’s government, the process of granting oil blocks has been highly contested for instance, due to the lack of transparency and hints of corruption that surfaced particularly at the end of 2008. As a result,

⁵⁵ The other two significant ones include: (i) better distribution of revenues from the extractive industry (through decentralization), (ii) greater public participation.

⁵⁶ A royalty is the charge paid by companies for exploiting a resource that is state property. In Peru, the state owns the resources in the ground (sub-soil) that is why the state has the right to a payment (usufruct or rent) by the concessionaire. Royalties are paid besides a standard 30% tax on profits.

various analysts have associated the accelerated pace in which concessions have been granted to opportunities for personal benefits rather than simple responses to pro-investment policies (ODECOFROC 2009).

Among the most relevant acts of corruption was the case of the '*petro-audios*', a tape which revealed an executive of Perúpetro⁵⁷ and an ex-minister during Garcia's government, Romulo Leon, privately discussing about monthly payments of US\$ 10,000 for both of them and for the legal representative of the Norwegian oil company Discovery Petroleum in Peru. The case has been considered one of the most scandalous cases of corruption as well as of political crises in the last decade in Peru (Gorriti 2009). The *petro-audio* is a clear indicator of the solid and direct ties that some high-level government officials in Peru have with extractive industry representatives. It highlights the crucial role of what Ferguson calls the 'elite cliques' in supporting the legitimate disentanglement of the 'enclave'.

Finally, it is worth underlining that the original purpose of suggesting an increased collaboration between the Peruvian government and the extractive companies was to overcome or avoid the increasing conflicts. It is apparent however that the present-day partnership is not necessarily an altruistic response to the increasing conflicts. Studies have shown that on the one hand, improved collaboration has been more so in response to the risks that the conflicts themselves generate to the extractive company's investment. On the other hand, for the government, conflicts appear as a threat that discourages extractive companies to continue their commitment and thus, risk losing important tax-income for the country (Arellano-Yanguas 2008).

⁵⁷ The state institution in charge of promoting investment in exploration and exploitation of hydrocarbons

2. An enclave of neglect in the Bajo Marañón

Chapter 1 has described the main discourses regarding the extractive sector, the state's relations to indigenous people through history, the most significant policies governing Amazonia, and the strong state-private sector collaboration in the Peruvian context. All of this has facilitated to argue that an 'enclave' form of extraction is present in Peru. Chapter 2 now turns to examine some of the specific characteristics of an 'enclave' at the local level. It will depict the particularities that make Oil Block 8E a clear example of an oil-extracting enclave where contamination prevails and very little wealth is spilled over onto the local population. It also aims to investigate how further forms of social and political exclusion has facilitated its prevalence as an enclave that seems indifferent to its surroundings.

Oil Block 8E

Oil bases in the Peruvian Amazon tend to be fenced, highly secured and, in most cases tend to have limited contact with local surroundings. In other words, there is a clear spatial divide between oil production and the local surrounding communities. In the case of oil Block 8E, Pluspetrol workers do spend time in one of the neighbouring communities, San Jose de Saramuro, which locally is simply known as Saramuro. Saramuro is connected to the oil base by a paved pathway. For local dwellers and outsiders in general, like me, many areas in the oil block (e.g. . the oil base, the oil pipeline routes, the oil wells, etc.) are restricted, even though some of these oil infrastructures lies in the forest just behind peoples' houses and around their *chacras* (fields).

The restriction to such specific areas is linked to part of the definition of the 'enclave' that I outlined earlier: "a controlled territory". Central to the control of an enclave's territories is the control of access to the area (Little 2001:76 in Guzman-Gallegos 2010). Enclave features like the controlled access and security of Block 8E corresponds to the type of enclaves in Ferguson's analysis. Another particular feature that is also comparable between Ferguson's enclave model and Amazonian oil enclaves is the geographic isolation of the extraction site.

Similar to the offshore facilities in Ferguson's model, oil Block 8E -like most extraction sites in the Peruvian Amazon- is located in an area considered semi-remote. These are areas in the rainforest that are weakly governed by the state in the sense that most public facilities tend to be absent (except for a few health centres, deteriorated schools, and the like). The limited presence of the state resembles in many ways the case of off-shore facilities in Angola where almost no rights are enforced and the impacts of extractive activities are not inspected or regulated.

The features of Amazonian oil enclaves outlined above indicate the spatial disconnection or *disentanglement* between the extractive industry and the surrounding conditions. In that sense, Ferguson's description on how offshore oil is loaded onto tankers with limited mainland *entanglements* is to a large extent applicable to Block 8E: barges full of crude oil that come and go across the Marañon River, undisturbed, delivering the oil from the oil wells directly to the market. In the words of anthropologist Chirif, "people just see the oil and wealth pass by their blunt faces"⁵⁸. These images portraying the spatial enclaving of Block 8E in many ways portray what Ferguson suggest to be the strategic goal of the 'enclave': "the endeavour to make onshore extraction as offshore as possible" (Ferguson 2006: 61); literally 'off the shores' of political realities and constraints, community claims, visible pollution in populated areas and other forms of violence. Or, what industry insiders, according to Ferguson, call a "clean" set-up.

Forty years of extraction and contamination

What appears to be a "clean" set-up, however, had proven to be a farce. Today, numerous studies evidence the rampant contamination and critical health issues associated to oil activity in the lower Amazon basin⁵⁹. Moreover, these studies show how these problems have long remained un-dealt with because they have been constantly contested and negated by state authorities and the oil company.

Although hydrocarbon exploration in the lower part of the Amazon basin dates back to the 1920s, it is during the first stage of the military government (1968-1975) that it took the form

⁵⁸ "La gente solo ve pasar el petróleo y la riqueza por encima de sus narices" (A. Chirif, personal communication. Iquitos, 29.11.2010)

⁵⁹ The studies were mentioned in the above section 'Situating the discussion'

of a 'first oil boom' as a result of two main discoveries of oil in the northern part Loreto. The first discovery was made by the state company Petroperú in 1971, and the second one by the private company Occidental Petroleum Co. (OXY). Following these discoveries, interest for oil extraction rapidly grew in the region. This led, in 1974, to the development of exploratory activities in the area by 14 different companies -almost all of them from the U.S. Most of them however, left after a year or two realizing that they were not as successful as Petroperú and OXY (Santos-Granero and Barclay 2002).

Soon after, Petroperú and OXY started exploitation activities in Block 8 and 1AB. Block 1AB is located in the highest part of the Pastaza, Corrientes and Tigre rivers. Block 8 covers the middle and lower part of the Corrientes basin. The Corrientes basin has been populated by the Achuar peoples since ancient times, and to a lesser extent by Kichwa and Urarinas peoples. In the Corrientes basin alone, the estimated indigenous population is of around 4,000 (La Torre López 1999). Block 8E is one of the five smaller blocks that form Block 8. It is located the furthest south, inside the Pacaya Samiria National Reserve along the Marañón River in the district of Urarinas (see Map 2). Around the concession and along the Marañón river, there are mainly Cocama-Cocamilla communities who to some extent are still struggling to obtain official titles to the land.

The 1990s started shedding light into the problems and impacts generated by the extractive industry in the areas around Block 8 and 1AB. There was a series of isolated legal complaints that started to emerged. In 1994, an oil spill of 30,000 barrels of crude oil into the Marañón River was made public. This was followed by another significant oil spill in 1996. At the end of that year, it was estimated that together Block 1AB of OXY and Block 8 of Petroperú had emptied more than 85,000 barrels of production water⁶⁰ per day into the Corrientes River. All these events together had led to severe environmental damages that among other things deteriorated the health conditions of the local indigenous population (La Torre López 1999).

Although the 90s saw an increasing amount of evidence on the negative impacts of contamination, by the end of the decade there were still limited signs of efforts to monitor and address these problems and their causes. Intentions to document the problems and seek for adequate solutions were neither evident by the state, nor by civil society or by the indigenous

⁶⁰ In Spanish: *aguas de formación*. This is the water emerging during the drilling process as well as during the production phase as a sub-product from an oil well. It is highly polluting.

movement (Bebbington et al. 2009). This made it very difficult to raise awareness to the state and the oil company.

In 1996, the state company transferred their oil operations of Block 8 to the Argentinian company Pluspetrol Norte S.A. Four years later, in 2000, Pluspetrol also obtained the rights to Block 1AB from Occidental Petroleum. The concessions were licensed by the Ministry of Energy and Mines. According to representatives of Pluspetrol, the environmental damages found during this transition were worse than what they expected (Bebbington et al. 2009). By that time, the Achuar peoples started strengthening their organizations and federations, together and with support of the national organization of Amazonian indigenous peoples (AIDSESEP) and a small group of lawyers (who created the NGO Racimos de Ungurahui). The regional organization of the Achuar, FECONACO, started to engage in a more direct dialogue with Pluspetrol mainly since 2002. Many years of struggle and the increasing involvement of international NGOs supporting FECONACO led to the '*Acta de Dorissa*' in 2006, which was celebrated likewise by the Achuar, representatives of the state and of Pluspetrol, and seen as a milestone for the indigenous movement altogether in Peru. In the '*Acta de Dorissa*', the state and Pluspetrol set their responsibilities for two main things: the proper disposal of production waters and the remediation of the impacts caused to the environment in Blocks 1AB and 8.

The Cocama-Cocamilla of the lower Marañón on their side, were not part of the initiatives raised by FECONACO, even though their communities had been affected in very similar ways from the activities in Block 8E. Indeed, most of the evidence proving the negative impacts of oil activities in the area –which led to the '*Acta de Dorissa*'- refers to accounts and technical reports that to a large extent correspond to the impacts in Block 1AB. Documentation which in particular regards Block 8E for instance, appears to be very limited. Thus, it is fair to say that oil extraction has continued without much disturbance in this part of the basin throughout the last forty years.

Nonetheless, in the year 2000, when the Cocama associations noticed that the oil companies continued pouring production water directly into their rivers and *cochas*, they started to get more organized. The aftermath of an oil spill in October 2000 was a breaking point for the establishment of proper Cocama associations. On that occasion, nearly 5,000 barrels of crude oil poured into the Marañón River. The Cocama association ACODECOSPAT was one of the organizations that started raising awareness about the constant contamination in their area as

well as the need for land titling in order to confront what they saw as increasing external pressure. Some of these included ‘aggression’ by a tourist company in their area as well as pressure from logging and fishing industries in their territories. They also saw the need to organize themselves in view of the development projects that were being proposed by the Pacaya Samiria National Reserve program (known as PPS⁶¹).

ACODECOSPAT was created in October of 2001, mainly representing the communities in the area known as lower Marañón, between the town of Nauta and the mouth of the Tigre River (all of them located in the district of Nauta). Today, their bases also include communities in the district of Urarinas, Belén, and Maquía⁶². By the time ACODECOSPAT emerged, there were two other established associations representing Cocama communities, AIDECOS⁶³ and ADECOP, whose bases were located in the areas of Samiria and Parinari respectively. The formation of these two associations was mainly promoted through a project established by the Pacaya Samiria National Reserve (PPS). ACODECOSPAT on the contrary emerged largely as a self-standing organization supported by its own economic means from the beginning (although it obtained technical support from PPS as well) (Chirif 2003b). In fact, their main leaders recognize and take pride of the “humble” and “organic” way in which their organization emerged. In particular, when compared to other Cocama organizations who had formed more out of the possibility of benefitting from external support (e.g. through PPS funding) (Chirif 2003b).

In spite of the increasing organization of the Cocama communities along the Marañón, they did not manage to bear their demands too far after the oil spill of the year 2000, at least not to the extent of what the Achuar achieved in the Corrientes basin through the ‘*Acta de Dorissa*’. The family of Juan for example, who lives in one of the communities closest to Pluspetrol’s oil wells, remembers the oil spill of October 2000 mainly because of the opportunity it gave them to get some extra cash rather than as an incident that deserved proper attention, support and indemnification. Juan together with some other young men from his community told me they were hired to collect crude oil from the river and riverbanks with their bare hands after the oil spill. No protective equipment was provided to them. Juan further explained that they

⁶¹ *Programa Integral de Desarrollo y Conservación Pacaya Samiria* (PPS) was financed by WWF and AIF/DK

⁶² ACODECOSPAT leader, personal interview, Iquitos. Field notes, book no. 3 – 23.12.2010

⁶³ It stands for Indigenous Association of Development and Conservation of Samiria. It represents the indigenous communities along the Marañón River in the district of Parinari

were paid around 20 to 25 soles for the day's job (approx. 7 to 9 US dollars). They realized that having direct contact with crude oil was hazardous to their health only after I informed them. With a genuine smile Juan told me that no one had warned them about these possible dangers when they were offered the job⁶⁴.

The detrimental effects associated to oil activities in Block 8E that had long been left unattended indicate the level of state and corporate neglect in the area. To illustrate this deplorable image, one can also use figures reflecting the dismal levels of 'poverty' and human development. In spite of some 40 years of oil production in Block 8E, roughly three fourths (74.6%) of the population in the district of Urarinas remains poor (in monetary terms). Moreover, the district ranks near the bottom in terms of 'human development' compared to national levels (Chirif 2010:23)⁶⁵. It is also probable that if the human development index would take into account the level of contamination and general environmental aspects, these figures would be even more upsetting.

⁶⁴ Field notes, book no. 1 – 25.11.2010

⁶⁵ The Urarinas district ranks 1686 out of 1832 districts according to the United Nations Human Development Index. It is in the lowest quintile with 0.4845 according to the Human Development Index (HDI). The HDI considers four variables: life expectancy at birth, adult literacy rate, gross enrollment ratio from 5 to 18 years old and family GDP per capita (*Soles* per month)

Part II.

Unruly engagements with Indigenous peoples

*“We don’t want to negotiate with Pluspetrol for alms (por limosnas),
We want a proper indemnification,
one that reflects the real damages (of the oil spill). Just like anyone else (would).
And for that, (we’re) accused of being intransigent and troublesome”*

-Cocama leader of ACODECOSPAT

Whereas Part I has depicted the process of ‘enclaving’ in the Peruvian Amazon and in the lower Marañón region by presenting the political, historical, and geographical context as well as some local realities in the extractive activities, in Part II I will now provide a detailed analysis of the relationships between the Cocama, Pluspetrol, and the regional authorities; in particular the ‘partnership’ between the latter two in relation to the ‘Cocama actor’. I examine the participation of these actors in the negotiation and bargaining processes in the months following the oil spill of June 2010. The aim of this section is to investigate how does power manifest itself in these negotiations. What are the conflicts of interest between the various actors, and how are they addressed? What type of responses do Cocama associations obtain from such negotiations? Are the less powerful groups’ actions and decisions being conditioned by more powerful ones? Do the Cocama feel they are being heard? And finally, who ends up benefiting from the negotiations?



Figure 2. Forty-year old leaking pipelines in Pluspetrol's oil block 8E

First, in Chapter 3 I introduce the oil spill incident and the immediate reaction of the different actors involved. I analyse the interactions between these actors and how the conflict evolved in the aftermath to the oil spill. In Chapter 4, I highlight the state's heterogenic response to the evolving conflict by examining two official reports concerning the level of contamination that contradict each other. In Chapter 5, the focus turns to the negotiations between four different Cocama groups, Pluspetrol and state actors. I analyse in further detail the (strategic) ways in which Pluspetrol selects particular Cocama groups (and exclude others) to take part in negotiations, and the way regional authorities like the Regional Government of Loreto (GOREL) and Loreto's local attorney directly and indirectly support these excluding form of dialogue. Finally, in Chapter 6, the heterogeneity of the 'Cocama actor' is highlighted while analysing particular aspects of power and participation in the negotiations. Here, I stress the unregulated manner in which Pluspetrol and public authorities approach the issue of contamination and the affected Cocama communities. Most importantly, how the established form of 'dialogue' is taken as a 'legitimate' and 'participatory' form of engagement. Overall, the objective in this section is to discuss Pluspetrol's 'unruly engagements' with the Cocama people, its different forms, and the way that they facilitate the further disentanglement of Pluspetrol's activities from the surroundings of Block 8E, ultimately reinforcing the 'enclave'.

However, embarking on this endeavour, there is a need to reflect upon and define some of the central terms and concepts that I apply in my analysis. Over the next couple of pages, I therefore set out to discuss the notions of 'participation', 'community', and 'power'.

Participation in development and Indigenous participation

Participation is not a new concept in the field of development. According to Rahnema (1992), the concept emerged in this field during the 1950s. During its emergence, the concept held a subversive connotation, which was associated with the work done by social activists in advocating for the rights of the oppressed. These activists questioned the vertical decision making methods used in those days, considering them to be a major cause for the failure of development projects. Some years later, international development agencies themselves and the governments who benefited from their funding admitted that many development projects were not attaining desired outcomes but were instead adding more problems to old ones. In 1973, the president of the World Bank recognized that economic growth did not equally reach

the poor and that it was instead causing further income inequalities in developing countries (Rahnema 1992). Participation, broadly defined as “the exercise of popular agency in relation to development” (Long and van der Ploeg 1994 in Hickey and Mohan 2005: 3) has since become a mantra for contemporary development theory and practice.

Nonetheless, scepticism towards mainstream participatory approaches has grown in the past decade (Hickey and Mohan 2004). The degree of engagement or participation in development initiatives has generally been seen to vary along a scale that ranges from minimal or passive participation to a complete transference of authority and responsibilities. Figure 3 illustrates these various shades or levels of community and stakeholder participation based on the normative typologies elaborated by Pretty (1995), Arnstein (1969) and Tosun (2006). Cognizant of the shortcomings identified in these typologies (e.g. the way they try to assign ‘positive qualities’ to even the most ‘adverse’ levels of participation), overall they help to illustrate the use of the concept with more clarity.

7. Self-mobilization	←	8. Citizen control	Degrees of Citizen Power	→	<u>Spontaneous Participation</u> Bottom-up; active par.; direct participation; par. in decision making, authentic participation; self planning;	
6. Interactive participation		7. Delegated power				6. Partnership
5. Functional participation	←	5. Placation	Degrees of Citizen Tokenism	→	<u>Induced Participation</u> Top-down; passive; formal; mostly indirect; degree of tokenism, manipulation; pseudo-participation; participation in implementation and sharing benefits; choice between proposed alternatives and feedback.	
4. Participation for material incentives		4. Consultation				3. Informing
3. Participation by consultation		2. Therapy				Non-participation
2. Passive participation	1. Manipulation	→	<u>Coercive Participation</u> Top-down, passive; mostly indirect, formal; participation in implementation, but not necessarily sharing benefits; choice between proposed limited alternatives or no choice; paternalism, non-participation, high degree of tokenism and manipulation.			
1. Manipulative participation						
Pretty’s (1995) typology of community participation		Arnstein’s (1971) typology of community participation		Tosun’s (1999a) typology of community participation		

Keys: Corresponding categories in each typology → ←

Figure 3. Different typologies of community participation by Pretty (1995), Arnstein (1969) and Tosun (2006)

(Source: Tosun 2006)

It has been increasingly stressed that facilitators of participatory approaches disregard established and legitimate local processes of decision-making. In other words, ‘participants’ may be actively doing something but their engagement is made through a process already set by others (Vincent 2004), therefore overriding established and legitimate local processes of decision-making. Overall, the critics to this portrait of participation as the ultimate blueprint to development have been referred to as the “tyranny” critique by Cooke and Kothari (2001). They argued that the concept of ‘participation’ has managed to ‘tyrannize’ debates on development without proving that participatory approaches do in fact empower and transform development for marginalized people. Accordingly, scholars have noted that the concept has become a tool to manipulate governments, development agencies and NGOs who impose decisions while dressing them up with formal *consultation mechanisms* (Rahnema 1992).

