

A CONFLICT ASSESSMENT OF CURRENT AND FUTURE DEVELOPMENT OF THE
PERUVIAN AMAZON

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ABSTRACT

This paper examines the conflict over current and future development in the Peruvian Amazon and how this situation is based on opposing development interests held by the national government and the region's indigenous peoples. In doing so, the article draws upon the Stages of Conflict and Circle of Conflict models to assess the varying levels of intensity and change over time in addition to identifying the underlying drivers of the conflict based on the six categories: values, relationships, external/moods, data, structure and interests. This assessment may be useful for drawing insights of how to better resolve this conflict and may provide avenues for more collaboration in the development of the Amazon region.

Introduction:

The Peruvian Amazon is a region richly endowed with biodiversity, minerals, hydrocarbons and forestry resources, while rivers flow down the eastern slope of the Andes, providing important sources of freshwater, food and energy as they converge to form the Amazon River. Because of these ecological treasures, conflict has arisen between the national government of Peru and the region's indigenous peoples. They are debating over who has the rights to the land and resources, and who has a say in the plans for current and future development of the region.

The United States – Peru Trade Promotion Agreement (US-PTPA), a free trade agreement (FTA), initially sparked the conflict. This is because the national government of Peru and the indigenous peoples of the Amazon region hold conflicting interests in the type of development to be carried out. However, there are many underlying drivers which fuel this debate. In order to fully understand the conflict, this article utilizes Fisher et al.'s (2000) Stages of Conflict model and Christopher Moore's Circle of Conflict model to diagnose and better understand these drivers throughout the various stages of the conflict in order to offer some strategic direction for moving the conflict toward resolution (Furlong 2005).

Beginning with an overview of the Stages of Conflict model, this article divides the conflict into five stages and describes key events as tension rises and falls. Once the conflict is outlined, this article draws on the Circle of Conflict model to identify the different underlying drivers, or causes, which have all combined to form this complex and multifaceted conflict. Focus then shifts toward diagnosis of the conflict based on the strongest drivers, and looks for the most practical opportunities for a collaborative resolution. In conclusion, the article identifies

the theoretical positions each party takes on development and makes recommendations for moving forward in the resolution process.

Conflict Assessment Background:

A greater understanding of the stages through which the conflict has passed in addition to the driving causes fueling the conflict can better equip stakeholders to plan and carryout strategies to mitigate the conflict while taking into account the interests of all parties (Fisher et al. 2000). Unlike theories which are burdened by truth, models have practical applications in their ability to sift through large quantities of complex information and narrow focus to the most important and adaptable aspects of a conflict (Furlong 2005). In this way, the models do not follow rigid formulas, but serve as flexible and practical tools for understanding the complexities involved in the conflict. Furthermore, these models do not aim to be scientific, but instead are tools for opening dialogue and establishing a path toward inclusive and effective resolution. It is also important to note that this analysis is inevitably informed by my personal perceptions, values, and experiences, and therefore may differ from analyses by others (Fisher et al. 2000).

Stages of Conflict Model Background:

Changing over time, conflicts tend to pass through various stages of intensity and activity. For this reason, it is advantageous to recognize these stages and use them together with other models to understand the dynamics of the events as they relate to each stage (Fisher et al. 2000). Simon Fisher et al. (2000) recognize these periods, categorize them into five basic stages, and label them the Stages of Conflict model [Figure 1]. Although many variations and

adaptations of this model have emerged (see Brahm 2003, Neufeldt et al. 2002), for the sake of simplifying this complex conflict this article utilizes the five stage model.

The first stage is Pre-conflict, in which goals arise between different parties that are often incompatible with each other. This early in the conflict, the drivers of the conflict tend to be hidden from general view, though one or more of the parties directly or indirectly involved may be aware of the potential for confrontation (Fisher et al. 2000).

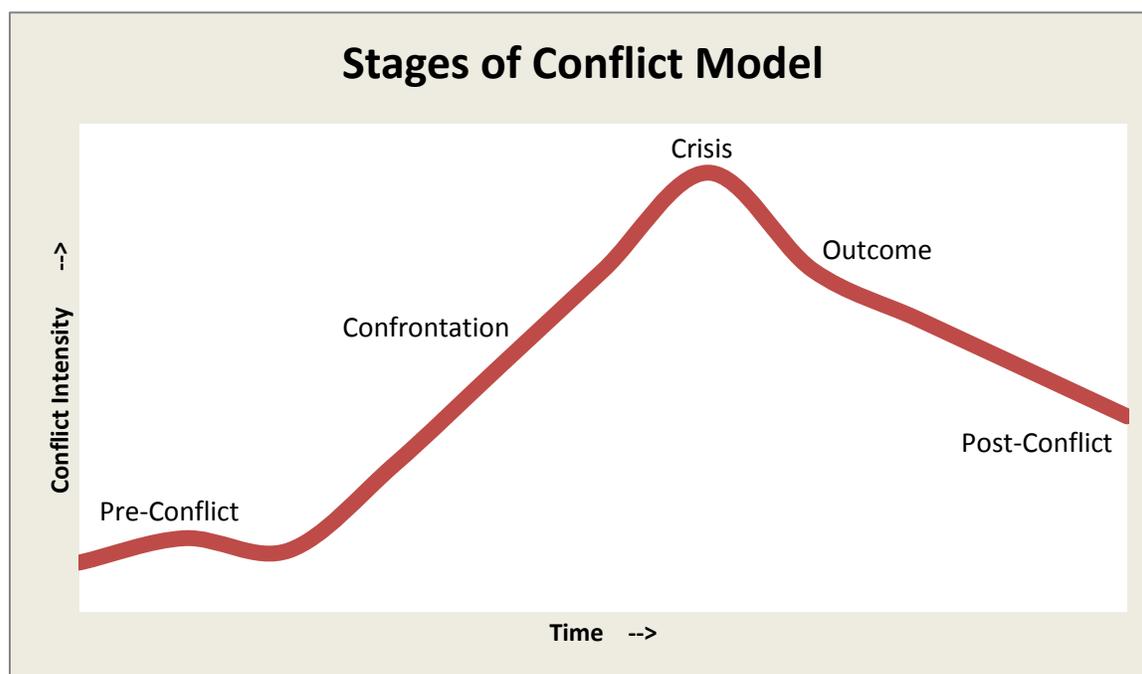


Figure 1. Fisher et al.'s (2000) Stages of Conflict model. (Graphic adapted and re-created by author)

The second stage of conflict is Confrontation. During this stage, the conflict has escalated outward, and supporters of the different parties may begin to engage in confrontational behavior, such as demonstrations, strikes, and sometimes even low levels of violence. It is also during this stage that each party gathers and inventories their resources, possibly creating or calling upon alliances with an expectation that the confrontation will escalate even more (Fisher et al. 2000). Because of this, relationships between the parties become even more strained and support for each party tends to become more polarized (Fisher et al. 2000).

