

Oil Circuit and Human Rights

Pipelines, spills and systematic violence against indigenous peoples in Peru

Executive Summary

This report analyzes the impacts generated by oil infrastructure in the northern Peruvian Amazon from a legal and sociological perspectives, since its installation in the 1970's to the present, with a special emphasis on the impacts produced by the North Peruvian oil pipeline on the human rights of indigenous peoples. The report covers both the set of legal norms and institutions created by the State, as well as the infrastructures that make up what the author has called the “oil circuit” –wells, pipeline and refinery-. In addition, the conclusions were drawn from the voices of the indigenous organizations affected by this infrastructure.

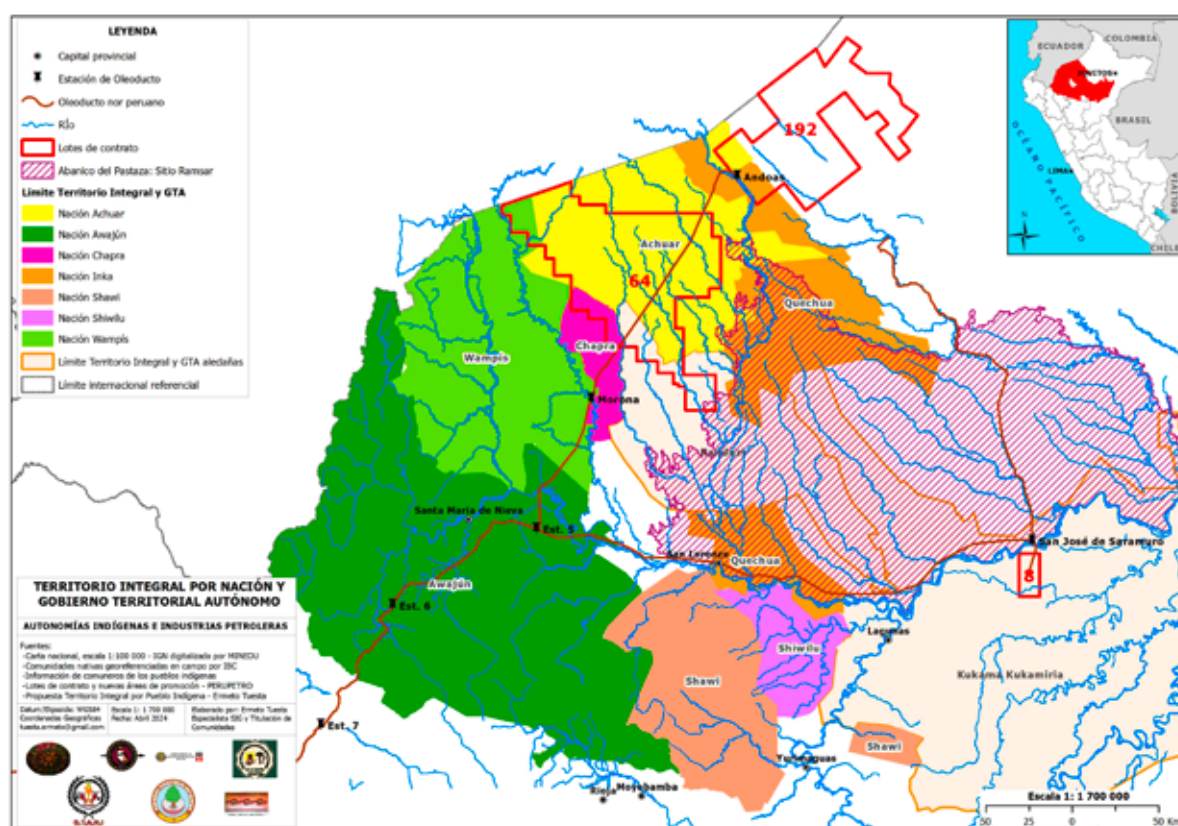


Figure 1: Oil Circuit and indigenous territories.