The wide range of national and international actors involved in the proliferation of the term “participation” also recall the need to acknowledge the importance of broader structures influencing participatory processes. Mohan and Stokke’s (2000) contribution to the ‘tyranny’ critique has been by stressing recognition to the importance of articulating participatory approaches within issues of power and politics in order to understand a wider range of aspects that make participation of marginal groups difficult in the practice (Mohan and Stokke 2000; Mohan 2001).

In that sense, Rodríguez-Garavito (2010) contextualizes today’s forms of indigenous participation (in consultation processes) in Latin America within what he calls the neoliberal “governance paradigm”. The “governance paradigm” refers to all legal artefacts around ethnic claims and demands, from those produced by nation-states to companies’ codes of conduct (to regulate their relations with indigenous groups) to human rights courts and bodies. He looks into how this “plural legality” embodies different forms of indigenous participation that can be contrasted to those in Figure 3, “from feigned participation characteristic of consultations carried out without stringent procedural requisites [i.e. level 1]... to the empowered participation with genuine decision-making power associated with regulations that have adopted some version of consent requirement [i.e. level 6 and 7]” (2010: 43). It is this latter definition that I, in agreement with Rodríguez-Garvito, regard as ‘*meaningful indigenous participation*’ and adopt as working definition for my paper. He emphasises that current procedures of consultation of indigenous peoples in Latin America may postpone or mitigate

certain disagreements but do not necessarily eliminate the contrasting visions of participation put forth by the ‘governance crowd’ and the ‘indigenous rights movement’. Although Rodríguez-Garavito’s focus is on consultation processes, his arguments are also very relevant to examine indigenous participation in the negotiations post-oil spills, like the one here.

Anthropologist Alberto Chirif, who has dedicated a lifetime to studying social issues in the Peruvian Amazon, identifies a number of cases where state and development actors (e.g. logging, extractive companies and ‘development project’ facilitators) have approached indigenous communities through workshops or meetings without necessarily promoting participatory dialogue. From his perspectives, these meetings have not facilitated decision-making processes that truly express local peoples’ will. He points out that one of the main reasons for such poor decision-making is that people from Amazonian communities tend to perceive that the forms of reaching agreements established by the state or the company are in many ways ‘unusual’. In general, the established ways in which, for example workshops are carried out are not necessarily part of the customs of rural Amazonian dwellers (regardless of them being indigenous or *mestizos-riberaños*).

According to Chirif, (2003a: 11) in most communities, people are used to reach agreements through more ‘informal’ ways that are “less visible to the eye of a foreigner”, and which have the virtue of enabling a broad debate on a topic and developing an ultimate consensus on the issue. Chirif further illustrates his point by giving an example of how the election of authorities through community assemblies -a procedure that is considered democratic- tends to result in decisions that poorly represent the people’s actual will. Moreover, in his experience, fast decisions taken in group meetings have also resulted in less long-lasting constellations. He concludes that it is convenient to foment dialogue as a participatory mechanism through other ‘less formal’ spaces and more flexible time lengths (Chirif 2003b). From this observation, he stresses the need to consider the ‘participative social unity’ of the indigenous communities that one wishes to approach as well as the mechanisms needed in order to foster more meaningful dialogue.

This reflection renders it indispensable to elaborate on the concept of ‘community’, and what it entails in the particular context of Amazonia. I expand on this concept in the next section.

Community

To examine how ‘appropriate’ established types of dialogue and negotiations are between indigenous peoples, the state and the company, it is crucial to elaborate on the concept of ‘community’. This concept also provides important information regarding the context in which participation takes place (Pretty 1995).

Within social sciences, no common agreement exists of what exactly defines a ‘community’. Broadly, it is considered as a spatial unit (alluding a shared geographical location), as an economic unit, and as a network of kinship, i.e. relations based on social and cultural aspects (Kepe 1998). Traditionally, a community has been associated to a “homogenous group of like-minded people” (Flint et al. 2008: 528). In other words, a spatial unit based on uniform social structures, where members have monolithic perspectives and interests. Looking at a community as a homogenous and harmonious entity however, has led to neglect significant issues. Some of these are for instance, the functioning of internal negotiations and gender relations. Similarly, it has led to flawed views of the people’s interactions with other actors (Agrawal and Gibson 2001), e.g. state, corporation, NGOs.

Agrawal and Gibson (2001: 1) aptly emphasizes the multiplicity of actors, perspectives, structures, and interaction within a community as following: “Communities are complex entities containing individuals differentiated by status, political and economic power, religion and social prestige, and intentions. Although some may operate harmoniously, others do not. Some see nature or the environment as something to be protected; others care only for nature’s short term use. Some have effective traditional norms; others have few. Some community members seek refuge from the government and market; others quickly embrace both.”

Acknowledging heterogeneity in communities by embracing such a definition is significant for my study and analysis of conflict as it enables a comprehensive understanding of local reality (Kepe 1998). This goes in hand with my field of enquiry and theoretical approaches, which require attaining a detailed understanding of local contexts in order to uncover the legitimacy of decision-making and the foundations of conflict.

Specifically concerning Amazonian indigenous communities, it is crucial to understand at least the basic aspects of their political structure. For this, I refer to reports by Barclay *et al*

(2010) and Chirif (2003b), which focus on Cocama communities⁶⁶. Compared to the social and economic organizational structures, the political structure of a community is usually much easier to identify. Whilst the former are based on complex individual networks of people (e.g. that linked people together by kinship), that are more invisible to the outsider, to identify a community's political structure can sometimes be as easy as to ask who the authorities are when arriving in a particular community.

The political structure of indigenous communities as we know them today is in fact a relatively recent organizational structure which has been influenced by different political processes. For instance, the first law of native communities in 1994 outlined the general aspects concerning community organization. However, it is only a few years later that the communities started adopting most of the features that we see today. The authorities created as a result of the law of native communities included the *teniente gobernador* (representative of the Executive in the community) and the *agente municipal* (representative of the municipality). Consecutive Peruvian governments (especially during the Fujimori era) added more authorities through the creation of committees like the 'Glass of milk' committee⁶⁷, Mother's clubs (*clubes de madre*), Parents associations, among others. These were created so that the communities can function according to government policies, i.e. responding to particular state-run social programs.

Concerning the first group of authorities (*teniente gobernador* and *agente municipal*), the communities had the right to eliminate them once they had been established as a 'native community' according to the law. In the case of the communities around the Pacaya Samiria National Reserve, i.e. the Cocama communities in my study, these authorities remain active today. In order to avoid conflicts between competing authorities, the communities created a *junta directiva*, which assembled the *teniente gobernador* and *agente municipal* as well as the many different committee representatives. Chirif (2003b) highlights how the creation of the *junta directiva* depicts peoples' creativity to incorporate new political structures to their own communal contexts given that the different authorities were considered to contribute in some aspect to the community's functioning. The decisions through the *junta directiva* are taken by

⁶⁶ Chirif's report (2003) focuses on the Cocama communities in the Marañón basin. Barclay et al (2010) focuses on the Marañón communities in the Río Huallaga area.

⁶⁷ Part of the 'Glass of milk' (*vaso de leche*) social programme

consensus and the *teniente gobernador* is in charge of communicating the decision to the rest of the population⁶⁸.

Interestingly, this goes hand in hand with Rodríguez-Garavito's argument on how the 1990's constitutions in Latin America and their "multicultural turn", which in the case of Peru can be exemplified by the incorporation of the first law of native communities, propitiated new forms of indigenous participation even within the communities. Moreover, it goes in line with how these governmentally introduced forms of political organization have been adapted to local forms of participation, and remain being based on 'consensus' or '*aclamación*'. These mechanisms of decision-making have also been pointed out in Gray's (2002) analysis on the Arakmbut people of Madre de Dios (south-eastern Peruvian Amazon). The clash between these local forms of participation and the established ones in the broader political structures of the Peruvian governance system⁶⁹ (which is the context of participation imposed in the negotiations as shall be seen below) suggest an important aspect that needs to be considered when analysing participation in the negotiations.

At the inter-community organizational level, other relevant observations are pertinent. Chirif's (2003a) report is very critical of the inter-community organizational model of the Cocama in the early 2000s. According to him, the Cocama associations AIDECOS and ADECOP were very bureaucratic, consisting of 1 president and 10 secretaries⁷⁰. Indeed, Chirif notes that the models of these Cocama organizations resemble one that is oriented to receive external support as both, AIDECOS and ADECOP were created in response to the development initiatives by PPS. Furthermore, he indicates that this type of organization has also generated confusion between the means and the ends of the associations. He had observed that in many cases the projects by PPS for instance, had served to sustain leaders' lifestyles in the city while keeping them far away from the communities which they represented.

These remarks particular to the Cocama organizations can be further contextualized in the issues of 'political leadership' in the Amazonian context discussed by Guzmán-Gallegos

⁶⁸ A revision of this aspect of the community would be necessary in order to see if it continues to be applicable today in all Cocama communities. I was able to see that this political structure persists at least in the Cocama communities of the Urarinas district, where I conducted part of my fieldwork.

⁶⁹ Based on the 'democratic' vote and majority

⁷⁰ According to Chirif (2003a), this model implied high costs of transportation back and forth to the city (where most meetings took place) and which, in Loreto's context entails very long distances.

(2010a). She reflects on the different types of leaderships in contemporaneous Amazonia. Most important to my case is her discussion on the role of leaders as “mediators” or “intermediaries”, e.g. in negotiations with powerful actors, and the way power is constituted and legitimized in these interactions with other non-indigenous actors as well as the ambiguities around it (which include issues of representativeness).

These aspects of heterogeneity, organization and leadership are crucial keep in mind when examining the procedures and negotiations in which the Cocama people engage with the dominant society. How does participation take place in these negotiations? And, which Cocama leaders and associations are involved? These questions and issues will be closely examined in the subsequent chapters.

Power

The concept of power is crucial to the analysis of participation in negotiations and other spaces where indigenous peoples, the state, Pluspetrol and other stakeholders engage. Power can be seen in different dimensions. Broadly, they can be categorized as: agent-centred views, i.e. control over active decision-making; power as a constraint, i.e. power to guarantee inaction; and the importance of social structures (e.g. class, gender, race) in defining power (Raik et al. 2008).

My paper adopts Cornwall’s (2004) conceptualization of power, which incorporates all the above mentioned conceptions to various degrees. Cornwall draws on Foucault’s (1984) and Lefebvre’s ([1974] 1991) approaches to power to stress that, “spaces for participation are not neutral, but are themselves shaped by power relations that both surround and enter them”⁷¹ (Gaventa 2004: 34). She aptly portrays how power relations *shape* participatory spaces, including “what is possible within them, and who may enter, with which identities, discourses and interests” (ibid.). She suggests thinking about ‘spaces’ not only as concrete locations but as sites where power relations are expressed and how, among other things, how such particular spaces can ‘condition the subject’s presence, action and discourse, his [*sic*] competence and performance” (Lefebvre 1991:57 in Cornwall 2004).

⁷¹ Cornwall uses the idea of ‘boundary’ from Foucault and others in order to argue this.

My analysis is facilitated by Cornwall's concept of 'invited spaces'. It refers to circumstances where heterogeneous groups of actors are brought together; where they relate very differently and tend to be significantly distant in terms of status. In such spaces, it is crucial to note that:

"While procedures to increase the presence of more marginal actors in spaces for participation are necessary conditions for their formal involvement, they may not be sufficient to enable such actors to participate substantially" (Knight and Johnson 1997; Kohn 2000; Pozzoni 2001 in Cornwall 2004: 84)

These reflections can be directly applied to the meetings which I observed in the Marañón case where indigenous representatives were 'invited' to negotiate by the regional authorities and/or the oil company. The concept of 'invited spaces' enables us to question and investigate issues of power and participation.

Moreover, her conceptualization of power acknowledges the "gamut of cultural, social, historical and political contextual factors [which are] all tangled together in shaping the boundaries of what is possible in any given encounter" (Benhabib 1996; Fraser 1992 in Cornwall 2004: 83), making allusion to the role of social structure to condition and shape power relations. This understanding of power is in line with my field of enquiry. The discourses around recent indigenous upheavals as well as the historically embedded political and social particularities of Amazonia, which I outlined in Part I will serve as context to examine power issues between stakeholders here.

Unruly engagements and the dual dynamic of the enclave

With respect to the broader theoretical approach of the 'enclave', central to my analysis in this part is Hannah Appel's *Offshore work: Oil and the making of modularity in Equatorial Guinea* (2011). Appel calls the combination of both Ferguson's and Reed's perspectives *the dual dynamic of modularity*. Modularity in her work entails "the production regime of mobile technology, management structures and personnel, systems of contract and supply, and safety and environmental regulations" in supply sites. In other words, the many aspects involved in the 'making' of an off-shore module. Appel suggests that the *effective disentanglement*, suggested by Ferguson, which allows the undisturbed flow of oil from points of extraction into to market, exists simultaneously with *deep entanglements* of the oil industry in the lives of people, institutions and environments, as supported by Reed. Appel argues that this *dual*

dynamic emerges only through “unruly engagements with local people, politics, institutions, and environments - through a messy engagement...” (Appel 2011: 7).

Appel’s focus is on how ‘unruly engagements’ result in the wide acceptance of the making of modularity worldwide (particularly in the standardization of techniques and technologies used in offshore oil facilities). I focus on the way ‘unruly engagements’ make the enclave and the state institutions -with joint interests- to ultimately enable effective disentanglement of the oil industry at the regional level. I argue that both *despite* and *because* of deep “unruly engagements” with local conditions through unruly meetings, negotiations, compensations, and bargaining processes, the oil industry in Peru has been able to disentangle itself from the place where oil is produced. The ‘unruly engagements’ have enabled industry to effectively remove itself from responsibility for Amazonia’s social, legal, political and environmental circumstances, such as those involving oil spills and their impacts.

Hereafter, I will first set the stage by giving an ethnographic account of the oil spill of June 2010 and its implications among the Cocama affected population. This account highlights the particularities of the relations and negotiations that emerge between the Cocama, Pluspetrol and government authorities. Thereafter, the application of the concepts of ‘participation’, ‘community’, and ‘power’, elicited in this current section, will be crucial to attain a deeper understanding of ‘unruly engagements’ in this particular context.

3. The June 2010 oil spill

First days after the oil spill

The oil spill occurred in the afternoon of Saturday 19th of June, 2010. The dark and black crude oil stained the light brown waters of the Marañón River starting from the community of Saramuro flowing down through Santa Rita de Castilla, covering an area of about 250 km until the town of Nauta, where the Ucayali River joins the Marañón to form the Amazon River (some claim that the oil spill reached even further⁷²). The approximately 80 communities, representing 3,500 families or roughly 20 thousand inhabitants living outstretched along both side of the river went to sleep that night without knowing about the oil spill.

The community of Saramuro, in the district of Urarinas, is the community where Pluspetrol installations in Block 8E are located (See Map 1). This same community also contains Perupetro's Platform No. 3 where barges are regularly loaded with crude oil that is later transported to the cities of Iquitos and Yurimaguas. That Saturday in June, the 'Sanam 3' barge (hired by Pluspetrol) was performing a routine oil loading operation⁷³. Once the oil was loaded, the barge headed upriver to the Tiwinza pier, where the spill was detected by the barge's own crew. According to OSINERGMIN's report⁷⁴, the 'contingency plan'⁷⁵ was instantly activated and with the help of Perupetro's workers and equipment (from Station No. 1), a containment barrier was deployed in the area and in the sector downriver (up to Platform No. 3), in order to stop the further propagation of oil in the river and to recover the spilled oil. The barge was then taken back to Platform No. 3, where the remaining crude oil was pumped

⁷² Based on the testimonies from residents living in the communities downriver from the town of Nauta

⁷³ The company Sanam stands for Sociedad Anónima de Navegación Amazonía S.A.

⁷⁴ OSINERGMIN stands for 'Supervising Agency for Investment in Energy and Mining'. It is the independent regulatory body that overviews and imposes sanctions on extractive companies that infringe the law in Peru. The technical report I make reference to was released six days after the oil spill, on June 25th 2010. See OSINERGMIN (2010).

⁷⁵ A contingency plan or *Plan de contingencia* is a plan or set of procedures devised by the government and businesses that must be followed in case of an emergency situation. It must also be an 'emergency plan' that is constantly revised and improved.

back to one of the tanks in Station No. 1. According to Pluspetrol, approximately 374 barrels of crude oil were spilled that day.

The next day, on Sunday June 20th at around 9 in the morning some downstream residents from the community of Santa Rita de Castilla (also referred to as Santa Rita), in the district of Parinari, videotaped the moment when the stain of crude oil reached their community⁷⁶. An hour later, the community gathered by the river bank and observed boats (*deslizadores*) with Pluspetrol workers spreading a white substance into the river water. The doctor of the community's health centre and some of the residents approached the boat to talk to the Pluspetrol workers who responded by saying that they were spreading an organic substance called Grodarban, which conglomerates the crude oil⁷⁷.

The next day, leaders from the community of Santa Rita together with the leaders of the Cocama Association ACODECOSPAT⁷⁸ travelled to the city of Iquitos with the purpose of disseminating the videos and photographs recorded the previous day. The pictures of crude oil along the Marañón River alarmed the authorities in Iquitos and rapidly attracted considerable attention by regional, national and international media.

Some hours later, the Minister of Energy and Mines, Pedro Sánchez, appeared on a television channel (Canal N) declaring that he had been maintaining communication with the oil company, whom had informed him that the communities around the area were being assisted, i.e. through food and water provisions. He concludes by saying:

"It's a very small amount [400 barrels of oil crude oil]. Actually, compared with what has happened in the Gulf of Mexico, it's a small issue that should not be reason for alert" (El Comercio 2010)

Soon after, the Minister of Environment, Antonio Brack, highlighted the measures taken to prevent further negative impacts from the incident:

"The emergency system [contingency plan] worked adequately and fast, so the impact has been minimal" (Univisión 2010).

⁷⁶ Video available at URL: <http://www.youtube.com/watch?v=s0TvBjrpbyQ>. Entire documentary on the case available at URL : <http://www.youtube.com/watch?v=s0TvBjrpbyQ>

⁷⁷ Also mentioned in DIGESA (2010)

⁷⁸ Cocama Association for Development and Conservation of San Pablo de Tipishca. It represents 54 communities in 5 different districts: Nauta, Urarinas, Belen, Maquía and Sarayacu.

After hearing these statements, the Cocama associations and other indigenous leaders in Iquitos recognized that it was not the first time that the government tried to minimize this type of incident. Some of them mentioned that they were exhausted of hearing the same excuses over again, trying to cover the magnitude of incidents despite the continuous contamination experienced in their communities.

Within the first few days after the oil spill, the leaders and representatives from 63 different affected communities congregated in Iquitos to set an agenda reflecting the most urgent needs of the communities. A series of meetings were held with other civil society groups in the offices of the Apostolic Vicariate of Iquitos. The Apostolic Vicariate has a branch that specializes in human rights issues⁷⁹ whose coordinator worked as one of the main advisors for the indigenous associations during the first few months after the oil spill. The meetings in the Vicariate involved representatives of Cocama associations such as ACODECOSPAT and AIDECOS, representatives of ORPIO (the regional branch of the Amazonian indigenous peoples organization AIDSEP⁸⁰), human rights specialists from the Apostolic Vicariate, lawyers from the Centre of Anthropology and Practical Application of the Peruvian Amazon (CAAAP), and the fathers of the parish in Santa Rita. The mayor of the district municipality of Parinari was also present, but only during the first meeting to introduce the videos and photographs of the oil spill to the regional authorities. The intention of these meetings at the Vicariate was to put together a set of urgent requests that the indigenous communities could present to Pluspetrol and public authorities⁸¹.