The third and most dramatic stage of a conflict is Crisis. This may be the most intense and violent period of a conflict and often normal communication between the parties has shriveled and/or ceased. It is also during this stage that most accusations are made by one party about another (Fisher et al. 2000).

Following Crisis is the Outcome stage, during which tension between the parties is leveled and confrontation decreases. This may come about through the defeat of a party, a ceasefire, surrender, or the agreement to negotiations (Fisher et al. 2000).

Finally, the Post-conflict stage emerges once the conflict is resolved in a manner that ends violence and confrontation, and reduces tension between the parties to the point that more normal relationships can develop. However, if certain issues related to the underlying drivers or incompatible goals are not adequately addressed, this stage could circle back to the beginning and become another Pre-conflict stage (Fisher et al. 2000).

Again, as with any conflict model, it is important to note that this model is idealized and in reality conflicts do not follow linear paths. Instead, they have progressions and setbacks where escalation may resume after a temporary standstill. They may also skip stages as they flow toward a resolution. Nonetheless, this model can still be useful for understanding the development of a conflict as most pass through these stages at least once in their progression.

Stages of Conflict Assessment:

The Pre-conflict stage began in May of 2004 when the Peruvian government began talks with the United States for a FTA that would replace the regional trading pact, the Andean Trade Promotion and Drug Eradication Act. Throughout this stage the incompatibility of development goals of the Peruvian government and the nation's indigenous populations became apparent. The

government sought neoliberal expansion and national economic competitiveness through natural resource extraction and exportation while the indigenous peoples became concerned about their self-determination, access to land and resources, and freedom to develop according to their own needs. As tension grew between the two factions, the government avoided contact and consultation with indigenous peoples and groups, possibly because they realized the potential for confrontation. During this stage, Peruvian President Alan Garcia penned several opinion pieces and distributed them through the popular media in attempt to convince the general public to support national development goals. This stage ended when President Garcia sought and secured special executive abilities to legislate on issues specifically related to the implementation of the US-PTPA, bypassing approval from Congress.

The stage of Confrontation became apparent in early 2008 when the Amazonian indigenous peoples realized the possible detrimental implications of President Garcia's executive powers. The conflict became increasingly opened to the public as the Amazon region's indigenous peoples began publically protesting in opposition of these powers. At this point, President Garcia implemented a series of Legislative Decrees (DLs), some of which pertained to the US-PTPA, whereas others were unrelated. Relationships between the government of Peru and the region's indigenous people became increasingly strained and low levels of violence broke out during four separate protests led by indigenous groups. During this stage, Congress attempted negotiations with the indigenous peoples, but polarization between the sides grew as the negotiations failed to address each party's needs. Nevertheless, Congress agreed to form a Congressional commission to investigate the constitutionality of the decrees. As the protests escalated in intensity, Congress decided to revoke controversial DL 1015, which permitted the purchase of community property with the approval of three community members, and DL 1073,

which made subtle changes to the legal definition of collective land ownership in the Amazon, thereby reinstating Articles 10 and 11 of the prior development and private investment land law No. 26505 from 1995. Shortly after, video recordings surfaced which showed high-ranking members of President Garcia's administration negotiating fraudulent resource concessions with lobbyists of foreign extraction companies.

In late March of 2009, the conflict reached the stage of Crisis. As the Congressional Commission failed to carry out their promises of reporting on the constitutionality of the remaining decrees, normal communication between the two factions ceased. At this point, communication came in the form of letters, public statements, and through third parties. Frustrated by broken promises and the unjustness of the decrees, the indigenous peoples carried out ten separate large-scale protests throughout the country. During these protests they demanded recognition of their rights to land, resources, self-determination and village-based development. The indigenous groups also demanded the suspension of all FTAs with the United States, the European Union, China and Chile. The government responded by violently attacking protestors and temporarily suspending civil liberties in four of the most violent regions. This culminated in the death of 28 indigenous people, 20 military and police officers, and the dispersal of thousands more with tear gas and live ammunition. Throughout this stage, the government attempted four separate negotiations with the indigenous peoples, but all of them failed to produce ceasefire. Indigenous groups claim this is because the government did not respect them and their needs during these meetings and undermined the authority of several national organizations by fabricating fallacious indigenous groups in line with governmental goals. The government claims that these negotiations failed because the indigenous people acted in a seedy, greedy manner. The protests did not stop, despite the violence that had occurred, until Congress revoked two

more decrees, DL 1064 and DL 1090, which restored the previous Forestry laws for the meantime, until new ones are agreed upon.

The Outcome stage follows and violence between the two parties has decreased, though tensions remain high. A working group met to promote dialogue between the government and indigenous groups in December of 2009, but the government still failed to reach consensus with the indigenous groups and regional governments. In early 2010, the government created the Grupo Nacional [National Group] to serve as the Forestry Platform and consult indigenous peoples about the new drafts of the Forestry laws. These consultations have continued, with majority of them held during November of the same year. Yet these consultations by the government continue to fail in reaching accord with the interests of the indigenous peoples of the Amazon.