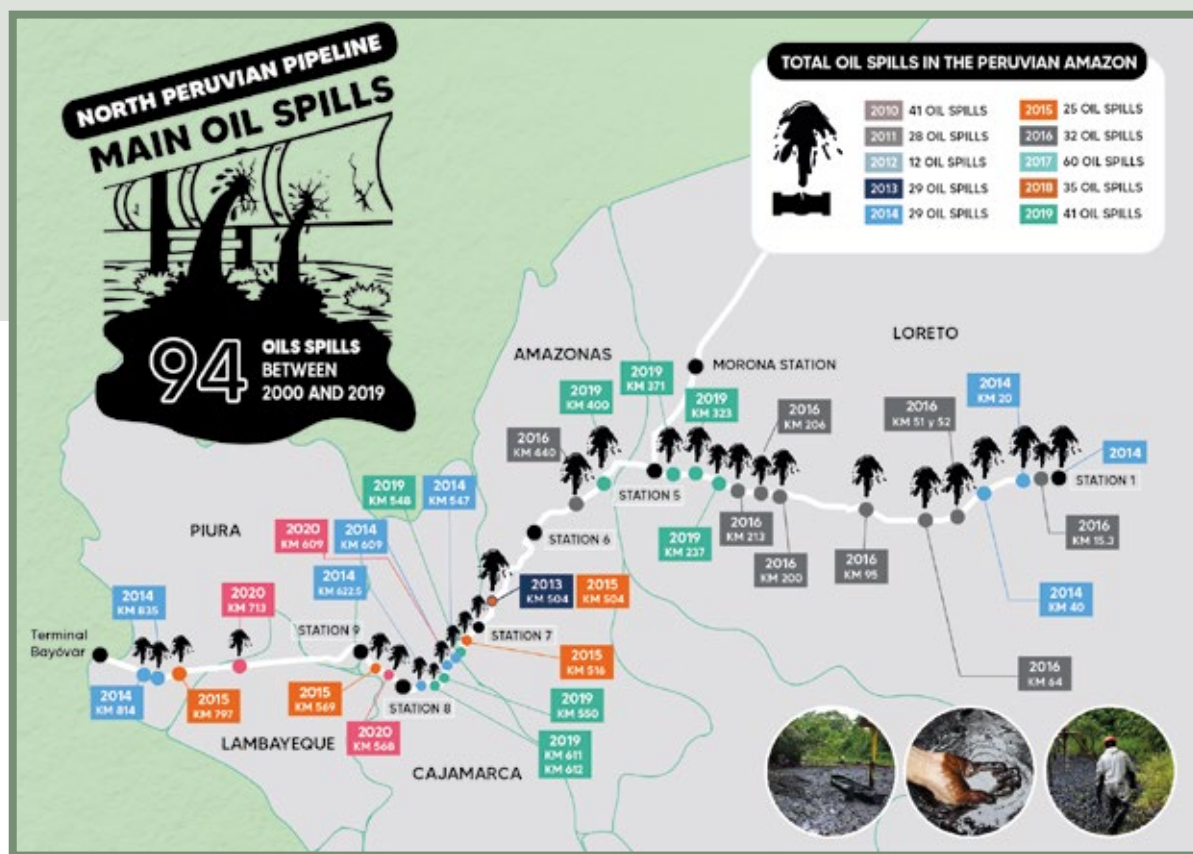
The Peruvian State has conceived of the Amazon as a space for the extraction of natural resources and during the 20th century this included the promotion of the oil industry and the construction of mega infrastructures for its operation. Since the 1990s, the free market has displaced state centered approach, but the image of the Amazon as a space for exploitation has been maintained. From this perspective, the problem is not environmental pollution or the violation of collective rights, but low productivity and low efficiency. Thus, the oil industry has operated with an approach that privileges production and profitability over environmental sustainability and human rights.

Throughout the text, it is shown how the Peruvian State's regulatory and administrative responses to pollution have been flawed and extremely bureaucratic. Environmental regulation was non-existent at the beginning of oil operations

and is currently focused and oriented towards oversight, without becoming a real brake on environmental contamination and without effectively advancing in the remediation of impacted sites, despite the enormous work of indigenous organizations and their allies to document the impacts and to guide the State to adopt a more comprehensive and scientific approach to environmental remediation. Many peoples are forced to go to court and demand compensation, even though the processes are costly and lengthy, and the judges are inexperienced in the matter.

Indigenous Peoples keep in their memories the impacts of the oil contamination and the actions and omissions of the State, particularly with respect to the management of the North Peruvian oil pipeline. During oil exploration and infrastructure construction, the greatest impacts refer to forced displacement for the development of camps, roads and wells, or slow displacement due to the impact on livelihoods (wildlife, flora, water resources), which left no alternative but to seek these resources in more distant places. This stage also saw the beginning of pressure on the territory and resources from workers and settlers, as well as the appearance of diseases. During the oil production stage, the greatest environmental impacts were produced through the dumping of production water and oil spills, whose consequences on the health of impacted communities and the degradation of ecosystems continue to this day.

The study proposes an integrated vision of the oil problem in the Amazon, in which the Norperuvian Pipeline is an essential component of the oil circuit. The operations of the pipeline and the blocks are functionally articulated, producing systematic and continuous legal violations that have generated an accumulation of environmental and human rights impacts.



The indigenous territory is a pre-existing right and is the expression of self-determination, which have been violated by the oil circuit in an uninterrupted manner, also impacting the health, environment and culture of the affected peoples. Given the systematic and structural nature of these affectations, the state response to defend the fundamental rights of Indigenous Peoples can only be systematic and structural. To this end, the State must develop immediate and integrated actions of environmental remediation of the impacted sites, compensation for the use of indigenous territory, compensation for the damages generated and social inclusion and closing of social gaps, framed in a process of transformative justice that interrupts and repairs the situation of violation of fundamental rights that is being experienced to this day.