The set of requests that resulted from these meetings reflected the Cocama's livelihood priorities that had been affected. The Cocama are characterized as being mainly fishermen (Stocks 1981). Indeed, among the different indigenous groups in the region, they are known for their fishing techniques (Rivas Ruiz 2004). The importance of fish to their communities is such that that a day without fish is a sign of scarcity. Their main source of water is from the river and their main source of protein is from the fish living in these waters. Although people fish from the *cochas* and *tipishkas* (lagoons formed by the change in the river's course), still a great part of the fish that is consumed in the communities is obtained either directly from the Marañón River or from its affluents (*quebradas* or *caños*). The preoccupation of the

⁷⁹ The complete name is The Commission of Justice and Peace - Human Rights of the Apostolic Vicariate of Iquitos (CJPHHVAI).

⁸⁰ ORPIO stands for Regional Organization of Eastern Indigenous Peoples

⁸¹ Cocama leader, Iquitos. Audio record no. 101027_001

communities concerning the contamination was evident seeing that their main sources of water and food became inaccessible after the oil spill. In sight of this critical situation, the meetings at this point concluded that the main request shall be for an urgent supply of food, water and medicines.

During the meetings between the Cocama leaders and advisors from ORPIO, CAAAP and the Vicariate, they also agreed on the need to form an alternative commission that could access the areas affected by the oil spill and assess the situation together with Loreto's Ombudsman and the press. This idea was spurred to the way in which state ministries were minimizing the incident. The idea was also in reaction to the inactiveness that most local authorities had shown to address the urgent needs and to make a thorough assessment of the impacts of the oil spill during the first few days of the incident.⁸²

A document released on June 23rd, *Pronouncement by the Civil Society on the Oil spill in the Marañón* (Civil Society Loreto 2010) details the indigenous organization's perception of the way authorities were handling the situation at that point. It is important to highlight that among the actors directly criticized for inaction were the Regional Government of Loreto (GOREL), the Ministry of Energy and Mines (MINEM), the Ministry of Environment (MINAM), the Public Ministry (MPFN), and ascribed to the latter, the Environmental Attorney (*Fiscalía del Ambiente*).

"If the assertions made by the Minister [of Energy and Mines] were true, this quantity of crude oil [around 400 barrels] would not have covered the entire width of the Marañón River and surrounding areas from San Jose de Saramuro to San Jose de Parinari; and stains [of crude] of considerable proportion wouldn't have otherwise reached Nauta and beyond. Nor would [the oil] have reached floodable areas, and [aquatic plants like] the 'gramalotes' and 'huamas' which one could see impregnated with crude and dead fish along the Saramuro-Nauta-Iquitos course" (Civil Society Loreto 2010: 2).

The pronouncement of civil society also disapproved of the contingency plan (the emergency action) that was employed, and denounced the way in which the company and the authorities were showing pride for it on national media⁸³. Two main reasons were outlined for disapproving Pluspetrol's contingency plan. First, the affected communities had not been

⁸² Cocama leader, Iquitos. Audio record no. 101027_001

⁸³ Pluspetrol published announcements (*comunicados*) in local newspapers that they have already been assisting the affected communities along the Marañón.

informed in a timely manner about the incident. Second, Pluspetrol had acted by spreading a chemical substance to the river without properly notifying what it contained and whether it was toxic for the environment and human consumption. The ineffectiveness of the contingency plan described in the pronouncement was later corroborated by DICAPI's report (an institution belonging to the Peruvian Navy; i.e. representing the Ministry of Defence)⁸⁴ which indicates that neither Pluspetrol nor Petroperú have properly licensed contingency plans, thus violating the law (DICAPI 2010).

Similarly, a researcher from IIAP (Research Institute of the Peruvian Amazon; ascribed to the Ministry of Environment) later confirmed the claim presented in this first pronouncement. He indicated that indeed, the crude oil covered the Marañón River's width and was extensively accumulated along the river's banks and creeks. He also confirmed that the company didn't have a "contingency plan to assist the river population for disasters of this nature" (Salazar 2010).

The pronouncement concluded with a request to the regional and state governments to declare the province of Loreto in a state of ecological emergency. Moreover, it requested the designation of an appropriate budget to counteract the ecological damages and provide food and health care to the affected population. These requests never fully materialized. As a young Cocama man later put it:

"And about us, who worries about us? If [the Marañón] would have been [set in state of] emergency, the company and the state would be complying with their responsibilities... this is causing the conflicts, [this is] making us uprising"⁸⁵

A first look into the level of contamination and some urgent needs

Four days after the incident, an alternative commission formed by representatives of the Ombudsman's office of Loreto, representatives of the Cocama association ACODECOSPAT, and two journalists from a national television channel travelled by boat to the community of

⁸⁴ DICAPI stand for the General Directorate for Harbour and Coast Guards. It belongs to the Peruvian Navy (Ministry of Defense). It is in charge of supervising all types of activities in oceans, rivers, and lakes. The report that I refer to was released by the DICAPI office located in the city of Yurimaguas, also in the Department of Loreto.

⁸⁵ Young Cocama male, Nauta. Audio record no. 101112_000

Santa Rita (Parinari). Earlier that day, Pluspetrol representatives had been in the same community signing an agreement initiating a set of negotiations with the communities of the district of Parinari. I will expand on this agreement, associated negotiations and their implications in Chapter 5.

A meeting was held at the arrival of the alternative commission. Members of the community, including leaders of the Cocama association AIDECOS -which represents most communities in the Parinari district- and important authorities were present⁸⁶. According to the report by the Ombudsman's Office (Oficina Defensorial de Loreto 2010), community members indicated that their main preoccupation with the oil spill was the lack of drinkable water, given that the contaminated river is their only source of water. Also, the report indicates that the population asked for a transparent investigation of the incident in order to avoid responsible parties from escaping charges (with impunity) as it had been the case after the oil spill in the year 2000⁸⁷. The Parinari community representatives also asked for clear information about the way in which the oil company is cleaning the crude since they had observed Pluspetrol workers throwing chemicals (a "white powder") that made the crude submerge to the bottom of the river without necessarily 'cleaning' it. The report also indicates that only a few hours after the meeting terminated, representatives of Pluspetrol arrived to Santa Rita with water and food for the population.

The next day, the alternative commission headed upriver to the community of Saramuro (Urarinas district), where the oil spill had occurred. The mayor of Parinari also joined the commission. They stopped in several communities along the way and talked to the population who declared that no food or water had arrived yet to their communities and that they feared falling sick because they continued drinking the contaminated river water in view of no alternative solution⁸⁸. The commission also talked to some medical assistants in the communities who informed them that there were no sufficient medicines to treat the amount of patients that they were receiving with stomach infections. According to the Ombudsman's report, the community of Saramurillo appeared to be one of the only communities in the district of Urarinas where Pluspetrol had managed to distribute some water bottles and canned

⁸⁶ The district governor of Parinari, the mayor of Parinari, the representative of the educational sector and, the representative of the Parents Association (APAFA)

⁸⁷ Around 5,500 barrels were spilled into the Marañón River in that occasion

⁸⁸ San Jose de Parinari, Santa Rosa de Lagarto, Roca Fuerte, Saramurillo

food. This made sense given that Saramurillo is walking distance (downriver) from the Pluspetrol's main installations in Block 8E.

During the last day of the alternative commissions' 3-day field visit, a meeting was held in the community of Saramuro with the leaders representing different communities of the District of Urarinas⁸⁹. According to the Ombudsman of Loreto, the leaders manifested that contrary to what Pluspetrol had been claiming, the company did not inform the population about the incident in their district either. Thus, people continued drinking the water and had become sick. They stated that if they had been warned about the oil spill, they could have at least collected some water before the crude continued spreading further downriver reaching their communities. They added that the claim that Pluspetrol had been providing their communities with support from the beginning was untrue.

The Ombudsman's report is consistent with the information I gathered during my fieldwork in these same communities. Many locals stressed that the Urarinas communities were the ones being directly affected by the oil spill as they are located the closest to the place where the accident occurred. However, they said, none of their communities received any water or food during the first days (and in some communities, the first weeks). Cases of illnesses among the population had been on the rise. People were having stomach infections and fevers from being in contact with the contaminated water. In the community of Concordia (Urarinas), one elder had died after serious stomach infections during those days⁹⁰. It was clear that while some communities had received water, food and medical support, many others had not. This clearly contradicted Pluspetrol representatives' and central authorities' statements in the media.

The journalist that was part of the alternative commission, and who later released the story on national television, indicated that during those first days following the oil spill Pluspetrol had refused to give her an interview (see *Reporte Semanal* 2010). She mentions that she was interested in knowing why the population had not been informed in a timely manner about the incident so that they could take appropriate preventive measures like abstaining from drinking the contaminated water. "Instead" she said, "[Pluspetrol] sent us a press statement

⁸⁹ Leaders from the communities of Nuevo Lima, Alfonso Ugarte, Huashpaisla, Buenos Aires, 18 de Julio and, Victoria

⁹⁰ The testimony was obtained from the elder's wife in the community of Ollanta. She indicated that her husband did not have previous symptoms of illness. Other community members, including the community health assistant corroborated her testimony. Audio record no. 101128_000

(*comunicado*) where they assured us that they were covering the needs of the communities.” Also, she added that no further explanations were obtained with respect to why the company had thrown a “white powder” that would only “hide” the crude oil stains as part of their ‘contingency plan’ instead of first informing (or warning) the community about the condition of the water.

In brief, all the visual evidence in her news report corroborates with what was described in several other (official and unofficial) reports of the area in the months following the oil spill: consistent complaints by the residents of the communities indicating that the amount of water sent -if at all- by Pluspetrol had not reached most of the communities; where the water had reached, it had not been enough to cover the basic needs (for drinking and cooking) of the people living there; and cases of diarrhoea, fever, headaches, skin rashes, etc. continued increasing in the communities.

Despite the vast amount of visual and written (official) evidence on the critical situation in the communities due to the lack of water and food, Pluspetrol representatives and central authorities continued showing a public image that everything was under control and that they were open to dialogue. This image was fomented through well-formulated and convincing press statement (*comunicados*) published relatively frequently in the local newspapers. They were very visible, usually covering entire pages.

“Pluspetrol confirms its compliance with the agreements with the communities... Pluspetrol confirms its openness to dialogue (voluntad de diálogo) and the commitment for the well-being of the communities” (La Region 2010a)

On two different occasions, when indigenous leaders in Iquitos came across one of these *comunicados*, they commented that if their associations had the money to publish an expensive full page *comunicado* like the ones Pluspetrol were publishing, they would probably had better chances of getting public support. They had the impression that the urban population in Iquitos was in general indifferent to what was happening in the rest of the region (i.e. in their communities). Moreover, they found it ironic that in some of these *comunicados* Pluspetrol would mention their ‘openness to dialogue’. It seemed to them that after all their ‘way of dialoguing’ was through those same *comunicados*⁹¹.

⁹¹ Field notes, book no. 1

Some pertinent questions started to emerge at this point: why did Pluspetrol only assist the community of Santa Rita and selected other communities? Why would central public authorities, like the ministries, precipitously accept what the company would tell them and doubt or resist believing the testimonies of the Cocama about the magnitude of the incident? How does Pluspetrol's refusal to recognize the fact that there was contamination, and that the communities were struggling, relate to (or affect) their image and the political discourse that glorifies the extractive sector in Peru? These are some of the questions that will be discussed in the remaining chapters below.

4. Is there contamination after all?

In the months following the oil spill, reports by the National Directorate for Health DIGESA, and its regional branch DIRESA (both ascribed to the Ministry of Health) indicated that there was no contamination in the area. In this section I will describe in detail the results published by these institutions. I contrast them to another set of results published by IIAP (the Research Institute of the Peruvian Amazon), which is affiliated to the Ministry of Environment but remains categorized as an autonomous institution. Thereafter, I explore how negating the existence of contamination influenced the decision taken by a group of communities to block the Marañón River in the month of October.

State contradictions: disagreements between official reports

During the first days after the oil spill, on June 21st, a Multisectoral Technical Commission was formed in response to the videos and photographs that had been reported from Santa Rita. The aim of the technical commission was to produce reports indicating the level of contamination in the area after the oil spill of June 19th. The commission was formed by a representative of the GOREL (Regional government of Loreto), four representatives of the DIRESA, a representative of the Local Administration of Water (ALA, which belongs to the National Authority of the Water, ascribed to the Ministry of Agriculture), a representative of the Regional Directorate for Production (attached to the Ministry of Production) and a representative of IIAP (DIRESA 2010).

Three days after the oil spill, the technical commission went on its first field visit. They arrived in the community of Santa Rita and later went to the community of Saramuro, where the oil spill occurred. Samples were taken in the surrounding areas of both communities. According to the report by DIRESA, the commission talked to residents in Santa Rita, who said what the Ombudsman report also stated: Pluspetrol had never informed them about the oil spill. Instead, their workers came only to spread a chemical powder, and the fish in the area had their gills clogged with crude oil. The doctor in the community health centre at Santa

Rita also told the commission that they were informed about the accident only because a resident from San Roque, a community upriver from Santa Rita, had informed them about it by phone (DIRESA 2010).

The same day, in the community of Saramuro, the commission talked to Pluspetrol staff and informed them about the need to take samples as well as the need to provide the communities with water (DIRESA 2010). Particular emphasis was made to support the community of Santa Rita, where the local dwellers had complained to them.

A few days later, two official reports were published based on the first field visit: one by DIRESA and another one by IIAP. The results from these two institutions contradicted each other in many points. DIRESA's first report⁹² indicated that there were no visible stains of crude oil floating in the Marañón River: "the water appeared to be clean from oil" (DIRESA 2010). It points out however, that there were some plants as well as some *playas*⁹³ with remnants of crude oil. DIRESA indicated that according to the local residents, Pluspetrol workers cut the vegetation on the river banks where crude was visibly impregnated and that this was the reason why it was not possible to see it anymore⁹⁴.

The second and third reports by DIRESA⁹⁵ (based on field visits and samples taken one week after the oil spill and two months after the oil spill respectively) confirmed their preliminary observations outlined in their first report: no presence of hydrocarbons⁹⁶ in the waters of the Marañón River. Only a very small concentration of another type of hydrocarbon⁹⁷ was found, which according to the report "does not disturb the sanitary quality of the river" (MINSa 2010). The conclusion was that "after 60 days from the incident the water has recovered its usual quality" (ibid.).

In drastic contrast, the reports by IIAP indicated high levels of contamination. The samples taken 3 days after the oil spill showed high levels of oil and grease in the Marañón River

⁹² Published 01.07.2010

⁹³ Long extensions of sand on the river banks

⁹⁴ In an interview with a biologist from the National University of the Peruvian Amazon (UNAP), he refers to this as 'superficial cleaning' and 'not proper cleaning' based on technical criteria. Audio notes NR001

⁹⁵ The reports *per se* are not publicly disclosed. The results from these two samples were known through press releases uploaded on the website of the Ministry of Health on 27.08.2010, see: MINSa (2010). It is worth mentioning that the results from the second set of samples indicate that lead (Pb) concentrations in the water were above the permissible levels by law.

⁹⁶ Total Petroleum Hydrocarbons (TPH)

⁹⁷ Polycyclic Aromatic Hydrocarbons (PAHs)

“exceeding by more than a hundred times the National Standards of Environmental Quality for Water” (IIAP 2010a: 4). Contrary to what DIGESA denied, the first IIAP report noted that oil was indeed visible in the water and sediments (besides being visible in river banks, *playas*, and impregnated in river vegetation as was also recognized by DIGESA). In their first report, IIAP concluded that there is a need to undertake a “comprehensive monitoring” of the medium and long-term impacts of the oil and grease as well as the dispersant (the ‘white powder’ spread by Pluspetrol). IIAP cautioned on these impacts not only on the environment - which is the institute’s specialization- but also on the population’s health, wellbeing and socioeconomic activities.

The second IIAP report, based on samples collected one month after the oil spill, indicated that the contamination from oil and grease persisted (although it had decreased compared to the first samples). The report also mentioned that it would be “hard to predict how long it would take to achieve the *cleaning* of this sector of the Marañón River, if one takes into account the two accidents that occurred over a period of ten year” (IIAP 2010b: 9). This observation in addition to thorough explanations of the profound ecological impacts generally associated to oil contamination were inconsistent with Pluspetrol’s and the authorities’ discourse. According to IIAP’s ecological approach, the ‘cleaning’ had not only been inefficient but also insufficient and superficial. This also corresponds with what residents from several communities had been claiming⁹⁸:

“it has not been properly cleaned, the white powder had only submerged the crude [oil] to the river bottom... when the children jump into the water, the oil comes up again, you can see it floating”⁹⁹

The IIAP report concluded that, “from the available information it is not possible to determine all the social, economic, and environmental impacts caused by the spills of crude oil ...” (ibid.)

A third report by IIAP based on samples three months after the oil spill¹⁰⁰, still confirmed their position concerning the high level of contamination. The report indicates that the content of oil and grease as well as lead in the river water continued to exceed the national standards

⁹⁸ For the ministries’ comments see El Comercio (2010) and Univisión (2010). Comments by the oil companies about the good job accomplished in the cleaning of the river are available in their *comunicados* released in local newspapers (e.g. La Region, October 27th 2010)

⁹⁹ Focus groups, Urarinas district, October 2010. Field notes, book no. 2

¹⁰⁰ Samples taken on September 23rd, 24th and 25th of 2010. Published 12.10.2010. See: IIAP (2010c)

for environmental quality¹⁰¹. In addition, the concentration of lead and cadmium as well as of some other heavy metals was above the maximum permissible levels in many of the common fish species in the area¹⁰². This third report concludes on the importance of the river water's contamination to the population as it is their main source of food and is used for bathing and washing clothes. Finally, it pointed out that the various cases of skin diseases in both, children and adults as well as digestive problems (stomach cramps, diarrhea, vomiting and nausea) must be associated to the possible ingestion of contaminated water (IIAP 2010c). This is an important observation, given that some companies and authorities argue that there is no proof that the observed illnesses can be directly linked to the contamination from oil spills.

Soon after the IIAP reports were published indicating high levels of contamination, the research institution received numerous comments discrediting the value of their reports by some public authorities. One of them was the vice-president of GOREL, Norman Lewis:

"The report is a remarkable act of irresponsibility, because as a result, 59 communities have blocked navigation in the Marañón River [...] causing social unrest" (Pro & Contra 2010).

Lewis maintained that the IIAP report lacked legal value because the sampling had not included the presence of the Public Ministry. As such, he ratified that DIGESA "is the only organism capable of doing a legal evaluation of contamination in the Marañón River" (ibid.). DIGESA's reports are the only accredited ones, and they "explicitly show that there is no contamination" (ibid.). When asked about the fact that the samples of both IIAP and DIGESA were taken during the same field visits, meaning that neither of them were taken in the presence of the Public Ministry, his answer was blurry and revealed confusion and lack of knowledge about the actual sampling procedure.

In response to Lewis' and other allegations, the head of IIAP countered that the reports were not irresponsible. He added that it was "ridiculous" that IIAP was being blamed for the measures taken by the communities. He noted that indeed, the agreement from earlier meetings between Pluspetrol and the communities clearly stated that the latter would take radical measures if their demands were not heard. "The [IIAP] report is not trying to support

¹⁰¹ Other heavy metals like zinc, cadmium and nickel were above the permissible level in one of the communities where samples were taken: the community of Hipolito Unanue.

¹⁰² High levels of cadmium in all the analyzed fish species. High concentration of lead in *boquichico* and *ractacara* species. High levels of zinc in *ractacara* and sardine species. Other metals like iron reached high concentrations in *bujurqui*, sardine and *ractacara*.

or harm anyone, it is only trying to defend the Amazon's ecology, and the results are only referential because as an autonomous institute we are constantly monitoring the rivers of the Amazon", the director added before concluding that, "the underlying theme is to find solutions, what to do with the existing contamination. [The area] should be monitored all year around because as the river level rises, it starts covering more places with contamination" (Pro & Contra 2010).