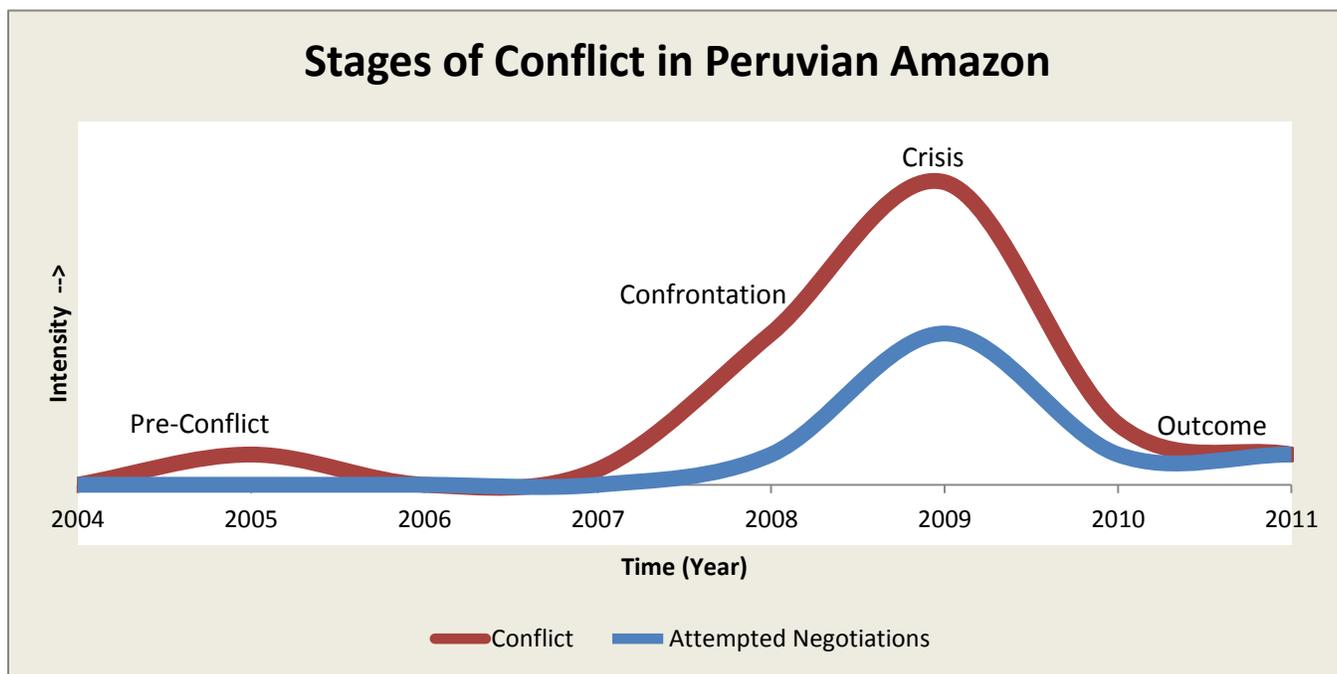


Figure 2. The Stages of Conflict model as applied to the conflict between the government of Peru and Amazonian indigenous groups.

For now, the conflict remains highly contentious and has not passed to the Post-conflict stage. The newest drafts of the Forestry laws are waiting to be seen by Congress, though they have not been publically distributed. Many indigenous groups and some members of Congress have warned the administration of President Garcia that the protests may restart if the new laws fail to fulfill the demands of the region's indigenous peoples and if the remaining decrees are not revoked. If problems arising from the incompatible goals of the indigenous peoples and the government are not adequately addressed, this stage may lead back to another Pre-conflict situation.

Figure 2 graphically illustrates the escalation of this conflict throughout the last eight years in relation to the amount of negotiations that have taken place. See Appendix I for a detailed timeline of events that have taken place during each stage of the conflict.

Circle of Conflict Model Background:

Originally developed by Christopher Moore at Collaborative Decision Resources (CDR) Associates of Boulder, Colorado, the Circle of Conflict model [Figure 3] is a diagnostic tool that proposes six different categories for the underlying drivers of a conflict (Furlong 2005). Through the identification of the causes of a conflict, those involved are better equipped to look beyond the problem being presented and find areas of common interests so that they can work toward a solution while sidelining the underlying drivers that are more contentious (Furlong 2005). Once the drivers for each category have been identified, the model shifts focus away from the top half of the Circle and narrows in on the Structure, Interests, and Data categories of the bottom half of the Circle (Furlong 2005). By focusing on the drivers below the line, efforts toward reconciliation tend to be more effective than if focus is placed on Values, Relationships, and External/Mood issues, which may not necessarily be 'solved' (Furlong 2005).

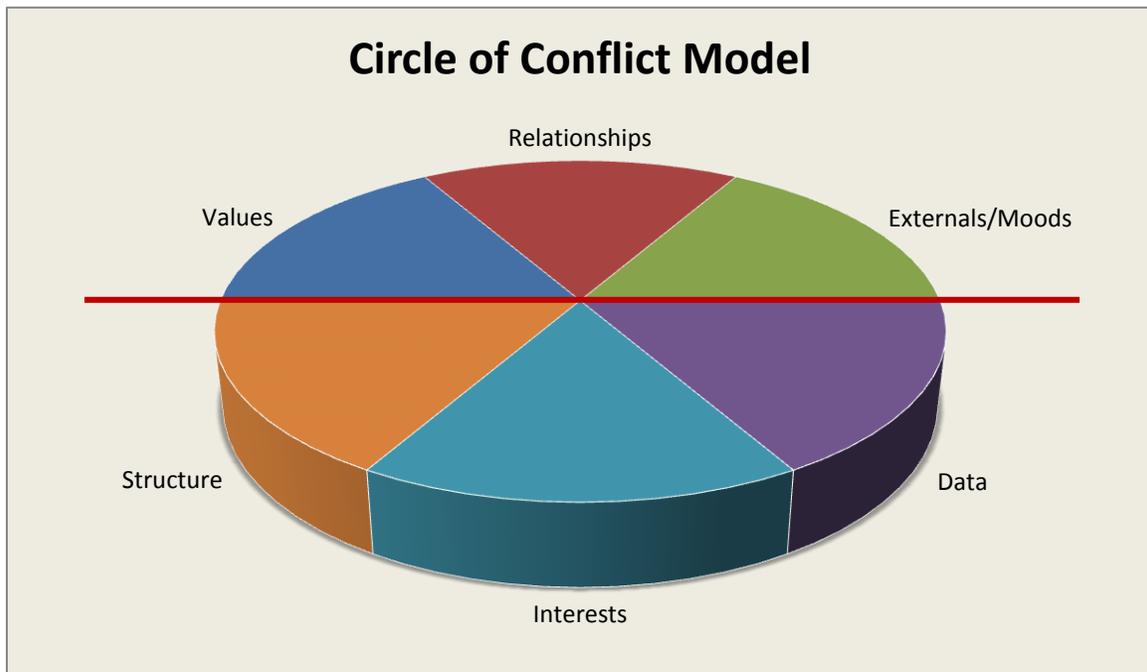


Figure 2. Christopher Moore's Circle of Conflict model (Furlong 2005). (Re-created by author)

Under this model, Values include life-defining beliefs in addition to day-to-day ethics and morals. Due to the importance that people place on their values, morals, and ethics, conflicts with strong underlying value drivers tend to be extremely personal and difficult to resolve. Relationship drivers are identified as the experiences or past history between parties that is creating a negative situation. Often, relationship issues lead to the creation of stereotypes and tend to restrict or terminate communication with the other party. Relationship drivers also may cause retaliation behaviors as one group feels like they are treated unfairly and takes action because of this, and the other party perceives these actions as unprovoked, striking back against the first party. Externals/Moods are issues that are not direct drivers in a conflict, but they may contribute to the conflict as outside forces; this may simply be someone having a bad day, or parties who are both being affected by uncontrollable outside forces (Furlong 2005).

