

ACHUAR PEOPLE OF THE PASTAZA RIVER BASIN - FENAP

DENOUNCING THE STRATEGY OF OIL COMPANIES AND THE PERUVIAN EXECUTIVE BRANCH TO ANNUL INDIGENOUS RIGHTS AND CREATE CONFLICT

[English translation - original Spanish version here](#)

The Achuar People of the Pastaza River Basin, represented by the Federation of the Peruvian Achuar Nationality - FENAP, ancestral indigenous people that pre-dates the Peruvian State and takes care of its ancestral territory, located in the basins of the Huitoyacu, Huasaga, Manchari rivers affluents of the Pastaza River and in part of the Morona basin, within the Datem de Marañon province (Loreto region), having received with great elation the **Regional Executive Resolution #253-2018-GRL-P** from the Regional Government of Loreto (25 June, 2018) which offers administrative recognition to our **legal personhood as a First People**, now with much concern:

1. WE PUBLICLY DENOUNCE the strategy of oil companies GEOPARK, PETROPERU, and PERUPETRO, along with the **Executive Branch** - the Presidency of the Council of Ministers (PCM), the Ministry of Culture (MINCUL), and the Constitutional Attorney's Office of the Ministry of Justice (MINJUS) - for **annulling the administrative recognition of our legal personhood as an indigenous people, as they do with all indigenous peoples**, leaving us without possibility of having our integral (ancestral) territory titled, without defense against the unconsulted invasion by and contamination from oil activities, and without the power to exercise our autonomy and rights. This strategy includes the creation of conflicts and new risks against our lives and physical integrity.

2. WE DENOUNCE that this strategy is being carried out on **various levels**:

- a) **At a judicial level in Iquitos: We denounce the submission of MINCUL and other state entities to oil interests.** We are the first indigenous people that has presented an injunction for: (1) the recognition of our legal personhood as a First People, (2) titling of our property within our integral (ancestral) territory, and (3) annulment of the unconsulted oil concessions. The sentence of the first level of courts has found in our favor around the first two areas and July 20th 2018 is the appeal hearing for the third. **MINCUL** - the point governmental agency for indigenous rights - and **other State agencies**, instead of guaranteeing compliance with our rights **are opposing them**, parroting the strategy of PERUPETRO and other oil companies.
- b) **At the highest decision-making level of the government: We denounce the submission of the PCM to the dictates of the oil companies.** Back when Pedro Pablo Kuczynski was the President, the oil companies were successful in seeing the PCM put MINCUL and their constitutional attorney from MINJUS, Luis Huertas, in charge of bringing **actions of unconstitutionality against the two Regional Ordinances of**

Cajamarca and Loreto that recognize the legal personhood of First Peoples. A hearing will happen before the Constitutional Tribunal on July 20th, 2018 in Arequipa. If this action is upheld, it would have the effect of **annulling the Resolutions that recognize the legal personhood of the Achuar People of the Pastaza - FENAP**, and would not allow any indigenous people to be recognized. This would be a **REGRESSIVE POLICY**, which is prohibited.

- c) **At the provincial level: We denounce the arbitrary persecution by the Public Ministry.** The Provincial Attorney of San Lorenzo has opened an arbitrary penal case against four authorities of FENAP's Steering Council, for the ostensible crime of "extortion", requesting 8 years of prison, for having supported two bilingual teachers. It's obvious that they are seeking not justice but instead to scare us and distract us from our penal process.
- d) **At the local level: We denounce the strategy of the GEOPARK - PETROPERU - PERUPETRO oil companies to create "indigenous to indigenous" confrontations.** In 2014, the Attorney General's office denounced the Peruvian head of the Talisman oil company for "attempted genocide", for having organized and given arms to the organizations FASAM and FIAM-K in 2009, in order to attack the Achuar People of the Pastaza, who rejected the unconsulted oil activities. We denounce that now the companies are preparing another conflict scenario, as they encourage FASAM and FIAMK to threaten us, to travel to Iquitos to delegitimize us through the media, to speak out against our Resolution of Recognition, and to attempt to expand their territory over part of our ancestral territory. In that area we already have a long-standing agreement of boundaries settled by our elders, that we will continue respecting.

3. WE DENOUNCE THE UNAUTHORIZED INTRUSION OF GEOPARK WORKERS in our territories on the 27th and 28th of June, 2018, and **we lay the responsibility on the oil companies GEOPARK-PETROPERU and PERUPETRO for any act or risk of violence against the life and physical integrity**, whether collective or individual, that might be organized against the Achuar People of the Pastaza - FENAP, in particular, along the border zone.

4. WE DEMAND THAT THE OIL COMPANIES no enter into our territory without our express consent. And that they not foment violence between indigenous people. We are not going to continue with this game and we don't want a repetition of the violence of 2009.

5. WE REQUIRE THAT THE STATE comply with our rights, already recognized in the Constitution and within international law, which are the ultimate end and highest interest of the State; that the Public Ministry archive the denunciations against us; that the State comes around to our demands and desists in their action of unconstitutionality against the Regional Ordinances; that the Judicial Branch and Constitutional Tribunal resolve the cases according to our rights; that the State establish a public policy of effective respect for the legal personhood of

First Peoples and indigenous rights; that they order the creation of a Registry of Indigenous Peoples within SUNARP, SUNAT, and in all public entities.

6. WE REQUEST THE OVERSIGHT of the Peoples Defenders office, the Public Ministry, the Congress, in addition to the Inter-American Commission of Human Rights, the United Nations, the International Labor Organization, and other international entities.

7. WE REQUEST SOLIDARITY AND SUPPORT from national and international indigenous organizations, civil society, international cooperation, associations, the Church, Pope Francis, Cardinal Monsenor Barreto, and the Bishops of REPAM.