After these first set of reports (IIAP and DIGESA), the Multisectoral technical commission continued taking samples at least four more times during the months subsequent to the June oil spill¹⁰³. Some of these field visits have also included members of Pluspetrol, Walsh Peru and CORPLAB (two private providers of environmental analytical services hired by Pluspetrol¹⁰⁴). An article on the Ministry of Health's website celebrated the fact that there had been significant improvements in the level of coordination and collaboration for the monitoring of the river between Pluspetrol and state institutions -both at the national and regional level- as the months progressed (see DIGESA 2010).

This same article indicated that the DIGESA's reports *per se* would be publicly disclosed. However, so far the results have only been known through 'notifications' (in newspaper format) uploaded on the Ministry of Health's website. It is also important noting that the copies of this notification were sent to the authorities of Loreto (e.g. vice president of GOREL) and Pluspetrol representative immediately after they were released. None were sent to the indigenous organizations. The Cocama organizations were only informed about the release of DIGESA's results through Pluspetrol, in a letter sent in early September¹⁰⁵. This attitude depicts how authorities often obviate the role of indigenous and local stakeholders in the evolving conflicts.

Similarly, the report by Walsh Peru, the private company hired by Pluspetrol to conduct an evaluation of the June oil spill, is neither publicly disclosed. Walsh Peru's webpage indicates that their results have been presented only to the involved authorities (See Walsh Peru 2011).

¹⁰³ The first sampling taken by the Multisectoral Commission was on 22 and 23.06.2010. The second sampling on 26.06; the third on 15-16.07; the fourth on 23-25.09; the fifth on 17-28.11

¹⁰⁴ Walsh Peru S.A. has been in charge of doing several Environmental Impact Assessments (EIAs) for Pluspetrol in Blocks 8/8x and 1AB

¹⁰⁵ 03.09.2010. Also see La Region (2010a) and Pluspetrol Norte S.A. (2010)

According to Cocama leaders, this restricted the possibilities that their organizations and advisors have to further compare the different results¹⁰⁶.

Another contradictory evaluation on contamination levels

OSINERGMIN also released a report a few days after the oil spill. OSINERGMIN's report in this kind of cases is of significant value as it is the independent regulatory body that overviews and imposes sanctions on extractive companies that infringe the law in Peru. Indeed, OSINERGMIN (first called OSINERG) was created because the Ministry of Energy and Mines (MINEM) would itself be in charge of both promoting extractive activities and enforcing environmental standards on them. The problem with this was that it became apparent that MINEM was favouring the extractive companies by imposing limited control on the negative impacts associated to them.

Concerning the Marañón oil spill, OSINERGMIN's report highlighted the effectiveness of the contingency plan and other efforts made by Pluspetrol to prevent the further dissemination of the crude. It also states that the cleaning of hydrocarbons on the water surface continued. Overall, its observations based on preliminary information indicated that, "the oil spill [had] been controlled and eliminated" and that "there is no presence of hydrocarbon being observed neither in the river water nor on the river banks in the sectors downriver from the incident" (OSINERGMIN 2010). According to several local sources, OSINERGMIN's conclusions were obtained from supervisors of the Pluspetrol plant in Saramuro. This posits crucial questions on OSINERGMIN's competence as an actual "independent" body as well as the amount of power their apparently dubious results can have at the national level, i.e. influencing for instance, what state ministries (MIENM and MINAM) say in public and the decisions they end up taking concerning these kinds of eventualities.

Clear negation of visible contamination by many powerful state actors was thus, evident after the oil spill: DIGESA (DIRESA) and OSINERGMIN as well as national and regional authorities like GOREL, MINEM and MINAM all denied any visible contamination. This situation generated suspicions of a coalition between the state, government and Pluspetrol, in particular, because of the way in which IIAP's results were discredited based on vague and

¹⁰⁶ Cocama leader, Iquitos, personal communication.

blurry arguments. Overall, it increased the already existent level of distrust on the side of the communities and indigenous leaders leading to some precipitous decisions by different Cocama groups, as will be described below.

The implications of negating contamination in the Marañón

In the letter that Pluspetrol sent to the indigenous leaders¹⁰⁷ and their legal advisors (from the Apostolic Vicariate, CAAAP and ORPIO) as well as to the Ombudsman Office in Loreto, they informed that, “DIGESA (DIRESA) [has] published reports indicating that the conditions of environmental quality of the waters in the Marañón River are entirely normal” (Pluspetrol Norte S.A. 2010). The letter made reference to the agreement of July 27th where together with the communities from Urarinas, Nauta and the indigenous association ACODECOSPAT, it was agreed that Pluspetrol would supply food and water only until DIRESA had released their results. Based on the new results and on what had been agreed during the July meeting, Pluspetrol declared that they would stop supplying food and water by September 10th. Attached to the letter were two newspaper articles summarizing DIGESA’s results; one from the Ministry of Health’s website and the other one from *Andina*, the state’s official news agency¹⁰⁸. The Cocama leaders and ORPIO’s lawyer have been demanding to see the official DIGESA reports. However, until now - ten months after the oil spill- this has not yet occurred.

The confusion and contradictions in the way the results were being handled further upset the Marañón population, who had already been suspicious of collusion between the state and Pluspetrol. As was announced by Pluspetrol, the supplies of water and food ceased at the beginning of September. A month later, in the beginning of October, IIAP’s third report was released confirming that contamination in the river persisted. A few weeks later, in the end of October, a group of roughly five thousand¹⁰⁹ residents from different communities in the District of Nauta, blocked the Marañón River as a way of protest. They manifested that the

¹⁰⁷ Leaders of the Native Communities Huashpaisla, San Jose de Saramuro, Dos de Mayo, Bagazan, and San Juan de Lagunillas.

¹⁰⁸ The official reports were not attached. Neither are they available on DIGESA’s website despite that the institution had announced that they were going to upload them (on interviews as well as on their own website), see DIGESA (2010). The only information that the general public and the indigenous associations have about DIGESA’s result is a summary indicating that the water quality is entirely normal. See MINSa (2010)

¹⁰⁹ According to El Comercio (2010). Although the number is debated to be between 3,000-5,000

serious problems from contamination continued affecting the population, even after more than four months after the oil spill.

The blockade of the Marañón meant the obstruction of an important fluvial connection for trade between three of the main cities in the Loreto Department: Iquitos, Yurimaguas and San Lorenzo (see Figure 4). Much tension emerged during these days, in particular because since the unravelling of violence in Bagua a year earlier, public authorities had in general appeared to be much more alert about indigenous peoples' protests. Thus, the blockade received immediate attention from local and national media. Tension grew in Loreto's capital, Iquitos.



Figure 4. Cocama and local dwellers' canoes blocking the passage of motorboats in the Marañón River at the community of Puerto Orlando in the district of Nauta, Loreto

The population that was blocking the river demanded the arrival of a multisectoral commission together with Departmental authorities and Pluspetrol officials. During the first day or two, local media in Iquitos had no clear understanding of what was happening in the community of Puerto Orlando, where the blockade was taking place. The Cocama leaders that had been in Iquitos for weeks trying to dialogue with the authorities and Pluspetrol were being interviewed by the media. However, they had no clear information themselves of the reasons and strategies for the blockade. They represented other communities along the Marañón River and had not been previously informed about the decision to block the river. Tension increased

as some news pointed out that the national navy was on its way to prevent escalating confrontations.

At that time I was in ORPIO waiting for the latest news. The broken pieces of information that reached the organization through radio communication from the communities near Puerto Orlando made workers in ORPIO fear that the protest would evolve into a violent confrontation. From the piecemeal of information, it seemed that the population blocking the river was also considering blocking the Iquitos-Nauta highway; another important transport connection. At some point, there were rumours that five people had disappeared during the river blockade. Later it was revealed that they were protesters whose canoes had sunk in an attempt to stop a motorboat that wanted to infringe the blockade¹¹⁰. All of them were found a few days later, alive.

The river blockade took place during the same days that meetings were being held in Iquitos trying to clarify the discrepancies between the IIAP and DIGESA reports. The tension in Puerto Orlando forced a break to these meetings. The regional authorities decided to focus on trying to solve the blockade instead. A commission of regional authorities of Loreto head to the area seeking for a solution four days after the blockade started, on October 28th. This commission was headed by Loreto's Superior Attorney, Dr. Gallo Zamudio¹¹¹. He went to Puerto Orlando carrying a document where he was proposing to end the blockade and start direct dialogue¹¹².

In Puerto Orlando (and later Nauta), after several hours of negotiations with Loreto authorities, the indigenous leaders decided to bring the blockade to an end (see Figure 5). A *mesa de diálogo* (forum for discussion) was set up in Iquitos on November 3rd where these same leaders met with Pluspetrol representatives and the authorities of Loreto in order to look for solutions.

¹¹⁰ It was the motorboat company *Eduardo V*, one of the largest motorboat companies in charge of transporting passengers and tradable goods in the area.

¹¹¹ President of the Board of District Attorneys of Loreto (*Junta de Fiscales Superiores de Loreto*)

¹¹² State representative, workshop, Nauta: PrevCon-PCM (Conflict prevention workshop "*Programa de formación en prevención, resolución constructiva de conflictos y gestión de crisis sociales*" sponsored by the Presidency of the Minister's Council)

In brief, the Marañón blockade led to a series of negotiations with this one particular group of communities, which I refer to as the Nauta's *Asociación por la defensa*¹¹³. The selection of particular groups with whom to negotiate shaped the way in which the conflict evolved, i.e. it triggered internal disputes among and within communities, loss of trust, suspicion of bribes between some leaders, and ultimately fostered more internal division.

In the next chapter I will explain in further detail why these forms of engagement with indigenous communities can be described as 'unruly'. I will depict how the 'unruliness' in the consolidation of spaces to negotiate, as well as inside the negotiations themselves, contribute to an inconclusive and temporary form of resolution, which ultimately leaves a greater feeling of grievance among the affected population. Overall, my analysis will help to argue first, that it is crucial to understand the forms of engagement and interaction between the actors in order to better grasp the root causes of upheavals and conflict. For example, that Nauta's *Asociación por la defensa* was given attention over other groups only after taking radical measures. Second, it will illuminate on how 'unruly' forms of engagement enable the extractive 'enclave' to continue operating without much disturbance, i.e. in the usual and most effective manner, just as disentangled from the surrounding 'chaos' as possible.

¹¹³ This does not include all the communities in the district of Nauta. Indeed, some organized groups in Nauta (e.g. the organized group of Nauta neighbours, OJUVENCO) did not go into the negotiations that I will describe in the next chapter. Instead, to a large extent they supported the efforts push forth by ACODECOSPAT.

5. Selecting eligibility for negotiation and compensation

Four months following the oil spill, contamination continued to be denied by the regional authorities and Pluspetrol. The Cocama leaders were convinced that there was a deceitful collusion between them.

In this chapter I focus on the ways in which some of the negotiations took place through the selected exclusion of certain groups of affected communities. The point is to emphasize the subtle ways in which exclusion occurred: certain groups are selected for negotiations while others are left unattended. Both, representatives of the oil company and the regional government influenced whom to exclude and whom to include in the negotiations, to the extent of choosing particular leaders. The established form of engagement, of negotiating, is guided by short-term solutions, leading to further divisions between and within the communities, weaker indigenous organizations and overall deeper grievances. After all, the “existing arrangements” (in the words of Ferguson) seem to satisfy and benefit the company as well as the authorities who continue their “business as usual”.

The ‘technical meeting’ at GOREL

On October 28th, GOREL had arranged a meeting for representatives of DIGESA and IIAP to discuss and clarify the discrepancies between their reports. At the meeting were to attend different authorities of Loreto, representatives of Pluspetrol and Cocama leaders. By the time I arrived, a group of about forty Cocama leaders waited outside the main building of GOREL. Next to them were a significant group of local journalists.

A day before, when the meeting was originally planned to be held, the indigenous leaders had already waited for hours at GOREL. That day, they had been told that the meeting would be a ‘technical meeting’ and that they would not be allowed in; it was only for GOREL, IIAP and DIGESA representatives. The District Attorney of Nauta, Dr. Martinez, talked to Dr. Gallo

Zamudio, Loreto's Superior Attorney, about the leader's concerns and suggested allowing indigenous representatives into the meeting. It was agreed that only four representatives would be allowed to participate. There was an immediate rejection to include the head members of ACODECOSPAT among these four representatives; ADECOSPAT which had been identified as 'troublesome' and 'intransigent' because of their decision to sue the company rather than to opt for 'negotiations' with them¹¹⁴. Meanwhile, that previous day, it became evident that the representatives of Pluspetrol would not arrive to the meeting. Thus, the indigenous leaders were told it would be postponed to the next day because of a power cut.

That next day, the indigenous leaders gathered hoping to press the authorities to allow more than just four representatives into the meeting. Their plea was in vain. Most indigenous leaders and the media were left outside. Disappointment was evident in the faces of everyone that morning as they sat outside in the heat. The media later published:

"It would be appropriate that the policy of closed doors (cierra puertas) for journalists change, since it is the media who captures the information (...) concerning issues that are of public and regional interest. The issue of river and fish contamination in the Amazon is very important and many residents, particularly the affected ones, wait for the daily news on what their authorities are doing to solve such a serious problem" (La Region 2010b)

The indigenous leaders that were left outside argued in front of the media against the limited participation that both the oil company and the Loreto's authorities were encouraging:

*"We have been three days here in the regional government and we're not yet being heard... I think the GOREL pretty much shows favouritism for the company. For us, the residents of the communities that come to make a just demand for our rights to defend the Marañón and the Amazon, we are practically abandoned by the authorities"*¹¹⁵

The press interviewed several different leaders while we waited for the private meeting to be over. There was a confusing message given by the different leaders, however. Some talked about radicalizing their demands while others talked about following criminal proceedings (*via penal*). The contradictions that emerged from these interviews were clearly also the result

¹¹⁴ This was published in several newspapers during those days as well as from several testimonies that I was able to hear. ACODECOSPAT member indicated that "even the Superior Attorney [Gallo Zamudio] had taken the freedom of labeling us as intransigent for refusing to negotiate with the company"

¹¹⁵ Cocama leader, GOREL-Iquitos, 28.10.2010

of the induced questions posed by some journalists –who were looking perhaps, for more provocative statements.

Once the private meeting finished, those who had attended came out and were immediately surrounded by the press. One of the first ones to come out was the superior attorney, Dr. Gallo Zamudio, in charge of the investigation of the Marañón case. He reiterated what was known from before, that it was not possible to use the results by IIAP for the investigations. The samples had not been taken in the presence of the district attorney (Public Ministry) and thus were not legally valid. The surrounding group of journalists mentioned that in that case he could not support DIGESA’s report either because the samples were taken at the same time by both institutions. He answered “[the results] from DIGESA, yes [I support], because like the National Water Authority, they are the only authorities that constitutionally have the right...”¹¹⁶. When one of the journalists commented that the District Attorney was not present in the second round of sampling either, he responded “I don’t remember if [the attorney] was present for the second [set of samplings]. But I think he was because it has been relegated to an assistant District Attorney” (ibid.). Indeed, no district attorney was present in neither the first nor the second round of sampling according to a DIGESA’s brief¹¹⁷. Thus, in fact none of them should have been considered legally valid.

A member of the Multisectoral Commission who had personally collected the samples for DIGESA was also interviewed that day. He said that he had not been part of the private meeting. Indeed, he was not even aware that the results by DIGESA had already been published: “...we still do not have the results, or at least I do not, perhaps the director [of DIRESA-Loreto has them]...”¹¹⁸. He explained, “...what we do is to take out samples and send them to DIGESA-Lima so that they can process them. Later they send us the results...” This statement made it evident that the meeting had not been a ‘technical meeting’ as it had been previously labelled. Otherwise, him and those directly involved in taking the samples (from DIRESA and IIAP) would have been invited to explain the technicalities of their procedures and the reasons for the differing results. In fact, the director of DIRESA, Dr.

¹¹⁶ District attorney, open interview, GOREL-Iquitos, 28.10.2010. Also published in La Region (2010) ‘Todo el mundo se ha disparado a sacar pruebas’

¹¹⁷ This refers to DIGESA’s first report which showed preliminary observations on the level contamination in the area (i.e. did not involve environmental sampling like the subsequent reports). Also, this first report was publically disclosed as opposed to the subsequent ones.

¹¹⁸ Head of the Loreto’s Environmental Directorate (Percy Cardenas), open interview, GOREL-Iquitos, 28.10.2010. Also in La Region (2010) “Nosotros no conocemos los últimos resultados de Digesa”

Carlos Manrique, had been the only representative of such institution present in the private meeting. This revealed that the pretext of a ‘technical meeting’ had been used as an excuse to exclude the media and the rest of the indigenous leaders from attending. This was heavily criticized by the media in the following days.

Another participant of the private meeting whom we were able to briefly interview was Norman Lewis, the vice-president of GOREL. He confirmed what he had said in previous interviews. He was upset at the fact that IIAP had released their report even though it was not legally validated by an attorney. He mentioned that the conclusion of the private meeting was that the authorities would call for a new round of investigations to see the real level of contamination in the area. This time, however, he indicated that they will have the legal presence of the District Attorney and a team from DIGESA-Lima.

Many of the Cocama leaders that had waited outside GOREL immediately identified two problems with this solution. First, it was perceived that by the time the DIGESA-Lima team arrived in Loreto to take new samples, it would be too late to actually confirm the same (high) levels of contamination that IIAP’s report indicated immediately after the oil spill, primarily due to the fact that contaminants continue to disperse as time passes by because of downstream effects. Accordingly, many leaders suspected that the authorities were also encouraging delayed action which would eventually help support DIGESA’s results and would end up minimizing the level of contamination. Second, for many of the leaders, the fact that a DIGESA-Lima team was going to take new samples (instead of the regional team of DIRESA taking them and sending them to Lima) did not make any difference to them. It did not guarantee them any credible results:

“It is very unlikely that if DIRESA-Loreto says there is no contamination, DIGESA-Lima will want to contradict their own ‘house’”¹¹⁹.

Besides this, leaders from the indigenous organization FECONACO had already manifested their distrust towards DIGESA’s studies to some Cocama leaders. Their organization had experienced several problems when they tried to prove the existence of contamination in their basin. DIGESA continuously negated it until an independent international laboratory (E-tech) proofed that there was indeed contamination.

¹¹⁹ Cocama leader, open comment, GOREL-Iquitos. 28.10.2010

After the private meeting, a female leader from Nauta who had been one of the four indigenous representatives allowed to go in, mentioned to the crowd gathered outside GOREL that Pluspetrol representatives had barely spoken throughout the meeting. Instead, "...It was mainly the attorney (our own people) who had been talking, defending Pluspetrol, against their own people [us]"¹²⁰. It is evident that the direct exclusion of some affected community leaders in addition to the perceptions of collusion between the state and the oil company eroded (even further) the authority and legitimacy of the state. As other studies on extractive conflicts in the Peruvian context have noted (Arellano-Yanguas 2008; Chirif 2010; Revesz and Diez 2006), the widespread suspicion of collusion and the constant signs of indolence make people feel that open conflict or violent reactions are the only way to claim what they consider to be their rights.

Immediately after this meeting on October 28th, the authorities departed to Puerto Orlando-Nauta where the river blockade that I described earlier was taking place (see Figure 5). Direct negotiations with this particular group of protesters incited exclusion of other groups like those from the district of Urarinas, a neighbour's association from Nauta (OJUVENACO) and the Cocama associations ACODECOSPAT and AKUBANA representing the lower Nauta area.

¹²⁰ Nauta female leader, GOREL-Iquitos, 28.10.2010



Figure 5. *Mesa de diálogo* in the community of Puerto Orlando (Nauta district, Loreto), where the Marañón river blockade occurred. In the first picture (from left to right), Edmundo Espíritu (Loreto's governor), Norman Lewis (vice-president of GOREL), Dr. Gallo Zamudio (Loreto's attorney), Dr. Campos Baca (head of IIAP). Also presented were a representative of the National Police and director of DIGESA. Photo: 28.10.2010.