Data and informational drivers can be the key causes of conflict. Many times issues of this nature are based on incomplete or incorrect information, or when the parties interpret data in

different ways, and they often lead to additional negative assumptions and problems. The fifth category of drivers, Structure, can be broken down into problems related to limited resources, authority problems, geographical constraints, and organizational structures (Furlong 2005). Often, limited resources causes parties to compete and can compromise the types of data being produced. Authority problems result when the stakeholders try to reconcile a conflict but are not in the authoritative position to make the decisions. Geographical constraints are drivers in conflicts where locations are remote or in situations covering wide geographical areas. Organizational structures can be the driver in a conflict when different people must work in conjunction though their priorities are differing. The last category consists of Interest drivers. These are the wants, needs, hopes, and fears of each party. By giving this category the most attention, stakeholders can focus on their common interests and trade their lower-priority interests for more important ones as they move forward in the resolution process (Furlong 2005).

Circle of Conflict Assessment:

Values

There are a number of values dynamics underlying the conflict in the Amazon. The government of Peru believes that the land and resources have little to no value if they lay untouched and undeveloped. This is based on neoliberal development theory, which promotes the extraction and exportation of natural resources for national economic growth. The government also has a modernization development outlook and seeks to transform the indigenous populations of the Amazon from ‘backwards’ and ‘primitive’ into westernized and ‘productive’ members of society. Both of these beliefs became especially evident during the Pre-conflict stage when President Garcia’s wrote:

“There are millions of hectares for lumber that lie idle, other millions of hectares that communities or associations have not cultivated nor will cultivate, as well as hundreds of mineral deposits that cannot be worked and millions of hectares of ocean which are never used for farming or production. There are, also, millions of workers who do not exist, even though they work, because their work does not provide them with social security or a pension later on, because they do not contribute what they should, multiplying national savings.

As a result, there are many unused resources that cannot be traded, that do not receive investment and do not create jobs. And all this because of the taboo of already past ideologies, idleness, laziness or the law of the dog in the manger that says, ‘If I do not do it, then let no one do it’” (Garcia Perez 2007).

The indigenous peoples, on the other hand, conceptualize the land and resources of the Amazon in more symbolically and culturally significant terms born out of persistent patterns of behavior over the last few thousand years, such as taboos on diet, hunting and cultivation, in addition to their beliefs of real connections between their natural and supernatural worlds (Davis and Wali 1994). Other instances throughout the conflict which have been driven by beliefs and ethics are the governments’ views that the indigenous peoples are acting unfairly toward the rest of the Peruvian population by being greedy about their resources. The indigenous peoples, on the other hand, see the failure of the government to address their needs as discriminatory and unjust. These examples illustrate the differences in belief systems of each party, and because they are poles apart they will be very difficult to reconcile for the sake of conflict resolution.

Relationships

Before any development related issues arose, the indigenous peoples of the Amazon and the government maintained neither a respectable nor equal relationship. Since colonization of

Peru, the government often overlooked the interests of the indigenous peoples, and beginning in the 1960s, led Amazonian indigenous groups to organize into local, regional, and national organizations (Davis and Wali 1994). This began a new phase in the long history of their resistance to conquest. In the last decade, the indigenous groups have become more vocal and mobile, as they campaign and organize to address their own needs. Yet, the government's past negative behaviors in addressing their needs has built and maintained an unfavorable stereotype in the minds of the indigenous peoples. Specifically, the indigenous have come to view the government as unwilling, uncaring, greedy, and driven by money. Because of the heavy influences of colonial ideals reinforced by the governing institutions throughout Peru's history, the government has also maintained a negative stereotype of the indigenous peoples. This stereotype views indigenous peoples as 'primitive,' 'lazy,' and 'unproductive', and has been imposed especially in urban areas and through popular media. Stereotypes such as these have created further implications in the relationships between the two factions.

Now, the relationship between the indigenous peoples and the government has deteriorated to the point where several demonstrations were carried out by indigenous protestors against the government. This led to the injury and death of dozens of people as government forces retaliated against the protestors. This type of violence further impairs their relationship. Due to this history of repeated negative behaviors and perceptions of each other, these Relationship drivers have come to the forefront of this conflict and are damaging both groups' ability to work together toward common interests without focusing on the past.

External/Moods

There are a few External/Mood dynamics underlying this conflict. Though faring better than many other countries during the world economic crisis, Peru is still suffering through their own national financial hardships. In addition, during the Pre-conflict stage, Peruvian representative, Luis Enrique Chavez Basagoitia, introduced the Declaration on the Rights of Indigenous Peoples to the UN General Assembly and was one of 143 representatives that voted in favor of it. In some ways, this represents the Peruvian government's commitment of ensuring and respecting the rights of the nation's indigenous groups. Other externalities not directly part of the conflict, but surely related to it, were the opinions of several different international organizations, international commissions, and assemblies from the United States, Europe and the United Nations stating their opinions of recognizing the rights of the Amazonian indigenous in conjunction with developing the land and resources of the Peruvian Amazon.

Data

There are a number of Data problems driving the conflict. First, the indigenous peoples were faced with a lack of information as the government has not provided the text of many of the decrees to the public. In addition, during the Crisis stage of the conflict, the government disbanded the National Institute of Natural Resources (INRENA) and transferred their responsibilities to many of the regional governments, who lack the financial and human resources to collect and present much needed information. Another example of a failure by the government to communicate information to the indigenous public was the postponement of delivery of a report about the constitutionality of the decrees by the Constitutional commission, and as promised by Prime Minister Yehude Simon.

