

CACATAIBO INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION THREATENED BY OIL EXPLORATION

In August 2007, the Peruvian government approved oil and gas exploration in the traditional territories of the indigenous Cacataibo communities, without their prior informed consent. The Cacataibo are indigenous peoples that live in the watershed of the Aguaytía, San Alejandro and Zungaruyacu rivers, located in the central Peruvian rainforest. There are approximately 7,000 Cacataibo people that live in communities that either already have legal title or are in the process of land titling. In addition, there still exist Cacataibo peoples living in voluntary isolation (referred to as “Camanos”) in the headwaters of the rivers and nearby mountain range (Cordillera Azul).

With the approval of the Environmental Impact Assessment (EIA) of the 2D Seismic Project for Block 107, the “Petrolifera” company, which is headquartered in Canada, will soon begin oil and gas exploration using dynamite blasts that threaten the life and the personal integrity of the Cacataibo peoples in voluntary isolation. Additionally, although the settled Cacataibo communities, in collaboration with civil society organizations, proposed the creation of territorial reserves for the protection of the isolated Cacataibo peoples years ago, the proposed territorial reserves have still not been created.

This note describes the situation of the Cacataibo peoples in voluntary isolation who are threatened by oil and gas exploration, as well as possible actions before the Inter-American Commission of Human Rights (IACHR).

Proposed Territorial Reserves for Cacataibo Peoples in Voluntary Isolation

In 1999, the Interethnic Association for the Development of the Peruvian Rainforest (AIDSESEP) and the Federation of Indigenous Cacataibo Communities (FENACOCA) jointly presented a "Cashibo Cacataibo Technical Study" to the Ucayali Regional Agrarian Department of the Peruvian Ministry of Agriculture, that requested the creation of a territorial reserve to protect the Cacataibo peoples in voluntary isolation. The proposal was for an area of 110,690 hectares (273,500 acres).

In 2002, FENACOCA signed an agreement with the *Instituto del Bien Común* (IBC) in order to carry out georeferencing of the Cacataibo communities and to compile information about the Cacataibo communities in voluntary isolation. IBC carried out a technical study and compiled 109 testimonies of sightings of the isolated Cacataibo peoples by the settled Cacataibo, Shipibo and Yanasha communities that surround the transit zone of the isolated Cacataibo peoples. IBC also gathered testimonies of migrants, loggers and local authorities. Based on these eyewitness reports, it was possible to create maps that identified the geographic location of the sightings of isolated Cacataibo peoples and further determine the transit zone of the isolated Cacataibo peoples, in the headwaters of the Aguaytía, Zungaruyacu, San Alejandro, and Pisqui rivers and the hillsides of the Cordillera Azul.

IBC's technical study concluded that there were Cacataibo in voluntary isolation not only in the Northern zone relative to the city of Aguaytía (which had been already identified by AIDSESEP in 1999), but also in a Southern zone. Based on the conclusions and maps from IBC's study, and given that the Cordillera Azul National Park was created in 2001 and included part of the transit zone of the Cacataibo peoples in voluntary isolation, FENACOCA and IBC, with the collaboration of Center for the Conservation, Research and Management of Natural Areas (CIMA), proposed that the zoning of the Cordillera Azul National Park include an area of strict protection (221,131 hectares) in favor of

the isolated Cacataibo peoples, which was approved by National Institute of Natural Resources (INRENA) in November 2004.

In 2004, a request for the protection of the Cacataibo peoples in voluntary isolation was submitted to the National Commission of Andean, Amazonian and Afro-Peruvian peoples (CONAPA), which was the governmental agency that preceded the National Institute for the Development of Andean, Amazon and Afro-Peruvian peoples (INDEPA). Later on, in April 2005 and June 2006, FENACOCA and IBC sent requests to INRENA and to INDEPA, respectively, for the creation of two territorial reserves for the Cacataibo peoples in voluntary isolation: the Northern Cacataibo Territorial Reserve (81,866 hectares) and the Southern Cacataibo Territorial Reserve (62,919 hectares), which are both located in Cordillera Azul and surrounding areas.