Negotiations with Nauta's Asociación por la defensa

A parallel association called *Asociación por la defensa del Río Marañón* (Association in defence of the Marañón River) was created soon after the oil spill to represent all three affected districts (Urarinas, Parinari and Nauta). The main objective was to form a common platform to sue the company in order to obtain an appropriate compensation (indemnification) for all the affected communities. When division between leaders, communities and districts started, towards the end of September¹²¹, the *Asociación por la Defensa* was dissolved.

After its dissolution, a group of leaders from the district of Nauta took over the association's name to start their own negotiations with Pluspetrol. The new Nauta's *Asociación por la defensa* represented 43 communities in that same district, between the communities of Lagunillas and San Jose de Sarapanga. Indeed, the river blockade described earlier was organized by the Nauta's *Asociación por la defensa*. This explains why the rest of the associations, like ACODECOSPAT and AIDECOS who were interviewed by local media when the blockade occurred, were not aware of the decision to occupy the river. At that time, the indigenous groups and associations were already divided.

The leaders of ACODECOSPAT explained that the Nauta's *Asociación por la defensa* had decided to negotiate on their own because the company had told them that they were indeed willing to negotiate and compensate them only if they didn't have to deal with the president of ACODECOSPAT –who was also the president of the original *Asociación por la defensa*. For the leaders of ACODECOSPAT, it was clear that the company wanted to divide them. According to them, the main reason for this was that the original *Asociación por la defensa* was interested in suing the company rather than in negotiating small compensations, and this apparently constituted a much bigger threat to Pluspetrol. It seemed evident that they considered it was much easier and cheaper for the company to divide the *Asociación por la defensa* and negotiate individually with each association¹²².

After the four days of blockade at the end of October, Nauta's *Asociación por la Defensa* was thus invited to negotiate directly with Pluspetrol. In these meetings, which took place during November, leaders of ACODECOSPAT, AIDECOS and the rest of the organized committees

¹²¹ Field notes 8.12.2010. Book no. 2

¹²² Record no. 101027_001

were openly excluded from attending. The exclusion also concerned another organized group of neighbours from the same district of Nauta called OJUVENACO¹²³. Similarly, the press was deprived of attending all negotiations. In the first meeting, which took place in the IIAP offices in Iquitos, only the 10 previously selected leaders of Nauta's *Asociación por la defensa* were allowed to go in. All the others were held outside.

In a second meeting, everyone was initially allowed in to the meeting room; Pluspetrol and regional government authorities, the 10 leaders of the *Defensa* committee, ORPIO's lawyer as well as the leaders of the other associations, the press and myself. Nevertheless, a few minutes after everyone took their seats and the negotiation was about to start, a representative from GOREL subtly interrupted and suggested to change rooms. He argued that changing rooms would "facilitate dialogue" with the ones who are "actually involved". Pluspetrol representatives agreed. Promptly, everyone sitting on the table left the room and moved to a new one in the building next door. Outside this other room, a GOREL representative stood by the door holding a list with the names of the 10 representatives, denying again access to the rest of the indigenous leaders and the press. Even ORPIO's lawyer was not allowed in at first. He had to argue violently that the law enables the leaders to have as many lawyers as they want before, after much deliberation, he was finally allowed in. Everyone else who had been left out congregated tumultuously around the door of the second room, questioning the authorities and the Pluspetrol representatives about their eagerness to make it a closed meeting. No clear answer was given however, and the door was finally closed.

Outside the meeting that day and in the following days, a pertinent issue that was being discussed among the leaders who were not allowed into the meeting was the fact that the company had covered many of the costs of the 10 leaders of Nauta's *Asociación por la defensa*. These included costs for transportation (from their communities to Iquitos and back) as well as costs for accommodation and food during their stay in Iquitos. Overall, it generated a feeling of discontent and resentment among many of the leaders. Some bemoaned, "...they are being treated like royalty now..." and "...they even get to stay in a nice hotel." Many of the leaders considered it unfair because most of them had not succeeded in getting an appointment to "peacefully dialogue" (*dialogar pacíficamente*) with Pluspetrol and the authorities for weeks. Additionally, they felt it was unjust that they had been paying the costs

¹²³ OJUVENACO mainly represents the people living in the town of Nauta, also located in the district of Nauta along the Marañón River.

of being in the city themselves while waiting to be assisted. These costs were very high compared to their budgets, which were raised from the small contributions given by each of the households in their communities. In brief, they felt pressed for not accomplishing much during those weeks, for having to spend so much money and for not being able to bring the desired results back to their communities (whom they knew were demanding for it). Again, some commented that the only way of being heard appeared to be by taking ‘radical measures’ - like blocking the river.

At the end of roughly three weeks of meetings with Nauta’s *Asociación por la defensa*, compensation was decided. The association’s community members would receive 100 soles (approx. 35 USD) per person and 75 tons of food altogether. After this decision was made, the leaders of the association started selling some of the food (mainly canned products) on exchange for cash in the town of Nauta. Meanwhile, the rest of the leaders who still hadn’t managed to dialogue or negotiate with the company commented, “Now that they have received the money, they keep quiet”. These same leaders criticized how the Nauta association had no longer any interest in supporting the rest of the associations, nor the overall long-term objective of suing the company to obtain a proper indemnification for the rest of the communities.

In direct negotiation with Parinari district

The community leaders from the district of Parinari had started direct negotiations with Pluspetrol just a few days after the oil spill. Indeed, they were the first group of communities that got ‘separated’ from the common demand that the affected communities were trying to present as a whole. They created a commission called *Comisión de defensa y diálogo de las Comunidades Nativas del Distrito de Parinari* which I will refer to as the Parinari Commission. This commission represented the 28 communities in the district of Parinari. Their first meeting with Pluspetrol took place, four days after the oil spill on June 23rd, when Pluspetrol representatives arrived in the community of Santa Rita with the purpose of holding a meeting. That same day, community leaders across Parinari (including AIDECOS leaders) and Pluspetrol representatives signed an agreement in which the company committed itself to supplying the communities with water, food and medical attention until technical reports

would indicate that the water was drinkable again. Also, the agreement stated that in case Pluspetrol did not comply with such commitments, the communities would take radical measures.

During those first days after the oil spill, two medical reports by indigenous representatives assessed that the health situation of people in the communities was deteriorating. A large amount of inhabitants in Santa Rita de Castilla and various other communities in Parinari were experiencing severe diarrhoea and vomiting. As a result, Pluspetrol sent two doctors who brought along an allotment of medicines to the health centre in Santa Rita (Informe médico 2010). According to the health report, the two doctors were to assist the patients for 2 days and afterwards one of them would stay for another 10 days. He or she was then going to be replaced by another doctor, which altogether would complete a month of medical assistance. According to the medical report, Pluspetrol also committed itself to assist the rest of the communities through a health brigade after July 10th.

A week and a half after the agreement in Santa Rita, indigenous representatives from Parinari went to Iquitos to meet Pluspetrol representatives again in order to inform them, in the presence of the Ombudsman representative, that the food and water that they had agreed to distribute in the communities had not reached all 28 communities; “they have supported 18 [communities] at most” (Defensoría del Pueblo Loreto 2010). Moreover, in the cases where the provisions had reached the villages, they had not been enough to cover the needs of the entire population in each community. Moreover, in many cases the food that was sent was spoiled which naturally upset the population. Several had received expired tuna cans, rotten rice and other goods infested with worms (Defensoría del Pueblo Loreto 2010).

Pluspetrol representatives replied that they had been delivering food and water but that they had not reached some localities because they did not show up on the map. They had done the deliveries according to the demographic information provided by the National Institute of Statistics and Information (INEI); statistics which apparently had not been updated. Thus, in a follow-up meeting in the community of Santa Rita, the leaders gave an updated list of the number of inhabitants per community in the Parinari district to the representatives of Pluspetrol. At the end of the meeting the parties agreed that Pluspetrol would deliver double the amount of water, food and medicines, since the community leaders still had noted a shortage. In addition, the leaders also suggested the possibility of implementing small scale

projects such as poultry and fish farms (*proyectos de aves* and *piscigranjas*), but nothing concrete was agreed on that matter (Acta Parinari 2010).

Three weeks later the Parinari commission together with other representatives called for a new meeting with Pluspetrol. Again, it took place in the community of Santa Rita. This time, the regional manager of Pluspetrol was present as opposed to only the Community affairs representatives. Also, many other regional authorities attended¹²⁴. The purpose was to point out that it had been nearly a month since the oil spill and Pluspetrol had still not complied with supplying the communities with enough water and food despite of two previous agreements. Moreover, the cases of diarrhoea and vomiting continued to increase daily. A set of requests previously prepared by the communities was presented to Pluspetrol that day. These requests, among other things included long term sustainable development projects and constant renewal of medical supplies. When the manager of Pluspetrol saw those particular requests he indicated that those did not corresponded to their company mandate. He then added that Pluspetrol does, however, allocate a budget called the ‘economic development fund,’ which accommodates the priorities of the communities.

After explaining this, one of the representatives of the Parinari commission asked about the amount of the budget. The Pluspetrol manager answered that it was 2 million soles as a one-time deposit and that it would only include the communities in the District of Parinari. He also clarified that the budget is not an ‘indemnification’, but that it would be part of an ‘emergency support’. The community members showed disagreement concerning the amount suggested. After some discussion about what would be a more proper amount, the Pluspetrol manager agreed to make it 2.5 million soles instead (approx. 700,000 USD). The community members approved and an agreement was signed immediately.

After these events the communities of Parinari no longer supported the collective demand of the rest of the associations like ACODECOSPAT. Some of the leaders of ACODECOSPAT considered that the direct form of negotiation employed by Pluspetrol was part of a strategy to continue dividing the affected communities. They became even more convinced of this after realizing that this had also been what Pluspetrol did in a previous case when dealing with the communities in Block 1AB.

¹²⁴ The Loreto’s superior attorney, the provincial attorney of Loreto-Nauta, Loreto’s Ombudsman, peace judge (*juez de Paz*) of the Parinari District, District governor, representative of DICAPI.

“While we looked for the unity of all the affected [communities], the company managed to convince the leaders of the Parinari district... to negotiate with them according to the criteria that the company holds to divide [communities]”¹²⁵

Overall, Pluspetrol’s initial preference to deal with the communities of Parinari was also supported -deliberately or not- by the regional authorities. This can be seen for example in DIGESA’s first report, where one of the members of the Multisectoral Commission (inspecting the level of contamination during the first days after the oil spill) talked to Pluspetrol representatives in Saramuro. He or she mentioned the complaints received by locals in Santa Rita (Parinari) because that was the only other community where the commission had stopped before arriving to Saramuro. Consequently, he or she emphasized the need to support that particular community (or area). No equal consideration was taken for the rest of affected communities, which after all had the same complaints.

Negotiations with the Urarinas district

In the beginning when they first created the original *Asociación por la defensa* (the one representing all three districts) the representatives of the communities of the Urarinas district worked close together with ACODECOSPAT. However, after a few months they also saw the need to organize themselves separately in order to negotiate with Pluspetrol. Much of the incentive to start their own negotiations was generated after seeing that the communities from Parinari and Nauta’s *Asociación por la defensa* had managed to obtain immediate economic benefits from Pluspetrol. Following this example, the leaders from the Urarinas district formed their own association in the end of September¹²⁶, which I will refer to as the ‘Urarinas committee’¹²⁷.

The Urarinas committee started private negotiations with Pluspetrol during the month of November, five months after the oil spill. They had been waiting several months in Iquitos to get an appointment with Pluspetrol. Even, the regional governor of Loreto once told them –

¹²⁵ Voice record no.101027_001

¹²⁶ The Urarinas association was in fact legally registered at the end of October, so negotiations did not started until then.

¹²⁷ The Urarinas committee was called “*Los damnificados por la contaminación de la zona de Saramuro a Ollanta del distrito de Urarinas*”. The accounts and quotes in this section are found in Field notebook no. 2 - 8.12.2010 and Audio record no. 101223_001

when they were left outside the meeting room at IIAP- that he would personally make sure that Pluspetrol meets them. They later criticized him saying that, "...the only thing he had done was to call the company. That was it".

It was clear that Pluspetrol's decision to finally meet with the Urarinas leaders was mainly driven by a public 'threat' made by the Urarinas leaders. They had appeared on the front page of local newspapers warning about their intention to occupy the oil wells of Block 8E¹²⁸. Pluspetrol representatives immediately arranged a meeting, earlier than what had been previously planned. An important Urarinas leader communicated me that "Pluspetrol called because they were scared of what could happen if we 'close' [occupy] the [oil] wells and if there was to be tragedy"¹²⁹. This example clearly denotes how indigenous leaders are in many instances forced to make 'extreme declarations' in order to initiate a 'dialogue'. Ironically, this same attitude of making 'extreme declarations' is often used to accuse them of being "radical" and "uncivilized". These 'extreme declarations' are often portrayed by the media (and perceived by the public) as decisions that are drastically taken rather than part of a long process in which leaders have consistently been denied open and meaningful dialogue, a space to participate and to be heard.

Similar as with other groups, the negotiation with the Urarinas committee was also a complicated process. According to one of the first agreements, Pluspetrol had committed itself to supply food and water to all the affected communities. However, the proper amount had never reached the communities of Urarinas. The first request the Urarinas committee presented to Pluspetrol was to deliver the 450 tons of food that, according to them, the company owed them. At first, Pluspetrol wanted to give them 100 tons instead of 450. After a long discussion, they agreed to make it 400 tons. Later, the committee tried to negotiate the value of the food in monetary terms. However, the leaders said that Pluspetrol wanted to give them the value worth of food but based on a minimum price, i.e. the price that one would pay for canned food in Lima rather than in their communities, where it is more expensive. In addition, the Urarinas committee also requested an 'emergency support' of 2.5 million soles, similar to the one that Pluspetrol had given to the communities of Parinari (also called the 'economic development fund' in Pluspetrol terms).

¹²⁸ In La Región (23.11.2010) "Cerrarian válvulas de pozos petroleros en zona de Urarinas"

¹²⁹ Field notebook no. 1 - 21.11.2010

On the other hand, Pluspetrol also made demands which were subject to extended discussion. According to one of the indigenous leaders, Pluspetrol wanted them to sign an agreement indicating that after having received the economic support "...the communities [would] give up any other type of demands for the incident". Some of the leaders refused to sign it but were being pressured from their communities to do so as "...they [the communities] wanted the money to come". Furthermore, according to the leaders, Pluspetrol wanted not only the community representatives to sign this agreement, but the entire community as well. The reason for this was that in case there were future changes in the committee, the document would still be valid and irrevocable. It would show that all community members had agreed on the decision made regardless of who their leaders were. This would mean that the Urarinas communities would not be allowed to ask for anything else concerning the oil spill in the future. Pluspetrol's condition generated much disagreement within the Urarinas committee as well as between the committee and Pluspetrol. As a result, dialogue between the parts was paralyzed for some time.

A few days later, a Pluspetrol lawyer from Lima came to follow up on the case. After 3 weeks of intense negotiations, Pluspetrol agreed on giving the monetary support requested by the Urarinas committee. This triggered a long discussion among the leaders on how the money would be distributed among them; whether it would be according to the number of children per family, marital status, etc. At the end, the families received between 2,000 to 4,000 soles (approx. 700-1,400 USD), which ended up being more than what Parinari had received per family. Many rumours emerged that some leaders may have taken more than their share of the compensation. These rumours constantly disrupted the unity of the committee and created problems between the leaders and their community members. Also, one leader was criticized for having joined the committee just to obtain political support as he was running for a public position at the time. Some argued, "...he wants to take all the credit for what had been accomplished so that he could use it for his political campaign".

Other disagreements within the committee concerned the amount of money the lawyer would be paid. Like the Nauta association, ORPIO's lawyer had also served as legal support to the Urarinas committee throughout the entire negotiation process. The leaders acknowledged from the beginning that the lawyer "...also wanted part [of what was negotiated]... and he had fought very hard in the negotiations... he really kept a firm hold on our position". After

this, another leader mentioned how everything that the lawyer said in the negotiations was what the committee had actually told him to say as a way of highlighting that the lawyer just served to clarify the committee's message, i.e. was not using a different discourse than theirs. Most significantly, however, an Urarinas leader mentioned that Pluspetrol had said something along the lines of, "...we could reach a solution straight away with the people of Urarinas but the lawyer is the one who is complicating it all..." (*la empresa sólo le culpaba a él... por él también le hemos agarrado a la empresa*)¹³⁰. This denotes the company's preference to engage in direct negotiations with the communities, which clearly diminishes the communities' bargaining power, rather than negotiating in the presence of other better informed actors. Indeed, the Urarinas leaders recognized that in fact, the lawyer's insistence and determination, something he called 'a creole attitude', to hold back from lowering the bargain made a big difference at the end; "*bien criollo él*". This is what made the negotiation 'successful' according to one of them.

The support provided by ORPIO's head as well as the organization's lawyer in the different negotiations (with the groups from Nauta and Urarinas) was also heavily criticized by the rest of the associations and leaders. In their view, rather than promoting consensus, unity and a longer-term solution to the problem of contamination, the way ORPIO had straightforwardly lent legal support to each different group had incited further division. Additionally, the lawyer himself was labelled as 'opportunistic' by some leaders and suspected that he preferred the 'smaller negotiations' in order to assure a certain amount of the money for himself¹³¹.

Negotiations with AKUBANA

The Cocama Association AKUBANA was one of the groups that together with ACODECOSPAT sought to sue the company. Despite weeks of trying, they did not manage to set up an appointment with Pluspetrol. Pluspetrol rejected them on the basis that their communities were located too far downriver from the place where the incident had

¹³⁰ In Spanish: *ya llegaríamos a una solución de frente con la gente de Urarinas pero el que está "fregando" es el abogado*

¹³¹ Cocama leaders, open comments, Iquitos. Field notes, Book no. 3 - 21.12.2010. The lawyer was also criticized apparently for distributing the money among the local population himself

happened¹³². They were told that they had not been truly affected by the oil spill and thus, were not entitled to compensation. As a result, they joined efforts with ACODECOSPAT. They argued that it was not possible to say that the contamination of water and fish remains constricted to one particular area because as the river water flows, the contamination eventually reaches their communities. They had experienced very similar problems to the communities upriver: the oil had not disappeared. Rather, it had again emerged from the river bottom contaminating their only source of water, fish and crops. The fish and crops were unhealthy looking and in various cases, inedible; causing the community to fall seriously ill.

In November, AKUBANA leaders were finally invited to a meeting in Pluspetrol's installations in Iquitos. No public authorities were present and the press had not been informed. It was a discrete meeting between two Pluspetrol representatives and about 20 Cocama leaders.

For this meeting, the AKUBANA leaders asked me if I could join them to write down the minutes. They were also interested in making sure that their case was included in my study. I agreed and went along with them and waited outside Pluspetrol's facilities before the meeting started (See Figure 6). We were told that the Pluspetrol representatives had not yet arrived and that we had to wait. An hour or more later, Pluspetrol guards took our ID's as we entered the facilities. We were told to sit down in a room close by the entrance. About twenty minutes later, the Pluspetrol representatives came. First, the Pluspetrol representative allowed each of the leaders to be introduced out loud; saying their names and the community and association they belonged to. In that first instance, one can say that the meeting was fairly agreeable and frictionless. As the meeting progressed however, the grievances and frustrations of the leaders started to come up. Most of their interventions tried to depict the urgent situation in their communities. They used specific examples of how the contaminated water and fish were affecting their livelihoods and their families, wanting to make Pluspetrol's representatives understand the state of urgency.

¹³² Their communities are located downriver from the town of Nauta, in the section where the Amazon River begins after the confluence of the Marañón and the Ucayali Rivers (district of Nauta).