Misinformation has also been a prevalent driver in the conflict as information that has been available to the public has been skewed by the government in their best self-interests. It goes both ways, however, as both parties seem to assume only data that is in their interests to assume. Both parties hold assumptions about this misinformation or lack of reliable data as well; the indigenous people assume that the government is withholding important and useful information, while the government assumes that the indigenous want to manipulate data to aid in the robbery of natural resources. In any case, both parties assume that the opposing group is out to get them at all costs. Based on the unwillingness of both parties to compromise even a little bit, the suspension of rights by the government, and the escalated levels of violence, there is a fair amount of evidence that substantiates these assumptions.

Lastly, the government and the indigenous groups of the Amazon are both plagued with data collection problems. The government does not have the human, technical, and financial capacity to efficiently report on the numbers of land and resource concessions open to development. Also faced with financial and technical limitations, the indigenous groups do not have the ability (or the authority) to produce this information. Because of these constraints, both parties have resorted to inventing and misconstruing information in their own favor.

Structure

There are three main Structure dynamics that are driving the conflict. First, the Peruvian government is based out the Lima, the capitol of Peru and where majority of the Peruvian population is concentrated. By controlling access to governmental institutions and procedures, the indigenous peoples of the Amazon are faced with geographic structural constraints as they are spatially distant from many of the institutional resources they may need or want to utilize for

the protection of their land and resources. The government, on the other hand, is also spatially distant from the Amazon region, and is geographically cut off by the towering Andes. Because of this they are geographically isolated from the land, resources, and people that this conflict centers around and this compartmentalizes their perceptions of the conflict.

Another structural problem is that the laws in Peru are controlled and guided by the government, even though there are certain authoritative means to keep the government in check. By granting special powers to President Garcia, the structure of the governmental institution was compromised, and authority was given to a person who, up to that point, did not have the authority to make such rapid national decisions. In attempts to control his power, several other branches of the government, such as Congress, sought to counter his actions. This reflected their diverging priorities and highlighted drivers based on organizational Structures within the institution itself. The indigenous peoples of the Amazon also rely on the government for their sustenance and well-being, though the government does not rely on the indigenous peoples (only on the land and resources where they live). This highlights both the authoritative and organizational Structure drivers that are underlying the conflict.

Lastly, the government was driven to make speedy changes in environmental and labor laws because of the time constraints administered by the implementation of the US-PTPA. The free market nature of the US-PTPA also signifies an economic structure based on competition rather than cooperation and collaboration. This reveals Structural problems due to limited time and financial resources, as well as the economic structure itself.

Interests

Each party's interests in the conflict are the strongest underlying drivers. The Peruvian government seems to ascribe to neoliberal and modernist theories of development. Specifically, their interests are characterized by the dominance and application of free market principles with trickle-down economic growth as the foundations for development. This is a linear view of development based on progress, and is led by the liberalization and opening of economies through private sectors. For the government of Peru, Interest drivers are the privatization of public enterprises and resources, which include plans for the extraction of minerals, hydrocarbons, biological and forestry resources, and the development of hydroelectricity sources in the Amazon region. They are also interested in eliminating price controls on basic goods while opening up the country to international trade and investment.

The indigenous peoples of Peru are interested in community-based development. This type of development has elements falling into two general categories: philosophical and structural (Stoez et al. 1999). So far, they already have the philosophical elements of equality, hope, and social justice, among others, but these are often not sufficient for creating change. In this conflict, the indigenous peoples have interests in securing mechanisms which allow them to put their philosophical goals into action through structures of organization, planning, management, and resource allocation. Although this would create potential benefits for the local populations of the Amazon, this type of development rarely reaches the greater population of a nation.

Though the interests of the government and the indigenous peoples may seem extremely divergent, they actually share some common ones. Primarily, both the government and the indigenous peoples have interests in long-term investments in the land and resources of the Amazon. However, their methods for securing these long-term investments differ, as the

government is interested in rights to private ownership while the indigenous peoples are interested in collective property rights. The government is also interested in quick implementation of new laws to uphold certain environmental requisites of the US-PTPA, while indigenous groups are interested in fair implementation of new laws to prevent environmental degradation and contamination, poor labor conditions, and incursions into their territories. Lastly, indigenous peoples are interested in a development agenda that respects their rights to self-determination and cultural sustainability, while the Peruvian government primarily interested in development that promotes national economic competitiveness.

Circle of Conflict Diagnosis:

In diagnosing this conflict, the Circle of Conflict model has highlighted a Structure-Relationship dynamic. For the government of Peru, the settlement of this conflict is important for national economic growth and future development, but is a low priority for administrative members' daily lives. Yet, for the indigenous peoples of the region, the resolution of this conflict is an extremely high priority not only for their day-to-day survival, but also for their ability to subsist – economically, culturally, environmentally, and spiritually in the future. This is a structural problem, in that the indigenous peoples have little actual authority to order or direct the government to fulfill their needs.

In the Confrontation stage, the indigenous peoples accepted the government's promises to investigate, report on, and take action about the constitutionality of the decrees associated with the US-PTPA. After several months of waiting, the indigenous peoples began thinking that the government's problem was limited time and resources, and began personalizing it by thinking that, instead, the problem is the government itself and they are simply unwilling to help them.

Because of this, the indigenous peoples and the government no longer had just a Structural problem, but it became a Relationship problem – an issue much harder to resolve.

Recommendations for Strategic Direction:

Because the conflict embedded with negative Relationship issues, I recommend that the parties take a future-based focus in order to look at what needs to change to improve the situation. Focusing on past negative relationships tends to assign blame. Each party needs to specifically identify what they want to see from the other party in order to change their perception of them. To move toward resolution, the parties then need to commit to making those changes. This may be an arduous process, but by taking small steps to build each other's trust, they can begin to change their perceptions of each other in the relationship.

Both parties also need to address the issues related to Data. By recognizing their assumptions about each other and the data itself, they can address ways in collaborating to collect and interpret data that is beneficial to all parties involved. It may be possible that a neutral party needs to be enlisted to help with their limited resource problem, and if so, they need to reach agreement on the procedural methods necessary to attain this data. A neutral party may also benefit both parties in reaching consensus by shifting authority to others outside of the conflict.

Lastly, both parties need to focus on their common interests and priorities. Both the government of Peru and the Amazonian indigenous peoples have aligned and divergent interests. Priorities now seem to center on each party trying to 'get' or 'beat' the other one, and both are interested in settling this conflict within a reasonable amount of time. If they find out what they want from each other in the future, they can address what they need to do now in order to get to

that point. They must also identify low-level interests that they are willing to trade-off in negotiations.