The request for the creation of the territorial reserves for the protection of the Cacataibo peoples in voluntary isolation has been presented to several Peruvian agencies. Nevertheless, after almost a decade, the reserves still have not been created.

On April 20, 2005 the request for the creation of the Cacataibo territorial reserves, was submitted to INRENA following the recommendation of the Agriculture Minister, given the precedent that INRENA had been the institution that had passed the records for the creation of the *Madre De Dios* Territorial Reserve to the Peruvian Department of Agriculture; that territorial reserve was created by a ministerial resolution in April 2002. The request was also submitted to INDEPA in June 2006, following the promulgation of the Law for the Protection of the Indigenous Peoples in Isolation in May of the same year. This law designated INDEPA as the agency in charge of the creation of the territorial reserves. INDEPA became part of the Department of the Woman and Social Development (MIMDES) in February 2007 as the General Directorate of Indigenous Affairs (*Dirección General de Pueblos Originarios*), and remains the final institution that inherited this responsibility.

The request for the creation of Cacataibo territorial reserves was submitted in 1999. Since then it has been reiterated numerous times before different national and regional government agencies. Nevertheless, the process has taken almost a decade and the reserves still have not been created. This lack of protection is even more grave given the approval of oil and gas exploration activities within the proposed territorial reserves, which threaten the Cacataibo peoples in voluntary isolation with irreparable harm.

Approval of the EIA for the 2D Seismic Project for Block 107

On September 1, 2005 the Peruvian State signed a licensing contract for hydrocarbon exploration and exploitation in Block 107 with the company Petrolífera Petroleum Del Peru S.A.C.. The contract has a duration of 30 years for oil and 40 years for gas. Block 107 superimposes 50% of the proposed territorial reserves.

In 2006, Petrolífera Petroleum Del Peru hired ECSA Engineers as consultants to carry out the Environmental Impact Assessment (EIA) for 2D Seismic Exploration for Block 107. In January 2007 the company submitted the EIA for 2D Seismic Exploration to the Ministry of Energy and Mines. Among other things, the EIA proposed 38 seismic lines which cover a total of 1,381 km in length, 139 camps that measure 10x20m, 276 heliports that measure 40x60m, and 2,300 unloading zones (*zonas de descarga aérea*) that measure 6x6m and are every 600 meters along the seismic lines. The seismic lines are pathways in the forest, along which there will be blasts of 4 to 7 kilograms of dynamite every 50 meters. These blasts will be serially detonated and serve the purpose of creating an image of the subsoil profile. The unloading zones are where helicopters unload materials with a 40 meters long rope.

In March 2007 five public hearings were conducted in Ucayali to discuss the EIA of the 2D Seismic Project for Block 107. The hearings took place in Aguaytía, Iscozacin, Puerto Bermúdez, and in the

indigenous communities of Nuevo Eden and Santa Martha. However, these meetings did not allow for adequate understanding of the Seismic Project, because the presentations were given electronically, with very technical language, and there were no printed maps that allowed the communities to locate the seismic lines in relation to their houses, farmlands and territories.

Later, in April 2007, IBC sent to the General Directorate of Environmental Affairs for Energy (DGAAE), which falls within the Ministry of Energy and Mines, an analysis with 28 observations about the EIA for the 2D Seismic Project for Block 107. However, the response to these observations was not communicated to IBC. IBC then submitted an access to information request, which took around 10 days to process during a vital moment in the approval process of the EIA, which impeded IBC from commenting on the company response to the observations.

In order to protect the Cacataibo peoples in voluntary isolation, FENACOCA and the Federation of Indigenous Communities of the Pachitea River Basin (FECONAPIA), asked the Ministry of Energy and Mines in April 2007 not to authorize seismic lines in the proposed territorial reserves.

In May 2007, IBC presented a complaint to the Peruvian Ombudsman (*Defensoría del Pueblo*) about the impending initiation of 2D Seismic Exploration and the resulting serious threats to the lives and personal integrity of the Cacataibo peoples in voluntary isolation. IBC also requested the Ombudsman to intervene before INRENA, INDEPA and MEM to prevent the authorization of the seismic activities in the transit zones of the isolated Cacataibo peoples, as well as in the areas of the indigenous communities undergoing a process of land titling and expansion. Furthermore, IBC requested that the Ombudsman intervene before INDEPA to urge the approval of the territorial reserves to protect the Cacataibo peoples in voluntary isolation.