Figure 6. Representatives of the Cocama Association AKUBANA outside Pluspetrol installations in Iquitos. November 2010

Only one of the two Pluspetrol representatives talked throughout the meeting. The other one remained non-attentive almost the entire time. In previous occasions, I had heard some leaders commenting on how unpleasant they find it when oil company representatives look disinterested at those negatively affected by the companies. The main spokesperson however, remained very attentive and appeared comprehensive. He listened to all the leaders' complaints and testimonies about the situation in the communities. In spite of showing comprehensiveness, in many of his phrases there was a hint of resistance to understand the reality and deep frustrations of the people. This resistance was expressed in very subtle forms. The formulation of his arguments was cautious and particularly polite. Through allegations like, "...at no point in time have we lied to you and have we made you waste your time", the Pluspetrol representative tried to induce "truths" over the leaders; convince them that what he was saying was factual. Some leaders often easily agreed on this kind of statement right before their next intervention "...yes, but...", although it is inaccurate to say that they truly believed them after all.

The way in which leaders agreed or were convinced (at least some of them) by Pluspetrol's allegations made evident the importance of power issues in the negotiations. Pluspetrol's representatives epitomized a group of people in society that among other things, because of their education, their fluent lingo, and their social and economic status have more credentials, in the eyes of some leaders, to be "right" in their arguments. The asymmetries in the decision power were also much clearer in the way some indigenous leaders' portrayed themselves as 'poor': "...there's been so much contamination for so many years. And the poor? The poor are never given their rights". This position was taken by some AKUBANA leaders in spite of the fact that other Cocama leaders (e.g. ACODECOSPAT) constantly tried to highlight in internal meetings that indigenous peoples are not 'poor' but they soon *will* become poor because their environment is being contaminated and they are being left without a livelihood¹³³.

Throughout the meeting, the spokesperson tried advising the leaders to remain calm and always go the "good way", i.e. that there is no need for violence. Some of the phrases that he used also suggested a sense of compassion and simultaneous detachment from the situation that the leaders were describing. In the words of Appel, "as if they had nothing to do with" peoples' problems: "you must have faith", "I'm glad to see that you are better organized"¹³⁴. Pluspetrol's representative wanted to portray a corporate image of 'willingness to dialogue' and the use of "civilized" ways to engage and reach solutions. More significantly, they wanted to convince the leaders of such a corporate image: "don't speak badly about our person" (as a company), "keep everything amongst yourselves", trying to persuade them that they must not believe the negative comments that other indigenous groups had been saying about the company.

During this meeting, the AKUBANA leaders gave Pluspetrol's representative a paper with 3 requests; among them the need for water, food and medical support. Pluspetrol's representative argued that the contamination does not necessarily come from the oil activity (in Block 8E) and thus, the company cannot be held responsible for the existence of heavy metals in the river water and in the fish. He concluded by rejecting all the requests and

¹³³ "Poverty will come when we have no more fish, not a single banana, and plants and trees to build our houses", "in the past, among the Cocama, the word 'poverty' did not use to exist" –Cocama male leaders, Nauta, 12.11.10. Audio record no.101112_000

¹³⁴ The account and quotes in this sections are found in the digitalized field notes 101110 and 101112

holding the state responsible for it, “on those points we cannot support you... for that you have the attorney, the regional government, [and] other options”. With this type of allegations, they further detached themselves using ‘resource curse’ justifications, lamenting the fact that the government needs to get its act together.

The frustration of the leaders led them to say: “if it doesn’t work, the peaceful way, we already have a Plan B”. This meant a more drastic solution like occupying and stopping the oil wells and the Iquitos-Nauta highway. Pluspetrol’s representative confronted the idea using arguments like,

“We have cordially invited you to our house and we want to dialogue like ‘civilized’ people”.

Again, hints of prejudice were evident in the way the spokesperson referred to the type of dialogue that they were having as “civilized” in contrast to the radical or violent “uncivilized” actions that the leaders were considering. Apparently, the Pluspetrol representative was not able to recognize that after all, the leaders didn’t feel that they were being heard through such “civilized” dialogue. The Pluspetrol representative gently concluded: “we have already been very tolerant” and finally “you are free to do what you want”.

As the Pluspetrol representatives stood up indicating that the meeting was over, the leaders insisted that they needed to sign the minutes, which declared that Pluspetrol had not agreed with any of the 3 requests that had been presented. The Pluspetrol representatives refused the suggestion alleging that, “this is only a dialogue”, while they walked away from the room. It was evident that the leaders were upset, discouraged and frustrated as they left Pluspetrol’s facilities.

In brief, the two parties seem to speak and argue on two different levels. On the one hand, Pluspetrol subtly tried to persuade the leaders of a positive corporate image and that they had been tolerant enough with community demands. On the other hand, the leaders wanted to make Pluspetrol understand that they had long waited to be heard, and that they were facing serious problems in their communities (due to Pluspetrol’s activities), which were directly affecting their livelihoods. At the end however, the decision was in the hands of the Pluspetrol representatives, who determinedly declined the indigenous requests considering them state affairs. Moreover, Pluspetrol had the power to resist from signing the minutes, leaving the indigenous leaders with no argument to fight back.

The AKUBANA leaders went straight to the offices of ORPIO after the meeting was over where they met up with the leaders of ACODECOSPAT. The ACODECOSPAT leaders anticipated that Pluspetrol would decline the requests presented by AKUBANA. They knew that the company had consistently rejected to compensate their communities based on the argument that they are too far downriver; in addition to the fact that there was apparently no contamination according the DIGESA's study. In ORPIO, the leaders of both organizations, ACODECOSPAT and AKUBANA, discussed the subsequent strategy to adopt. They hence decided to strengthen their alliance again and focus on long-term objectives to address the problem of contamination as well as to sue the company through a proper procedure (which includes technical evidence) in order to obtain a formal indemnification for the damage caused.

6. Further disentanglements

"I don't understand why, if it's a crime, none of the responsible ones have ever been sanctioned. The strategy of impunity has started. This has been the constant at the national and regional level. Organizations get divided, confusing dictates are given. DIGESA says that the contamination has passed and this is outrageous...The Supreme Court, how many oil company managers has it sanctioned?"
-Dr. Jorge Tacuri (PPDI lawyer)

So far, I have in detail described and examined the relationship and negotiations between the actors involved, while looking at the way *power* and *participation* manifest itself in these interactions. In this section I now turn to outline some specific mechanisms that enabled the appropriation of power by Pluspetrol and government authorities throughout the conflict. I highlight how these mechanisms enabled the further disentanglement of the oil company from the mess it created after the oil spill. Moreover, I argue that the mechanisms for such 'effective disentanglement' were undertaken both, *because* and *despite* the 'unruly engagements' and the 'enclave' form of extraction in the Peruvian Amazon.

Mechanisms for 'effective disentanglement'

In the aftermath of the oil spill, Pluspetrol's publication of *comunicados* in the local newspapers, which portrayed a positive corporate image, was an important mechanism to maintain power while handling the problem. Instead of opening a dialogue, the company was able to structure and limit direct communication through the *comunicados*. In other words, the company, through these one-way communications, was able to effectively appropriate and monopolize the discussion by avoiding direct confrontation from other stakeholders (particularly during the first weeks after the oil spill). This clearly denotes a position where the indigenous party had "no choice" and where other state representatives were "highly manipulated", both of which represent the lowest forms of participation according to Tossun (2006) (see typologies of participation of Figure 3). This limitation that was imposed on the

dialogue was described by a Cocama leader: “they [Pluspetrol] closed the dialogue on us... confronting face to face is different” (*nos cierran el diálogo... dar la cara es diferente*)¹³⁵.

The role of the *comunicados* was also closely associated to another mechanism that I identify here as the ‘delayed action’ mechanism. By ‘delayed action’ I refer to the way in which Pluspetrol repeatedly deferred environmental sampling, meetings with the Cocama, and decisions concerning the Cocama’s requests. In the first case, the fact that the ‘official’ environmental sampling procedures were postponed naturally resulted in samples that showed lower levels of contamination. Likewise, postponing meetings and decisions concerning the Cocama’s requests eventually drained the patience and economic resources of some indigenous leaders. Moreover, the waiting often debilitated leaders’ bargaining position as some felt hurried to wrap up the negotiations and go back to their communities, “I haven’t been back [home] since September [three months]... once the negotiation is done, I will leave this position [as commission member for the negotiations]”¹³⁶. To some extent, the delayed action contributed in making the Cocama more willing to accept Pluspetrol’s terms (i.e. basic compensations). These delays often attenuated their initial claims, losing sight of the actual problem of contamination. A similar case portraying this ‘delayed action’ strategy was sketched by Joe Berlinger’s documentary *Crude* (2009), where the U.S. oil giant Chevron delays attending to a serious cases of contamination in the Ecuadorian Amazon, purposively debilitating the pressing indigenous’ demands.

Another aspect of Pluspetrol’s ‘effective disentanglement’ was the inhibition of any other actor except for DIGESA in legitimately claiming whether there is or is not contamination. The fact that DIGESA is the *only* accredited institution with a ‘right’ to take samples that legally represents ‘the reality of contamination’ means a straightforward and perpetual rejection of any type of contestation. This effectively prevents the Cocama and other oil-affected communities from being sources of knowledge about contamination in the areas where they live. In other words, affected communities were forced (without clear reasons) to rely merely on the state’s ultimate dictate even when state-company collusion were evident.

The only case in Peru where affected indigenous communities have been able to contest and demonstrate contamination from oil activity in their territories was the case of the Achuar

¹³⁵ Field notes, book no. 2 - 8.12.2010

¹³⁶ In Spanish: “*logrando la negociación, ya dejo el cargo*”. Urarinas leader wanted the negotiations to finish so he could go back to the community. Field notes, book no. 2 - 8.12.2010

which resulted in the '*Acta de Dorissa*'. In this case, key alliances with non-indigenous actors (particularly NGOs), enabled the Achuar people to hire an international laboratory in order to conduct independent contamination testing¹³⁷. The high expenses involved in this type of procedure are a limitation for the Cocama today. Nevertheless, some Cocama associations (headed by ACODECOSPAT) have begun looking for alliances that could support the independent monitoring of the rivers. Currently however, the appropriation of power through an unfounded 'rule' where DIGESA has the only legitimate 'right' to prove contamination shows yet another form of 'unruly engagement' with indigenous people that perpetuates the further 'disentanglement' of oil companies in the Peruvian Amazon.

Another important reason why some Cocama leaders feel the urge to undertake independent monitoring is because of the controlled access to key information, like DIGESA's official report. This is another form of 'coercive' participation as the Cocama are restricted from full and appropriate information that directly affects their ability to make well informed decisions when meeting, negotiating and bargaining with the oil company.

Moreover, the way in which negotiations are carried out enables Pluspetrol to ultimately decide who they will support. The company has the power to distribute basic resources like water, food, medicines, etc., based on its own criteria of who deserves what, how much, and until when. It also has the power to limit dialogue with communities that are "too far downriver" without technically founded justification (e.g. AKUBANA communities), despite the fact that these communities have experienced just as many detrimental effects from the oil spill as the rest. Pluspetrol was able to set the rules of who is eligible for support, compensation and negotiation, largely due to the lack of a contingency plan.

The absence of a contingency plan also facilitated making Pluspetrol have the power to decide how negotiations would proceed, and based on what terms. Although indigenous representative bodies exist¹³⁸ (AIDSESEP and ORPIO) and concrete indigenous associations were created to start a dialogue after the oil spill¹³⁹, Pluspetrol was able to engage and favour some communities that willingly entered into temporary alliance while leaving out others that were less convenient to negotiate with. No official and legal regulations designate whether

¹³⁷ Interview with Achuar leader, Iquitos, 03.11.2010

¹³⁸ According to the ILO 169 Convention, these are the institutions that should be approached for consultation

¹³⁹ The original *Asociacion por la defense* that represented the affected communities from all three different districts.

these ‘partial negotiations’ are valid or not; so although they are evidently ‘unruly’, they are considered legitimate and are thus supported by GOREL and other local authorities.

Finally, contrary to the ideal setting of communication and dialogue assumed by government authorities and companies, negotiations and *mesas de diálogo* act themselves as mechanisms for the company’s effective disentanglement. In the case of the Cocama, the agenda that was brought into the negotiations was dominated by Pluspetrol, and the negotiations were poorly mediated by the state (in many cases GOREL in fact supported and provided legitimacy to the results of the negotiation). Besides the meetings where I made these observations, a human rights lawyer who had been present in several *mesas de diálogo* between the Cocama and Pluspetrol also noted: “the indigenous leaders bring their points, but they are simply inserted in the company’s agenda”¹⁴⁰. The same lawyer also commented that on one occasion he had been accused by a company representative for “inciting insurgency among the population” because he tried informing some community members before the beginning of a meeting about their rights and other meeting procedures that they could undertake, e.g. the need to make a written agreement signed by company representatives, which the community could later use to demand the fulfillment of the commitments.

Moreover, these ‘invited spaces’ (Cornwall 2004) where the *mesas de diálogo* take place tend to be highly formalized, or dominated by what Rodríguez Garavito (2010) calls ‘procedural rules’¹⁴¹. The formalization of meetings entails the imposition of a form of participation by the more powerful negotiating group (i.e. the oil company or state authorities). The Cocama learned about the procedures that needed to be followed in order to enter into negotiations, e.g. “we [our association] now has its own legal personality (*personería jurídica*), the company demanded this in order to sit [and negotiate]”¹⁴². However, neither the company nor the authorities were willing to learn from Cocama political organization and the forms of participation and decision-making internal to their communities (such as decision making by consensus and other mechanisms that were outlined in the “Community” section at the beginning of Part II). In many respects these community decision-making mechanisms tend to conflict with those that state officials and company representatives propitiated. Overall, the

¹⁴⁰ Audio record no. 101220_000

¹⁴¹ Also referred to as ‘procedural topics’, e.g. “operationalizing agreements, certifying the list of participants, and navigating the intricacies of compensation payment” (Rodríguez Garavito 2010:35)

¹⁴² Urarinas’ committee member, Iquitos. Field notes, book no. 2 – 8.12.2010

‘procedural rules’ imposed in such formalized negotiations reinforced power asymmetries between parties.

The revelation of subtle prejudicial expressions and attitudes is another example of how power asymmetries are reinforced through these spaces. For example, certain comments made by Pluspetrol representatives revealed expectations that indigenous leaders should act in a “civilized” way, i.e. that the ‘dialogue’ through meetings with the company are a ‘civilized’ form of engagement compared to the ‘uncivilized’ blockades or protests to which they are usually associated with. These prejudicial elements often caused the Cocama to feel less confident in fully expressing their knowledge, concerns and demands. Moreover, the prevalence of a ‘civilized vs. savage’ discourse in negotiations is crucial when considering the social stigma of the indigenous people in the Peruvian context. This applies particularly when referring to the Cocama, who until recently did not consider themselves as indigenous (and many still do not) due to this social stigma and the long history of cultural oppression that led to it. In the words of an Awajun leader, the Cocama “feel uncomfortable saying: I am Cocama”. They say: ‘We are civilized now, we do not want to speak the [Cocama] language’¹⁴³

Thus, negotiations and *mesas de diálogo* are highly ambiguous regarding the type of communication and outcomes that they can achieve. It is clear that entering into negotiations with the Cocama does not necessarily mean that there is an even dialogue with mutual understanding, which can produce long-lasting outcomes. A paternalistic approach is evident where the indigenous party is considered less capable of presenting their own and ‘civilized’ claims. Contrary to the idyllic image of the ‘(peaceful) negotiations’ and *mesas de diálogo* maintained by Peruvian authorities and corporate representatives, on the ground these spaces not only perpetuate power differences between parties, but they also legitimize them.

‘O aceptas o nada’

When comparing other similar Latin American cases (as outlined in Rodríguez Garavito 2010) to the Cocama one in Peru, a clear difference emerges in the way the indigenous party

¹⁴³ Quote obtained from an anthropology student doing fieldwork in the area

confronts the agenda imposed by oil companies and the state in negotiations. Rodriguez Garavito (2010: 35) argues about the U'wa case in Colombia:

*"While state officials and company representatives seek to limit discussion to immediate procedural topics... the indigenous representatives... constantly return to the subjects of the sacredness of the earth and its resources and the collective history and denouncement of the violence that engulfs them"*¹⁴⁴

His first argument closely applies to the case of the Marañón where state officials and company representatives limited the dialogue to 'procedural topics' in most negotiations. However, his second argument was only partly observed in the case of the Cocama. Only one Cocama association (ACODECOSPAT) consistently emphasized the 'sacredness of the earth' in their rhetoric seeking for justice.¹⁴⁵ The rest of groups did not necessarily (or not as often) articulate a 'justice' discourse. These groups were precisely the groups that went into negotiation with Pluspetrol (i.e. Nauta's *Asociación*, Urarina's committee, Parinari's association). In the negotiations that I witnessed, these Cocama groups based themselves on subjects that involved natural resources and livelihoods (e.g. that they don't have water and fish or food), but they generally did not entirely expected 'justice' to be recognised and preferred (after internal disputes, that is) to enter negotiations and accept the compensation schemes put forth by Pluspetrol.

In contrast to the discourse commonly used by indigenous groups in Latin America, the discourse of 'earth justice' or simply 'justice' was not in the forefront of these groups' claims, which poses a pertinent question: *why do they accept entering into 'unruly negotiations' themselves?* It is a complex question with equally complex answers. Here, I offer two that I find the most pertinent and which reflect the particular case of the Cocama people (compared to other indigenous peoples) and, in relation to the political context in Peru.

First, the answer implicates the concept of the Cocama 'community'; its formation, heterogeneity, representational leaders, and organizational structures. As mentioned at the beginning of Part II, some of the Cocama associations emerged in response to particular development initiatives, whereas others like ACODECOSPAT emerged in response to

¹⁴⁴ With respect to consultation processes of the U'wa people

¹⁴⁵ For example, ACODECOSPAT leaders in several occasions said: "Our fight is in defense of life and the rivers of the Amazon..." Although I mention that there is only one association that uses that rhetoric, during my fieldwork (end of 2010), ACODECOSPAT was in the process of strengthening alliances with AKUBANA and a few other Cocama associations in the lower Nauta area.

concrete problems being faced by their communities (including an oil spill in the year 2000). Thus, even before the oil spill occurred, the different associations had different objectives and motivations that ultimately generated different responses when dealing with the oil company. This is particularly reflected in the degree in which they use a discourse of ‘justice’. ACODECOSPAT is much more consistent with this discourse, indeed, it is central to the association’s statutes. Instead, the internal guidelines of the other committees and associations that emerged right after the oil spill (the Nauta, Parinari, and Urarinas committees) were focused on entering negotiations with Pluspetrol. The varied motivations behind the creation of each association were a pertinent factor in determining who would negotiate.

These differing approaches between Cocama associations were also driven by the very heterogeneous positions within the communities that these associations represented. For example, I met Cocama leaders who were negotiating for economic benefits being fully conscious that it would not bring long-term solutions to the contamination. They negotiated in this manner mainly due to the pressure that they were feeling from community members who had heard that the Parinari communities had already received direct (economic) benefits¹⁴⁶. Thus, the fact that Pluspetrol decided to initiate negotiations with one particular group (i.e. Parinari) impacted how the rest of the affected associations reacted. This is what was referred as “the company’s criteria to divide” by some ACODECOSPAT leaders¹⁴⁷.

On the other hand, I also met community dwellers who did not want their leaders to negotiate “for breadcrumbs” with Pluspetrol and who instead supported ACODECOSPAT’s long-term vision to fight contamination. However, their community leaders still went into direct negotiations because that is what the majority of the community had decided (although not by consensus, which –interestingly- already indicates internal changes of decision-making possibly reinforced by the presence of oil activity in the area). In this case, the leaders who engaged with the oil company ended up being “intermediaries” (Guzman-Gallegos 2010) who may not necessarily represent the whole community.