In conclusion, this conflict is complex, multi-layered, and extremely intimate to both the government and indigenous peoples of Peru. Because of the differing values and interests driving the conflict, it may be difficult to resolve. Creativity and a future focus can help both parties rise above negative past relations and help address structural problems. However, because this conflict is complicated and large-scale in nature, it may be extremely difficult to maintain peaceful, open veins of dialogue between the parties and shift focus towards their common interests, instead of on their tumultuous history and divergent goals.

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Appendix I: Timeline of Conflict

PRE-CONFLICT

May 2004 – former Peruvian President Alejandro Toledo and former U.S. President George Bush Jr. began negotiations for a free trade agreement which would break the regional trading pact and replace the Andean Trade Promotion and Drug Eradication Act, which was signed in 2002 and in effect until December 2006 (Carlsen 2009^b, Zibechi 2009).

December 8, 2005 – President Bush and current Peruvian President Alan Garcia sign the United States – Peru Trade Promotion Agreement (US-PTPA) in Washington D.C., which provokes the first round of widespread protests in Peru, led by small property-owning farmers (Carlsen 2009^b, Zibechi 2009).

June 2006 – The US-PTPA is ratified by the Peruvian Congress (Zibechi 2009).

July 2006 – President Garcia issues a statute which greatly enhances governmental control over the operations of non-governmental organizations (NGOs). Specifically, this mandate enhances the authority of the Peruvian Agency for International Cooperation (ACPI) to ensure that NGOs are in line with the Peruvian government’s development goals, as well as introduces greater enforcement measures (Aiello 2009).

December 2006 – The Peruvian government introduces a bill which reforms the national forestry legislation. This bill becomes known as the “Law of the Jungle”.

September 2007 – A Peruvian high court issues an opinion which declares parts of the “Law of the Jungle” to be unconstitutional (Aiello 2009).

September 13, 2007 – Peruvian representative, Luis Enrique Chavez Basagoitia, introduces the text of the United Nations (UN) Declaration on the Rights of Indigenous Peoples to the UN General Assembly. The text is adopted by a recorded vote of 143 in favor (including Peru) to 4 against (Australia, the United States, New Zealand, and Canada).

October 2007 – President Garcia authors an opinion piece in the Lima-based daily newspaper, *El Comercio*, entitled “El síndrome del perro del horelano,” which compares those advocating for the conservation of the Amazon’s resources to a dog growling over food that it does not eat but will not let others have (Aiello 2009).

November 2007 – President Garcia pens a second opinion piece in *El Comercio*, where he states “The primary resource is Amazonia. It has 63 million hectares and abundant rain. Lumber forestry can be developed here, especially in the eight million hectares destroyed, but to do this it is necessary to own property, that is, a secure land of 5,000, 10,000 or 20,000 hectares, since with less land there is no long-term, formal investment with top technology... At present, there are only concessions that depend on the will of the government and of the official who can modify them. This is why nobody invests nor creates jobs for each two hectares, as it should be; nor is there any processing of wood and export of furniture. In their majority, these pillage concessions have only served to extract the finest wood, deforest and abandon the land. Contrary

to this, formal property owned by large collective companies such as the pension funds would permit long-term investments from the planting to the harvesting years later. Those who oppose this say that one cannot grant ownership in the Amazon (though we can on the coast and in the highlands). They also say that granting ownership over huge lots would give earnings to large companies, of course, but it would create hundreds of thousands of formal jobs to Peruvians who live in the poorest areas. This is the dog in the manger syndrome” (Instituto Bartolome de las Casas 2009).

December 12, 2007 – President Garcia asks Congress for the ability to legislate on issues related to the implementation of the US-PTPA (Instituto Bartolome de las Casas 2009).

December 14, 2007 – The US-PTPA is ratified by the Peruvian Congress and President Bush signs the US-PTPA into law (Zibechi 2009).

December 18 to 20, 2007 – Peruvian Congress publishes Law No. 29157, delegating legislative powers to the President Garcia to legislate on various issues related to the US-PTPA for six months in order to support improvements in national economic competitiveness (Carlsen 2009^a, Instituto Bartolome de las Casas 2009).

CONFRONTATION

February 2008 – Peruvian farmers begin to protest the Executive legislative powers by shutting down roads to Lima, and the Peruvian military police kill four people and detain 700 more (McArthur and Tucker 2010).

June 28, 2008 – Just before the deadline, President Garcia issues a package of 99 legislative decrees (DLs), some of which correspond to the implementation regulations of the US-PTPA, others which are unrelated (Instituto Bartolome de las Casas 2009).

Early July, 2008 – Protests escalate as Peruvian farmers and workers launch a two-day strike, cutting off access to Peru’s famous Incan ruins, Machu Picchu (McArthur and Tucker 2010).

August 9, 2008 – Strikes and protests are held across Peru by more than 1350 indigenous communities organized by the Inter-Ethnic Association for Development of the Jungle (AIDSESEP) demanding the retraction of the 99 DLs (Instituto Bartolome de las Casas 2009, McArthur and Tucker 2010). Various congressional and emergency commission are also formed to deal with the demands of the protestors, including two DLs which conflict with Peru’s ratification of the ILO Convention 169 on indigenous rights (McArthur and Tucker 2010). Throughout the next seven months, these commissions continue to issue reports which call for the DLs to be revoked (McArthur and Tucker 2010).

August 20, 2008 – AIDSESEP begins formal negotiations with the Peruvian Congress, known as the *Mesa de Dialogo*, and agrees to halt protests, ending the 11-day uprising (Renique 2009).

August 24, 2008 – AIDSESEP withdraws from negotiations with the Peruvian Congress because they feel their position is being undermined through the unannounced invitation of the

discredited Development Institute for Andean, Indigenous, Amazonian and Afro-Peruvian Peoples (INDEPA) and the Confederation of Amazonian Nationalities (CONAPA), both which represent a small number of opportunistic indigenous leaders¹ (Renique 2009). AIDSESEP also felt that the government was unwilling to engage indigenous representatives in a respectful and honest manner (Renique 2009). At this time, the APCI also launched its first investigation of AIDSESEP as a NGO (Aiello 2009).