On January 29, 2007 INRENA made 65 observations on the EIA. Although the company had not addressed all of these observations, on June 25, 2007 INRENA sent MEM a technical report indicating that there were no observations on the EIA of the 2D seismic exploration project for block 107. That meant that INRENA approved of the EIA *before* the company had addressed the 65 observations raised by INRENA.

Although the last version of the EIA contained certain modifications, the 2D Seismic Project still included the exploration of hydrocarbons within the proposed Cacataibo territorial reserves. The document addressing the observations presented a map removing five seismic lines and adding others (based on this information, IBC has prepared the attached map). Nonetheless, neither the EIA nor its documents and maps include the coordinates of the seismic lines, which still superimpose the proposed Cacataibo territorial reserve, the titled land of settled indigenous communities, territories that are in the process of being legally titled or extended, and the areas where sightings have been made of isolated Cacataibo peoples. It is not possible to determine precisely which seismic lines have been added and which have been taken out. Given this context, on August 28, 2007 a representative of IBC visited MEM in search of an updated map with the seismic lines of for Block 107; at which time, it was confirmed that MEM did not have an updated map including the final seismic lines approved by the public authority.

The EIA for Block 107 contains additional deficiencies in relation to measures to prevent possible encounters with the Cacataibo peoples in voluntary isolation. For example, one of the inadequate measures consists of sending a group of Cacataibo settled community members to guide the workers who will be in charge of opening the pathways along the seismic lines. The proposed measures demonstrate that despite the knowledge of violent encounters that have taken place between the Cacataibo community members and Cacataibo peoples in voluntary isolation, the company insists in ignoring the risks to the life and personal integrity that will result from an eventual encounter.

In spite of the threat to the fundamental rights of the Cacataibo peoples in voluntary isolation and of the destruction of the environment caused by the dynamite blasts along the seismic lines, the EIA for 2D seismic exploration for block 107 was approved by MEM in August 2007.

The only way to avoid contact and protect the Cacataibo peoples in voluntary isolation is not to carry out any exploratory or extractive activity in their territory. That is why the EIA for opening seismic lines should not have been approved within the proposed Cacataibo territorial reserves.

Actions before the Inter-American Commission on Human rights (IACHR)

FENACOCA and the leaders of indigenous Cacataibo communities that surround the transit zone for the Cacataibo peoples in voluntary isolation met in Aguaytía from August 23 to 25, 2007 in order to discuss the negative impacts from hydrocarbon exploration on the Cacataibo communities, and in particular on the Cacataibo peoples in voluntary isolation. In this meeting FENACOCA reiterated their rejection of the oil and gas exploration in the areas proposed as territorial reserves for isolated Cacataibo peoples, since hydrocarbon exploration in these areas puts at risk the lives and personal integrity of the Cacataibo peoples in voluntary isolation. FENACOCA, along with IBC and CIEL, also decided to make a request to the Inter-American Commission of Human rights (IACHR) for precautionary measures to prevent the violation of the rights to life and personal integrity of the Cacataibo peoples in voluntary isolation. Additionally, FENACOCA insisted that the Peruvian Government create the Cacataibo territorial reserves.

The Statute of the IACHR enables it to issue precautionary measures to protect people whose lives and personal integrity are threatened in serious and urgent situations. This is precisely the current situation of the Cacataibo peoples in voluntary isolation. The approval of the EIA for the 2D Seismic Exploration for Block 107 by MEM means that the entry of workers and initiation of dynamite detonations in their territories, including in the proposed territorial reserves, is imminent.

The impending dynamite blasts for the 2D Seismic Project will result in forced contact with the Cacataibo peoples in voluntary isolation. Similar experiences with other communities have shown that forced contacts cause serious illnesses and numerous deaths of indigenous peoples in voluntary isolation. Due to the urgency and seriousness of this matter the IACHR can request protection for the Cacataibo peoples in voluntary isolation who are threatened with oil and gas exploration.

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