¹⁴⁶ Field notes, book no. 2 – several occasions: “those from Parinari [district], they already received [cash]”. This also goes hand in hand with observations on how many Cocama in the communities were not able to make a clear distinction between the role of the state and the role of the company when oil spills (or other incidents) occur.

¹⁴⁷ See full quotation by ACODECOSPAT leader on p. 91

Overall, these internal community situations indicate the complex drivers behind indigenous responses to powerful actors like oil companies as well as the importance to recognize the heterogeneity of communities, as underlined by Agrawal and Gibson (2001, see the “community” section). The complex drivers and high heterogeneity between and within the Cocama communities partly answer why some of the Cocama accepted Pluspetrol’s own terms of negotiation, even when they were evidently ‘unruly’.

A second important highlight concerning why some groups decided to go into negotiations with Pluspetrol pertains to the Cocama’s perception of the ‘Peruvian state’ and government responses to indigenous issues. The fact that many Cocama suspect collusion between the state and Pluspetrol¹⁴⁸ facilitates an understanding of why many Cocama thought that if they did not go into ‘unruly’ negotiations, they would not get anything at all. This situation reflects this section’s title: “*o aceptas o nada*”, which translates as “either you accept or you get nothing”.

To a large extent, the Cocama went into negotiations knowing that they had less bargaining power and that eventually they would have to accept many of the conditions imposed on them, despite of the serious damage that oil spills entailed. Many Cocama leaders for instance are pessimistic regarding the prospect of taking Pluspetrol to court (like ACODECOSPAT suggested). Much of the lack of trust in the Peruvian state has to do with the ambivalent role that the state has played in these types of cases and particularly concerning indigenous people’s rights. On the one hand, the state has ratified important international legislation such as the ILO 169 Convention and more recently the UN Declaration on the Rights of Indigenous Peoples. There are state institutions (as well as civil society) trying to make use of these legal tools to enforce the rule of law concerning indigenous peoples’ rights. On the other hand however, the state also hampers the enforcement of this international legislation¹⁴⁹. The Peruvian state holds close relationships with the extractive sector and prioritizes their interests over the rights of indigenous people, as the current case study of the Cocama clearly demonstrates. Overall, this ambivalent role of the state created a context where the Cocama were either hesitant to seek justice or found it hard to imagine a state that could effectively

¹⁴⁸ This relates to the state-company partnership sketched in Part I

¹⁴⁹ A clear case in point is the non-compliant Law of Previous Consultation (according to the ILO 169 Convention) in Peru

mediate dialogue with Pluspetrol and assure that their rights were protected and that there was equality of law between the different parties.

These circumstances can make one wonder: where *is* the Peruvian state? In such a context, it makes sense that many Cocama prefer entering into negotiations directly with the oil company. Although they do not expect justice, they feel they can be offered at least something; an option that involves being confronted with the choice: ‘accept or get nothing’ (*o aceptas o nada*).

There is clearly a need for more ethnographic research in order to elaborate on the many aspects of the ‘community’ and the ‘state’ that I have outlined above. The purpose of touching upon them here is to acknowledge the importance of both of these dimensions in the interface of ‘unruly engagements’ and the ‘enclave’ in the Peruvian context, and more broadly, in natural resource and conflict research. In the next section, I will expand further on the ambivalence in the role of the state, using as an example the lack of a contingency plan in the case of the Marañón.

‘Ruling’ the ‘unruly’

In this last section, I find it pertinent to highlight how the *contingency plan* that was used after the June oil spill was not only ineffective, but it was not legally validated. This has various implications to the ‘unruly’ mechanisms outlined above. The fact that it is acceptable to operate for more than 40 years without a proper emergency plan for oil spills, by-passing all legal safeguards that protect human and environmental health, indicates that neither the government nor Pluspetrol accept responsibility and accountability for the real costs of oil production. Accordingly, this lack of a contingency plan has enabled Pluspetrol shaping how to negotiate with and compensate the affected communities. In other words, to ‘engage’ with local conditions as they please: based on their own schemes and what favours them in order to continue their endeavour in business as usual; i.e. just as ‘disentangled’. In other words, a disentanglement that is erected by and simultaneously perpetuates ‘unruly engagements’ and the ‘enclave’ form of extraction in Amazonia (i.e. Appel’s ‘dual dynamic’ of oil extraction).

What is even more disturbing however, is that not only does the oil company set the rules of what shall be the *contingency plan* in responding to their own interests, but that the state does

not question the improvisation of a non-legally validated *contingency plan*. The procedures - as 'unruly' as they are- are taken for granted and even supported by the authorities. It is assumed that the company's procedures to deal with these incidents are adequate, and that there is no room to contest it, even less for an indigenous party. In that sense, I extend Appel's thesis on the 'dual dynamic' by noting how oil companies take an active role in 'ruling' the 'unruly engagements'. Furthermore, that the government at the local level legitimizes the company's role in '*ruling the unruly engagements*' largely because as a transnational, it is seen as an actor with high status, power and important national interests.

At the same time, there is an important gap to fill in my last argument on 'ruling the unruly engagements'. In the case of the Marañón, Pluspetrol's lack of a legal 'contingency plan' provides a potential for the Cocama people to sue Pluspetrol. More importantly, it creates a space for advancing a Cocama version of participation. A space where they can legitimately demand a replacement of such a form of corporate 'disentanglement' for one that reflects the population's perspectives (i.e. what the Cocama people consider a more adequate form of 'engagement' when these kinds of incidents occur). In advancing a Cocama version of participation, their forms of internal decision-making as community and associations must be taken into account (e.g. decisions based on consensus). Meaningful Cocama participation in the making of a *contingency plan* would mean an opportunity for the Cocama people to play an active role in the 'ruling' of today's 'unruly engagements'; or in other words, to assume their legal decision making right concerning all matters that directly affect their own territories, natural resources and ultimately their livelihoods. The norms and institutions raised by the *Acta de Dorissa* suggest a tangible starting point for this. Overall, drawing more attention to the importance of meaningful indigenous participation would help counteract some of the increasing upheavals that are being generated in response to the current forms of 'unruly engagements' with indigenous people in areas where oil extraction is taking place.

Concluding remarks

*"I would like to tell the rest of the population,
the indigenous, we don't [just] live in the remote sources of the rivers.
We [also] live in Peru
And Amazonia is part of Peru
And we must all defend it"
-Cocama leader*

My analysis of local level relationships and negotiations between state institutions, Pluspetrol, and Cocama indigenous communities, associations and allies in the aftermath of the oil spill in June 2010 reveals great ambiguities. Contrary to the positive image of the handling of oil spills that the Peruvian government and Pluspetrol postulate, the approaches to deal with local communities when contamination occur are neither planned nor regulated. This circumstance has left the space wide open for the oil company to control the mechanisms used to dealing with contamination. In the case study described in this paper, this situation has resulted in the reinforcement of power asymmetries and the perpetuation of non-meaningful indigenous participation.

Rather new approaches such as the concepts of 'enclave' and 'unruly engagements' have proven valuable for my analysis. The concept of 'enclave' not only entails an enclave that implies a spatial and economic segregated domain but one that also includes the social, political and legal aspects of oil extraction activities, in particular the state-company relationships, and more importantly, how these aspects are related to the industry's "disentanglement" from the local surroundings. The concept of 'unruly engagements' has also proven to fit well to the Amazonian context, despite of deriving it from a very different environment; Western African off-shore oil extraction. In its own sense, this study has contributed to further support these theoretical approaches, by exhibiting how an oil company

in Peru, through its ‘unruly engagements’ with affected communities, ultimately achieved its effective ‘disentanglement’ from the social, legal, political, and environmental chaos (e.g. oil spills, contamination, health hazards, food deprivation, etc..) it creates in the Peruvian Amazon.

Part I has set the stage to understand the broader social, political and economic structures embedded in these ambiguous relationships and negotiations. These include: the importance of the extractive industry in Peru’s current booming economic growth; a political economic model that equates development to natural resource extraction at the expense of overriding the rights of local communities and populations; state-corporate partnerships supporting this model that are both sustained legally as well as through corruption; the long history of discrimination against Cocama and indigenous people in general which remains being entrenched among the dominant Peruvian society; the paternalistic inclusion of indigenous people in the political sphere; and finally the narratives that strengthen all the above issues by portraying indigenous peoples and organizations as “manger dogs”, “savages” and “radicals”.

Highlighting some of these specific social and political factors embedded in the history of extraction and state’s relations with indigenous peoples in Peru has made it possible to point out crucial power asymmetries and non-meaningful participatory approaches that manifest themselves at the local level in the interactions and relationships between the various actors. This part of the analysis has rendered it clear that the current ‘indigenous upheavals’ cannot simply be seen as apolitical issues, falling on the “reductionist” approaches of the ‘resource curse’. Rather, these manifestations must be seen as part of broader social, political economic structures; all of which have proven to be crucial in the understanding of Cocama upheavals and reactions to the contamination in the Marañón River.

Part II has emphasized the multiplicity of actors engaged in the negotiations after oil spills and has confirmed the importance of heterogeneity not only between but *within* them (particularly within the Cocama party). It has furthermore contributed to adding an ethnographic account to the limited oil history records that exist in this part of Amazonia. Moreover, the ethnographic analysis of these interactions and negotiations has shed light on the complexity of the decision-making processes which include a multitude of actors - most prominently indigenous people - when dealing with consequences of environmental contamination. This study indicates that there is more to the picture than simply ‘fingering

around' the state's incapacity and the oil company's indifference to environmental damage; more than just trying to solve local communities' upheavals by readjusting tax budgets and looking at macroeconomic policy changes.

Both the state and the corporate party 'engage' in dealing with these conflicts. They were both present in the aftermath of the oil spill in June 2010. However, as shown, the 'unruly' manner in which they engage is enables and perpetuates the oil industry's 'disentanglement' from the actual damaged caused. In the case of the Marañón I pointed at particular 'mechanisms' used to 'engage' in such 'unruly' manners, e.g. *comunicados*; delayed actions; controlling sampling procedures; restricting access to key information to the indigenous party before negotiating and bargaining; appropriating power to decide which community gets to be assisted and with how much; partial negotiations where particular groups and leaders are restricted from entering; and *mesas de diálogo* that are highly inefficient and reinforce power asymmetries in their forms of participation and dialogue. All the above are forms of 'unruly engagements' that ultimately enable enforcing the "enclave" where the company effectively detaches itself from eventualities and very real realities such as oil spills and serious environmental contamination.

A new oil spill into the Marañón River was registered on December 5th, 2010. Ninety others were detected by independent indigenous monitoring in the Corrientes basin where Pluspetrol also operates. The white barge that got stuck in the low river tide of the Marañon River that day while I sat in my hammock continues coming and going in spite of the rampant contamination. Although some Cocama associations today are opting for legal forms of fighting the 'enclave' in order to make their voices heard and their rights respected, it would be useful to follow up on particular cases like this in order to understand the broader picture of 'indigenous upheavals' in Peru.

Finally, I would like to end by noting how the analysis in this study contributes to the today's discussion on the future of the Peruvian Amazon. As I write, in the midst of national elections in Peru (May 2011), proposals trying to address conflicts around extractive activities in Amazonia indicate a reinforcement of the discourses that my study tried to deconstruct. I

illustrate this by quoting the world renowned Peruvian economist Hernando de Soto's claim about the solution to current upheavals in the Amazon¹⁵⁰:

"We cannot take decisions in the aisles of the government palace, everything needs to be discussed. This is the only way to combat conflicts... We promise to go community by community to see how they want their property to be... [And if they don't want a market economy] it will be respected. The state won't impose models, but we will give them the opportunity to belong to the modern world". (El Comercio 2011)

In that respect, a proposal embedded in a perception of linear modernity where indigenous peoples continue to openly be seen as 'non-modern' inhibits acknowledging indigenous peoples' political organization, forms of participation and decision-making that I have outlined throughout my paper. All of these are at stake in the way the "discussion" or dialogue in such a proposal will be held if this political project materializes; i.e. the "community by community" discussion. I can only hypothesize at this point that it will be similarly "unruly" to the ones outlined in this study; and that this will serve to further enforce the 'enclave' and potentially intensify 'indigenous upheavals' in the region. Instead, I would recommend drawing attention to meaningful indigenous participation (i.e. genuine representations of local people's perspectives) as it suggests a way of counteracting the increasing upheavals that are being generated in response to the current forms of 'unruly engagements' in areas of oil extraction in Amazonia.

¹⁵⁰ It is worth noting that Hernando de Soto might be taking on an important political position in the next few years, depending on the outcome of the current elections

References

- Acta Parinari (2010), 'Acta de compromisos y arreglos. Pluspetrol y comunidades del distrito de Parinari (04.07.2010)', (Santa Rita de Castilla).
- Adger, W. N., et al. (2001), 'Advancing a Political Ecology of Global Environmental Discourse', *Development and Change*, 32, 681-715.
- Agrawal, A. and Gibson, C.C. (2001), 'The Role of Community in Natural Resource Conservation', in A. & Gibson Agrawal, C. C. (ed.), *Communities and the Environment. Ethnicity, Gender, and the State in Community-Based Conservation* (New Brunswick: Rutgers University Press), 1-31.
- Aguëro, O.A. (1994), *El milenio en la Amazonía peruana: mito-utopía tupí-cocama o la subversión del orden simbólico* (Lima: CAAAP).
- AIDSESP 'Asociación interétnica de desarrollo de la selva peruana', <<http://www.aidesep.org.pe/index.php?id=2>>.
- Anderson, M., et al. (2009), 'ConocoPhillips in the Peruvian Amazon', (Oakland, CA: Amazon Watch - Save America's Forest).
- Andrade Echevarría, M. (2010), *De la serpiente tecnológica a la mariposa de las Secuoyas. El proyecto OCP y la ecología política de un conflicto* (Quito: Abya-Yala, FLACSO).
- Anticona Huayante, C. (2008), 'Heavy metal levels and nutritional status in two indigenous communities of the Corrientes river- Loreto- Peru', (Umeå University).
- Appel, H. (2011), 'Offshore Work: Oil and the Making of Modularity in Equatorial Guinea', *Cultural Anthropology*.
- Arellano-Yanguas, J. (2008), 'A thoroughly modern resource curse? The new natural resource policy agenda and the mining revival in Peru', *Institute of Development Studies (IDS)*, Working Paper 300.
- Arnstein, R.S. (1969), 'A ladder of citizen participation', *Journal of the American Institute of Planners*, 35, 216–24.
- Auty, R. (1993), *Sustaining Development in Mineral Economies: The Resource Curse Thesis* (London: Routledge).
- Barclay, F., García, P., and Payaba, L. (2010), 'Demandas territoriales del Kukama Kukamiria del Río Huallaga y Nucuru', *Sustentación jurídico antropológica* (FEDECOCA, OPIBAM, CORPI-SL, AIDSESP).
- Bartholomew, D. (2002), 'State power and indigenous peoples in Peruvian Amazonia: a lost decade, 1999-2000', in David Maybury-Lewis (ed.), *The politics of Ethnicity: Indigenous peoples in Latin American States* (London: Harvard University - David Rockefeller Center for Latin American Studies).
- Bebbington, A. (2009), 'The New Extraction: Rewriting the Political Ecology of the Andes?', *NACLA Report on the Americas*, 42 (5), 12-20.
- Bebbington, A. and Bebbington, H.D. (2009), 'Actores y ambientalimos: Continuidades y cambios en los conflictos socio-ambientales en el Peru', in J. de Echave, Hoetmer, R., and Palacios,

- M. (ed.), *Minería y territorio en el Perú: Conflictos, resistencias y propuestas en tiempos de globalización* (Lima: CONACAMI, Programa Democracia y Transformación Global, and Cooperación).
- Bebbington, A., Bielich, C., and Scurrah, M. (2009), 'El Caso del Río Corrientes: Un Hito en la Emergencia del Movimiento Indígena Amazónico', *unpublished, no citar sin permiso*.
- Bebbington, A., et al. (2008), 'Contention and Ambiguity: Mining and the Possibilities of Development. Development and Change', *Development and Change*, 39, 887–914.
- Benavides, M. (2010), 'Amazonía peruana: el choque de dos visiones de desarrollo. La protesta indígena del 2008 y 2009 frente a los decretos legislativos que afectaban sus territorios', (Lima: Instituto del Bien Común).
- Benjaminsen, T.A., Maganga, F., and Abdallah, J.M. (2009), 'The Kilosa killings: The Political Ecology of a farmer-herder conflict in Tanzania', *Development and Change*, 40 (3).
- Beristain, C., Páez, D., and Fernández, I. (2009), *Las palabras de la selva. Estudio psicosocial del impacto de la explotaciones petroleras de Texaco en las comunidades amazónicas de Ecuador* (Instituto Hegoa- UPV/EHU; Bilbao).
- Crude: the real price of oil* (Crude Productions, 2009), Berlinger, J. (dir.).
- Blaikie, P. (1985), *The political economy of soil erosion in developing countries* (London: Longman).
- Blaikie, P. and Brookfield, H. C. (1987), *Land degradation and society* (London: Methuen).
- Bryman, A. (2008), *Social research methods* (Oxford: Oxford University Press) XLII, 748 s.
- Campos, C. and Poma, L. (2010), 'La guerra por el agua', *La Republica* (Lima).
- Chase-Smith, R. (2009), 'Bagua: la verdadera amenaza', *Poder*, July 2009, 48-53.
- Chase Smith, R. (1982), *The dialectics of domination in Peru: Native communities and the myth of the vast Amazonian emptiness* (Cultural Survival Occasional Paper No.8; Cambridge, MA: Cultural Survival).
- Chirif, A. (2003a), 'Metodología participativa para el proyecto BIODAMAZ', *Setiembre 2003* (Informe de consultoría realizado para el proyecto BIOMADAS; IIAP-Cooperación Finlandesa).
- (2003b), *Proyecto de apoyo organizativo. Programa Integral de Desarrollo y Conservación Pacaya Samiria* (Serie: Sistematizaciones; Iquitos: CETA).
- (2004), 'Época del caucho y barbarie', in Carlos Valcárcel (ed.), *El Proceso del Putumayo* (Iquitos Monumenta Amazónica, CETA - IWGIA).
- (2008), 'Victoria contra el racismo y la irresponsabilidad: El Corrientes, un año más tarde'.
- (2010), 'Los achueros del Corrientes: El Estado ante su propio paradigma', *Anthropológica*.
- Chirif, A. and Cornejo Chaparro, M. (2009), *Imaginario e imágenes de la época del caucho: Los sucesos de Putumayo*. (CAAAP, IWGIA, UPC).
- Civil Society Loreto (2010), 'Pronunciamento de la sociedad civil por derrame de petróleo en el Marañón', (Iquitos, June 23).
- Collier, P. and Hoeffler, A. (1998), 'On Economic Causes of Civil War', *Oxford Economic Papers*, 50, 563-73.
- Collins, D. (2009), 'Peru polarised after deadly clashes', *BBC News* 10 June.