Late August, 2008 – Peruvian Congress repeals DL 1015, which permitted the purchase, with the agreement of three persons, of all community property, thus reinstating Articles 10 and 11 of the prior development and private investment land law No. 26505² (McArthur and Tucker 2010). Peruvian Congress also revokes DL 1073, which had made subtle changes to the legal definition of collective land ownership in Peru’s Amazon (McArthur and Tucker 2010, Renique 2009). The president of the Peruvian Congress, Javier Velasquez Quesquen, proposes the formulation of a commission to evaluate the proposed legislation (Instituto Bartolome de las Casas 2009). The Ombudsman’s office also files suits against DL 1015 and DL 1073 after reporting they are unconstitutional (McArthur and Tucker 2010). In addition, the APCI investigation of AIDSESEP concludes without results (Aiello 2009).

October 7, 2008 – “Some 2,000 people protested increasing corruption in Garcia’s government and the financial crisis” (Latin America Press 2008).

October 9, 2008 – “the Council on Hemispheric Affairs (COHA), a Washington-based think tank, said the [Peruvian] government has not addressed these concerns in a ‘constructive manner’” (Latin America Press 2008). “ ‘As the president continues to lose legitimacy and popular unrest surges, fewer and fewer Peruvians are accepting the notion that the global free market will increase their odds of gaining prosperity’” (Latin America Press 2008).

Late October 2008 – Video recordings are leaked, which show conversations between high-ranking people of President Garcia’s administration and a lobbyist for foreign extraction companies who are negotiating a fraudulent concession for extraction rights in natural reserves and indigenous territories of the Amazon (Renique 2009). Shortly after, President Garcia’s Cabinet resigns due to the corruption scandal and he appoints Yehude Simon, from outside the ruling political party, as the new prime minister (BBC News 2010).

December 2008 – The Congressional commission presents its report to President Garcia, but Velasquez Quesquen says it will be presented to Congress on February 1st, after congressional members have returned from vacation (Instituto Bartolome de las Casas 2009).

January 16, 2009 – President Bush and President Garcia sign the final, ratified version of the US-PTPA (Instituto Bartolome de las Casas 2009, Carlsen 2009^b).

¹ Using the supposed indigenous representation groups, INDEPA and CONAPA, the government has initiated ‘cooperation agreements’ between indigenous communities and foreign extractive companies in the past.

² Legislative Decree 1015 was to replace a past communal land rights law No. 26505, which had been approved by Peruvian Congress in 1995 and required, “consent by a two-thirds majority vote by all members of the community” to approve private development projects (Cite Law?).

February 1, 2009 – The US-PTPA goes into effect. Velasquez Quesquen also goes back on his promise to report the Congressional commission’s findings to Congress (Instituto Bartolome de las Casas 2009).

March 12, 2009 – AIDSESEP sends letters to Velasquez Quesquen and Prime Minister Simon to remind them about the commitment of the Congressional commission (Instituto Bartolome de las Casas 2009).

Late March 2009 – Indigenous peoples in many Amazonian regions stage marches, demonstrations, blockades and hunger strikes due to governmental reluctance to address their demands, renewed incursions into their territories, abusive labor conditions, and extreme environmental contamination (Renique 2009).

CRISIS

April 9, 2009 – the Congressional commission has yet to respond to letters from AIDSESEP and fulfill their obligations. As a response, AIDSESEP and community leaders vote to enact work stoppages, though there are community members who believe they should hold back (Instituto Bartolome de las Casas 2009). AIDSESEP also demands in a declaration that Congress revokes the “Law of the Jungle,” sets up a *Mesa de Dialogo*, and facilitates the establishment of new branches of the government to focus on ‘intercultural’ solutions to health and education issues. Additionally, AIDSESEP calls for official recognition of indigenous collective property rights, guarantees of protection for communities in voluntary isolation, and a hold on land concessions to natural resource industries. AIDSESEP also calls for a new constitution to incorporate “the United Nation’s Declaration on the Rights of Indigenous Peoples and the International Labor Organization’s (ILO) Convention 169, both of which guarantee indigenous rights to territorial and cultural autonomy” (Renique 2009:3). Lastly, AIDSESEP request the “suspension of the government’s free trade agreements with the U.S., the European Union, Chile and China, all of which endanger indigenous territorial rights and Amazonian biodiversity” (Renique 2009:3). Protests intensify once again, roads and rivers are blocked, and oil and gas pumping stations are shutdown (Renique 2009).

April 18, 2009 – AIDSESEP, frustrated that no one is listening to their demands, decides to escalate the protests even more. At the same time, Prime Minister Simon states that the indigenous peoples’ demands are capricious while being interviewed on TV Channel N (Instituto Bartolome de las Casas 2009).

April 20, 2009 – AIDSESEP leaders and Prime Minister Simon meet together at the Presidency of the Cabinet offices. “Simon promises AIDSESEP he will form a multi-sector commission (formed by the Executive and AIDSESEP). Simon also tells the press he will sign a resolution to form this commission once the strike is lifted” (Instituto Bartolome de las Casas 2009).

April 24, 2009 – Velasquez Quesquen agrees to report the results of the Congressional commission, as originally promised, but first the conclusions must be approved by a board of spokespersons. The board of spokespersons decided not to approve the report to pass to the public (Instituto Bartolome de las Casas 2009).

Last week, April 2009 – Two Amazonian cities, Tarapoto and Yurimaguas, join the protests and decide to strike (Instituto Bartolome de las Casas 2009).

May 9, 2009 – AIDSESEP and indigenous groups intensify their direct action campaign and the government responds by declaring a state of emergency in four of the most conflict(?) regions of the Peruvian Amazon, which suspends many constitutional liberties of the people in the regions (Renique 2009, Instituto Bartolome de las Casas 2009)

May 11 to 13, 2009 – Alberto Pizango, the president of AIDSESEP, meets with Prime Minister Simon, though they fail to reach an agreement. Prime Minister Simon complains that Pizango speaks with him in Spanish but in his own language with indigenous leaders on the phone (McArthur and Tucker 2010, Instituto Bartolome de las Casas 2009).

May 15, 2009 – Pizango cites the right to insurgency and calls for an escalation of protests (McArthur and Tucker 2010, Instituto Bartolome de las Casas 2009).

May 16, 2009 – Leaders of AIDSESEP meet with Ombudsman officials, but announce that the protests will continue. At the same time, President Garcia announces that ‘the jungle belongs to all Peruvians and not just to one group’ (Instituto Bartolome de las Casas 2009).

May 19, 2009 – the Congressional commission declares DL 1090 unconstitutional (Instituto Bartolome de las Casas 2009).

May 22, 2009 – Rosario Fernandez, the Minister of Justice, accuses Alberto Pizango of encouraging rebellion, subversion, and conspiracy. In addition she claims, “We have heard Mr. Pizango’s arguments and they don’t appear to be made by a native who is unprepared” (Instituto Bartolome de las Casas 2009).

May 26 to 27, 2009 – select members of Congress make suggestions to revoke the “Law of the Jungle,” which is one of the main foci of the protests (McArthur and Tucker 2010).

May 27, 2009 – several indigenous groups and the country’s largest trade union call for a national day of protest. Thousands of people take to the street throughout Peru, and in Lima, a massive group marches to the steps of Congress, demanding the “Law of the Jungle” be declared unconstitutional. At the same time, the Fourth Continental Indigenous People’s Summit of Abya-Yala concludes in southern Peru with a day of action, expressing their solidarity with the Amazonian uprising. Under pressure, the government agrees to a private meeting in Lima with indigenous representatives (Renique 2009).

May 28, 2009 – Congress attempts to revoke the controversial decrees but is blocked by procedural actions taken by allies of President Garcia’s ruling political party (McArthur and Tucker 2010). In the meantime, a Peruvian nonprofit sends a letter to Nancy Pelosi, U.S. Speaker of the House, and Charles Rangel, Ways & Means Committee Chair, requesting that the implementation of the US-PTPA require the protection of indigenous rights (McArthur and Tucker 2010).

June 2, 2009 – the UN Commission on Indigenous Rights requests respect for indigenous rights by the Peruvian government (McArthur and Tucker 2010).

June 4, 2009 – Mauricio Mulder of the APRA party suspends the debate to repeal the DLs until the Congressional Commission gives its report. Meanwhile, the Ombudsman’s office files a complaint with the Constitutional Court, arguing that DL 1064 is unconstitutional due to its infringement on the constitutional rights of prior consultation with the indigenous peoples and their rights to property of the land and resources (Instituto Bartolome de las Casas 2009, McArthur and Tucker 2010, Zibechi 2009).

June 5, 2009 – Peruvian police and military forcibly stop the protests in Bagua by bringing in 369 police from the special operations squad, DINOES, with help of helicopters. Several thousand protesters are dispersed by tear gas and clashes resulted in the death of over 20 police and military members and 28 indigenous people. In response, riots, vandalism, and looting break out throughout Jaen and Bagua. The government also issues an 8pm curfew and a warrant is issued for Alberto Pizango’s arrest. As a result of the increased violence, Prime Minister Simon resigns (Aiello 2009, BBC News 2010, Instituto Bartolome de las Casas 2009, McArthur and Tucker 2010).

June 10, 2009 – Congress revokes DLs 1064 and 1090, restoring the previous forestry law, protests are called off, and Alberto Pizango seeks asylum in Nicaragua (McArthur and Tucker 2010).

June 11, 2009 – The Communitarian Front in Defense of Life and Sovereignty, established by AIDSESEP, calls for another day of protest while tens of thousands of people throughout the country march in support of indigenous rights and chant, “In defense of the jungle – the jungle is not for sale” (Carlsen 2009:4^b, Renique 2009:3).

Late June, 2009 – President Garcia appoints a new prime minister, Javier Velasquez Quesquen, in addition to replacing seven other ministers in his cabinet to restore confidence in the national government (BBC News 2010).

OUTCOME

December 2009 – the Grupo Nacional working group meets to promote dialogue between the government and indigenous groups, and concludes their deliberations with recommendations for moving forward. However, the government unilaterally approves the recommendations without gaining consensus from the indigenous groups and regional governments (McArthur and Tucker 2010).

January 2010 – an unidentified member of Congress warns that indigenous protests will restart soon if the remaining DLs are not revoked (McArthur and Tucker 2010).

Early May 2010 – Alberto Pizango returns to Peru and is freed on bail pending trial nearly a year after being exiled (BBC News 2010).

May 19, 2010 – Congress enacts the “Right to the Public Consultations of Indigenous or Aboriginal Peoples Act” with 62 people voting in favor, seven against, and six abstaining.

November 2010 – the communities of Puerto Maldonado, Pucallpa, and Iquitos are consulted about the newest draft of the Forestry and Wildlife Law. According to the Agricultural Committee of Congress, the indigenous peoples are unclear about article 62 of the law³, and are therefore not in favor of the draft law (FORDAQ 2010).

³ This article states that a concession area cannot exceed 40,000 hectares and a person is not allowed to possess more than one concession (FORDAQ 2010).

Appendix II: Legislative Decrees

DL 994: endorses the partial privatization of irrigation projects (McArthur and Tucker 2010).

DL 1015: eliminates the prior requirements of consultation with indigenous communities (previously embodied in law No. 26505) where private investors must obtain two-thirds majority vote to invest in, develop, or extract resources from their territories. This decree was withdrawn in August 2008 by a Supreme Court ruling after indigenous protest (McArthur and Tucker 2010).

DL 1020: creates financial trusts to subsidize small landholders that agree to combine to form agrarian associations and designate certain representatives with whom the government and private investors can negotiate, thus promoting the displacement of independent landholders. These trusts can also accept financial resources from governments and private investors, which may increase the potential for corruption-driven displacement (McArthur and Tucker 2010).

DL 1064: revokes certain procedural protections for indigenous and peasant communities (previously outlined by law No. 2650543, established in 1995) and establishes certain circumstances in which indigenous and peasant communities may lose their land grants, promoting privatization of lands. This decree was withdrawn in June 2009, but the Peruvian government intends to develop a new version (McArthur and Tucker 2010).

DL 1079: eliminates any existing laws the limit bind the government's power of eminent domain in protected natural areas (McArthur and Tucker 2010).

DL 1080: abolishes several categories of protected seeds and allows the national seed regulator to privatize their enforcement agency. It also eliminates the national policy objective of seed sharing throughout the country. This modified law No. 27262, The General Seed Law of 2000 (McArthur and Tucker 2010).

DL 1081: eliminates the organization of independent water users (McArthur and Tucker 2010).

DL 1089: defines a process to evict people from unused, state-owned lands unless they can prove their engagement in agricultural activities on the land over a long period of time. However, if private investors are interested in developing the land, the prior exemption does not apply (McArthur and Tucker 2010).

DL 1090: eliminates 'forest plantations' and 'land whose major use capacity is forest-related' from the definition of 'forest resources'. In doing so, it revises law No. 28204 and law No. 27308, known as the Forestry and Wildlife Law. This decree was revoke in June 2009, but the government intends to create a new draft of it (McArthur and Tucker 2010).