- Cooke, B. and Kothari, U. (2001), *Participation: the new tyranny?* (London: Zed Books).
- Cornwall, A. (2004), 'Spaces for transformation? reflections on issues of power and difference in participation in development', in S. Hickey and G. Mohan (eds.), *Participation From Tyranny to Transformation?* (London-New York: Zed Books).
- de Althaus, J. (2009), 'El radicalismo indígena', *El Comercio*.
- de Echave, J. (2009), 'Bagua, un punto de inflexión en el escenario social del Perú', in Alvaro Maurial, Raphael Hoetmer, and Diego Saavedra Celestino (eds.), *La Amazonia Rebelde* (Lima: CLACSO, Programa Democracia y Transformacion Global, CONACAMI, CooperAcción, UNMS).
- Defensoría del Pueblo (2011), 'Reporte de conflictos sociales noº 68', (Lima: Defensoría del Pueblo).
- Defensoría del Pueblo Loreto (2010), 'Informe de la Defensoría del Pueblo del día 9 de Julio', (Iquitos: Defensoría del Pueblo).
- DICAPI, Capitanía Guardacostas Fluvial de Yurimaguas (2010), 'Resolución de Capitanía Nº 004-2010-M', (Yurimaguas: Ministerio de Defensa - Marina de Guerra del Peru).
- DIGESA (2011), 'DIGESA continúa con evaluación de contaminación de río Marañón', <<http://www.digesa.minsa.gob.pe/noticias/noviembre2010/nota154.asp>>, accessed March 25th.
- DIRESA (2010), 'Informe Técnico Nº 338-2010-GRL-DRL-Loreto/30.09.04', (Iquitos: Direccion Regional de Salud de Loreto).
- DPLF (2010), *El derecho a la consulta de los pueblos indígenas en Peru*, ed. Fundacion para el Debido Proceso Legal (Washington, DC: Fundacion para el Debido Proceso Legal).
- El Comercio (2010), 'El Gobierno aseguró que en 10 días empresa deberá limpiar derrame de petróleo en el río Marañón', <<http://m.elcomercio.pe/planeta/498603/noticia-gobierno-nego-que-contaminacion-rio-maranon-sea-comparable-golfo-mexico>>, accessed November.
- (2011), 'Entrevista a Hernando de Soto: "Traigo propuesta contra la pobreza"', *El Comercio*.
- El Peruano (2011), 'Informe pre-electoral. Administración 2006-2011', in PCM-MEF (ed.), (Lima).
- Ferguson, J. (2006), *Global shadows: Africa in the neoliberal world order* (Durham, N.C.: Duke University Press) X, 257 s.
- Finer, M. and Orta-Martínez, M. (2010), 'A second hydrocarbon boom threatens the Peruvian Amazon: trends, projections, and policy implications', *Environmental Research Letters*, 5 (014012), 10.
- Foucault, M. (1984), 'Space, Knowledge and Power', in P. Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books), 239-56.
- García Pérez, A. (2007a), 'El síndrome del perro del hortelano', *El Comercio*, October 28th.
- (2007b), 'Receta para acabar con el perro del hortelano', *El Comercio*, November 25th.
- (2008), 'El perro del hortelano contra el pobre', *El Comercio*, January 2nd.
- Gaventa, J. (2004), 'Towards participatory governance: assessing the transformative possibilities', in S. Hickey and G. Mohan (eds.), *Participation From Tyranny to Transformation?* (London-New York: Zed books).

- Geertz, C. (1983), *Local Knowledge: Further Essays in Interpretative Anthropology* (New York: Basic Books).
- Gorriti, G. (2009), *Petroaudios. Políticos, espías y periodistas detrás del escándalo* (Lima: Planeta).
- Gray, A. (2002), *Derechos indígenas y desarrollo. Autodeterminación en una comunidad amazónica* (Lima: IWGIA).
- Guzmán-Gallegos, M. (2010a), 'Amazonian forms of leadership: From headman to intermediary to activist', (Department of Social Anthropology; Oslo: University of Oslo).
- (2010b), 'Conflicting spatialities: Network, mediation and alterity in the making of indigenous territories in Ecuadorian Amazonia', (University of Oslo).
- Hecht, S. and Cockburn, A. (1989), *The fate of the forest* (London: Verso).
- Henn, M., Foard, N., and Weinstein, M. (2009), *A critical introduction to social research* (Los Angeles: Sage) XI, 356 s.
- Hickey, S. and Mohan, G. (2004), *Participation: From Tyranny to Transformation? Exploring new approaches to participation in development* (London: Zed Books).
- (2005), 'Relocating Participation within a Radical Politics of Development', *Development and Change*, 36 (2), 237-62.
- Hurtig, A.K. and Sebastián, M.S. (2004), 'Oil in the Amazon Basin of Ecuador: The Popular Epidemiology Process', *Pan American Journal of Health*, 15 (3), 205-11.
- IIAP, Instituto de Investigaciones de la Amazonía Peruana (2010a), 'Informe sobre la contaminación del Río Marañón ocasionada por el derrame de petróleo (19 de Junio 2010) - presentado Junio 2010', (Iquitos: IIAP).
- (2010b), 'Análisis de los resultados obtenidos por el IIAP luego del derrame de petróleo en el río Marañón ocurrido el 19 de junio del 2010 - Presentado Agosto 19', in S. Tello (ed.), *August 19th* (Iquitos: IIAP).
- (2010c), 'Informe de Evaluación sobre la presencia de petróleo en los Ríos Amazonas y Marañón - Presentado Oct.12', (Iquitos: IIAP).
- INEI, Instituto Nacional de Estadística e Informática (2007), 'II Censo de comunidades indígenas de la Amazonía Peruana 2007', (Lima: INEI).
- Informe médico (2010), 'Informe médico hechos por los representantes indígenas, Santa Rita de Castilla', (Loreto).
- Izquierdo, C. (2005), 'When "health" is not enough: societal, individual and biomedical assessments of well-being among the Matsigenka of the Peruvian Amazon', *Social Science & Medicine*, 61 (4), 767-83.
- Kepe, T. (1998), *The problem of defining "community": challenges for the land reform programme in rural South Africa* (Bellville: Programme for Land and Agrarian Studies) 16.
- La Region (2010a), 'Pluspetrol reafirma el cumplimiento de los acuerdos con las comunidades (comunicado)', *La Region*.
- (2010), 'Sería prematuro decir que volveremos a dar alimentos, agua y medicina a las comunidades', *October 28th* <<http://diariolaregion.com/web/2010/10/28/seria-prematuro-decir-que-volveremos-a-dar-alimentos-agua-y-medicina-a-las-comunidades/>>, accessed October 28th.

- (2010), 'Nosotros no conocemos últimos resultados de Digesa quizá le llegaron al director', <<http://diariolaregion.com/web/2010/10/29/nosotros-no-conocemos-ultimos-resultados-de-digesa-quiza-le-llegaron-al-director/>>, accessed October 29th.
- (2010), 'Todo el mundo se ha disparado a sacar muestras diferentes sin la presencia del fiscal', 29/10/2010 <<http://diariolaregion.com/web/2010/10/29/todo-el-mundo-se-ha-disparado-a-sacar-muestras-diferentes-sin-la-presencia-del-fiscal/>>, accessed October 29th.
- La Torre López, L. (1999), *¡Sólo Queremos Vivir en Paz! Experiencias Petroleras en Territorios Indígenas de la Amazonía Peruana* (Lima: IUCN/Racimos de Ungurahui).
- Landolt, G. (2000), *El ojo verde: cosmovisiones amazónicas* (Lima: Formabiap).
- Le Billon, P. (2001), 'The political ecology of war: natural resources and armed conflicts', *Political geography*, 20, 561-84.
- (2007), 'Geographies of War: Perspectives on 'Resource wars'', *Geography Compass*, 1/2, 163-82.
- Lefebvre, H. P. ([1974] 1991), *The production of space* (London: Verso).
- LVS, La Voz de la Selva (2008), 'Peru: Indigenas Cocama rechazan empresa que hara estudio de impacto en Lote 124'. <<http://servindi.org/actualidad/4762>>, accessed 20.12.2010.
- Lynn Karl, T. (1997), *The Paradox of the Plenty: Oil Booms and Petro-States* (Berkeley: University of California Press).
- McNeish, J.A. (2010a), 'Rethinking resource conflict', *World Development report 2011. Background paper*.
- (2011), 'Flammable Societies - Interview by Norlarnet', <http://www.norlarnet.uio.no/research-in-norway/featured-research/2010/flammable_societies.html>, accessed March 15th.
- MINSA, Ministerio de Salud (2010), 'DIGESA da a conocer resultados de la calidad sanitaria de las aguas del Río Marañón 27/08/2010', <http://www.minsa.gob.pe/portada/prensa/notas_auxiliar.asp?nota=9287>, accessed November 25th.
- Mitchell, J.C. (1983), 'Case and Situation Analysis', *Sociological Review*, 31, 186-211.
- Mohan, G. (2001), 'Beyond Participation: Strategies for Deeper Empowerment', in W. Cooke and U. Kothari (ed.), *Participation: The New Tyranny?* (London: Zed Books), 153-67.
- Mohan, G. and Stokke, K. (2000), 'Participatory Development and Empowerment', *Third World Quarterly*, 21 (2), 266-80.
- ODECOFROC, Research team of the Organization for the Development of the Border Communities of El Cenepa (2009), *A Chronicle of Deception: Attempts to transfer the Awajun border territory in the Cordillera del Condor to the Mining Industry* (Report No. 5: ODECOFROC and IWGIA).
- Oficina Defensorial de Loreto (2010), 'Resumen de actividades viaje a la localidad de Saramuro', (Iquitos).
- Omeje, K. (2008), *Extractive economies and conflicts in the Global South: Multi-regional perspectives on rentier politics* (London: Ashgate).
- Orta-Martínez, M. and Finer, M. (2010), 'Oil frontiers and indigenous resistance in the Peruvian Amazon', *Ecological Economics*, 70 (2), 207-18.

- OSINERGMIN (2010), 'Informe Técnico N° 175901-2010-OS/GFHL-UEEL Derrame de hidrocarburos en el Río Marañón en Saramuro', in Defensoría del Pueblo - Lima (ed.), (Lima, June 24th, 2010).
- Perúpetro (2009), 'Mapa del Perú, lotes de contratos de operaciones petroleras. 10 de Diciembre 2009'. <<http://:mirror.perupetro.com.pe>>.
- (2011), 'Zona petrolera', *Enero 2011* (Lima: Perúpetro).
- Pinto, V. (2009), 'Lo decretos del hortelano y el origen del conflicto con los pueblos amazónicos', in Hector Alimonda, Raphael Hoetmer, and Diego Saavedra Celestino (eds.), *La amazonía rebelde, Perú 2009* (Lima: Clacso, CooperAcción, Conacami, Programa democracia y transformacion global, Universidad Nacional Mayor de San Marcos).
- Pluspetrol (2009), 'Informe de Sostenibilidad Ambiental y Social', in Gerencia Corporativa de Medio Ambiente y Asuntos Comunitarios de Pluspetrol (ed.).
- Pluspetrol Norte S.A. (2010), 'PPN-FHS-10-183 (3 de Setiembre del 2010)', in San Jose de Saramuro Apu CCNN Huashpa Isla, Dos de Mayo, Bagazan, San de Lagunillas, Coord. DDHH Vicariato Apostolico, CAAAP, ORPIO. CC: Defensoria del Pueblo - Loreto (ed.), (Iquitos).
- Pretty, J. (1995), 'The many interpretations of participation', *Focus* 16, 4-5.
- Pro & Contra (2011), 'Informe es irresponsable', *Pro & Contra* <<http://proycontra.com.pe/2010/10/29/informe-es-irresponsable/>>, accessed March 25th.
- Rahnema, M. (1992), 'Participation', in Wolfgang Sachs (ed.), *The Development Dictionary - a guide to knowledge ad power* (London: Zed Books), 116-31.
- Raik, D. B., Wilson, A. L., and Decker, D. J. (2008), 'Power in Natural Resource Management: An Application of Theory', *Society and Natural Resources*, 21 (8), 729-39.
- Reed, K. (2009), *Crude existence: environment and the politics of oil in northern Angola* (Berkeley, Calif.: University of California Press) XIII, 323 s.
- Regnskogfondet 'Regnskogfondet', <<http://www.regnskog.no/forside>>.
- Reporte Semanal (2010), 'Pluspetrol no advirtió a tiempo a la población sobre el derrame de petróleo en el Río Marañón - June 27th', <<http://elcomercio.pe/planeta/501684/noticia-pluspetrol-pudo-prevenir-poblacion-derrame-petroleo-rio-maranon>>, accessed November.
- Revesz, B. and Diez, A. (2006), 'El Triángulo sin Cúpula (o los actores desregulados en los conflictos mineros)', in E. Toche (ed.), *Perú Hoy, Nuevos rostros en la escena nacional* (Lima: Desco).
- Reynal-Querol, M. (2002), 'Ethnicity, Political Systems, and Civil Wars', *Journal of Conflict Resolution*, 46, 29-54.
- Rivas Ruiz, R. (2004), *El gran pescados. Técnicas de pesca entre los cocama-cocamillas de la Amazonía peruana* (Lima: Fondo Editorial de la PUCP).
- Rivera, F. (1994), 'A Nineteenth-Century war in the Amacon: Indigenous communities caught in the Ecuador/Peru dispute', *Abya Yala News*, 8 (4), 6-7, 38.
- Rocheleau, D. E. (2008), 'Political ecology in the key of policy: From chains of explanations to webs of relation', *Geoforum*, 39, 716-27.
- Rodríguez Garavito, C. (2010), 'Ethnicity.gov: Global governance, indigenous peoples, and the right to prior consultation in social minefields', *Indiana Journal of Global legal Studies*, 18 (1), 1-44.

- Ross, M. (1999), 'The Political Economy of the Resource Curse', *World Politics*, 51 (2), 297-322.
- (2001), 'Does Oil Hinder Democracy?', *World Politics*, 53, 297-322.
- (2003), 'How does mineral wealth affect the poor?'
- Rosser, A. (2006), *The political economy of the resource curse: a literature survey* (Working paper, 268; Brighton: IDS Publications Office) 34 s.
- Sachs, J. D. and Warner, A. M. (1995), *Natural resource abundance and economic growth* (Working paper series, no. 5398; Cambridge, Mass.: NBER) 47 s.
- Sala-i-Martin, X. and Subramanian, A. (2003), *Addressing the Natural Resource Curse: An illustration from Nigeria* (IMF Working Paper wp/01/139; Washington, DC: International Monetary Fund).
- Salazar, M. (2010), 'Estudio comprueba gravedad de derrame amazónico', *IPS*.
- San Sebastián, M., Armstrong, B., and Stephens, C. (2002), 'Outcomes of Pregnancy among Women Living in the Proximity of Oil Fields in the Amazon Basin of Ecuador', *Occup Environ Health*, 8, 312-19.
- Santos-Granero, F. and Barclay, F. (1995), *Órdenes y Desórdenes en la Selva Central* (IFEA-IEP-FLACSO; Lima).
- (2002), *La Frontera Domesticada. Historia económica y social de Loreto 1850-2000* (Lima: Fondo Editorial de la Pontificia Universidad Católica del Perú).
- Schrank, A. (2007), 'Reconsidering the "Resource Curse": Sociological Analysis Versus Ecological Determinism', *American Sociological Review*.
- Servindi (2011), 'Minera Afrodita miente y miente al pueblo peruano, denuncia Odecofroc ', <<http://servindi.org/actualidad/44518#more-44518>>, accessed May 9th.
- Stocks, A.W. (1981), *Los nativos invisibles: notas sobre la historia y realidad actual de los cocamilla del Río Huallaga, Perú* (Centro Amazónico de Antropología y Aplicación Práctica).
- Suarez, E., et al. (2009), 'Oil industry, wild meat trade and roads: indirect effects of oil extraction activities in a protected area in north-eastern Ecuador', *Animal Conservation*, 12, 364-73.
- Survival International (2011), 'El movimiento por los pueblos indígenas', <<http://www.survival.es/indigenas/aisladosperu>>, accessed April 18.
- Taussig, M. (1987), *Shamanism, colonialism, and the wild man: A study in terror and healing* (Chicago, IL: University of Chicago Press).
- Thorp, R. and Paredes, M. (2010), *Ethnicity and the Persistence of Inequality: The Case of Peru* (Palgrave Macmillan).
- Tosun, C. (2006), 'Expected nature of community participation in tourism development', *Tourism Management*, 27 (3), 493-504.
- Univisión (2010), 'Sancionarán a responsables del derrame de petróleo en río de Perú (ministro) - Junio 22', <<http://www.univision.com/contentroot/wirefeeds/world/8239886.shtml>>, accessed October 25th.
- Vincent, S. (2004), 'Participation, resistance and problems with the 'local' in Peru: towards a new political contract?', in S. Hickey and G. Mohan (eds.), *Participation: From Tyranny to Transformation? Exploring new approaches to participation in development* (London: Zed Books), 111-19.

- Walsh Peru (2011), 'Evaluación de Derrame ', *Proyectos. Petroleo y Gas* <http://www.walshp.com.pe/pages/proy_petroleo-gas.html>, accessed March 25th.
- Wantchekon, L. (1999), *Why Do Resource Dependent Countries Have Authoritarian Governments?* (12 December; New Haven, CT: Yale University).
- Watts, M.J. (2004), 'Resource curse? Governmentality, oil and power in the Niger Delta, Nigeria', *Geopolitics*, 9 (1), 50-80.
- Witzig, R. and Ascencios, M. (1999), 'The Road to Indigenous Extinction: Case Study of Resource Exportation, Disease Importation, and Human Rights Violations against the Urarina in the Peruvian Amazon', *Health and Human Rights*, 4 (1), 60-81.
- World Bank (2006), 'The Way Forward - The Challenge of Mineral Wealth: Using Resource Endowments to Foster Sustainable Development', *Spotlight series 03* (Washington D.C.: World Bank, UNCTAD and International Council on Mining and Metals).
- Yin, R.K. (2003), *Case study research: Design and Methods* (3 edn.; Thousand Oaks, Calif.: Sage).
- Zalik, A. (2009), 'Zones of Exclusion: Offshore Extraction, the Contestation of Space and Physical Displacement in the Nigerian Delta and the Mexican Gulf', *Antipode*, 41 (3), 557-82.

Acronyms and Spanish names

ACODECOSPAT	Cocama association of development and conservation of San Pablo de Tipishca (<i>Asociación Cocama de desarrollo y conservación San Pablo de Tipishca</i>)
AIDECOS	Association of Development and Conservation of Samiria
AIDSEEP	Inter-ethnic Association for the Development of the Peruvian Amazon (<i>Asociación Interétnica de Desarrollo de la Selva Peruana</i>)
AKUBANA	Cocama Association of Lower Nauta
CAAAP	Centre of Anthropology and Practical Application of the Peruvian (<i>Amazon Centro Amazónico de Antropología y Aplicación Práctica</i>)
DICAPI	General Directorate for Harbour and Coast Guards
DIGESA	National Directorate for Health (<i>Dirección Nacional de Salud</i>)
DIRESA	Regional Directorate for Health (<i>Dirección Regional de Salud</i>)
FECONACO	Native communities of the Corrientes river Federeation
IIAP	Research Institute of the Peruvian Amazon (<i>Instituto de Investigacion de la Amazonia Peruana</i>)
INRENA	National Institute of Natural Resources (<i>Instituto Nacional de Recursos Naturales</i>)
MINAM	Minsitry of Environemnt
MINEM	Ministry of Energy and Mines
OJUVENACO	Organization of the Cocamas Indigenous Neighborhood Committees of Nauta
ORPIO	Regional Organization of Eastern Indigenous Peoples (<i>Organizacion Regional de Pueblos Indigenas del Oriente</i>)
PDDI	Defence of Indigenous rights program (<i>Programa de Defensa de Derechos Indigenas</i>)
ONERN	National Office for Natural Resource Evaluation
OSINERGMIN	Supervising Agency for Investment in Energy and Mining
CJPHHVAI	Commission of Justice and Peace – Human Rights of the Apostolic Vicariate of Iquitos

Appendix 1



Figure 7. Pluspetrol installations in Block 8E along the Marañón River. Picture taken from the neighbouring community of Saramurillo (December 2010)



Figure 8. 'Sanam 3' barge hired by Pluspetrol for transporting crude oil from their installations in Saramuro to the main cities in Loreto. Picture taken from the neighbouring community of Saramurillo (December 2010)