

Survival



39 Things Repsol Doesn't Want You To Know...

A Survival International Report – April 2011

Introduction

Repsol YPF, a Spanish-Argentine company, has a contract to explore for oil in a remote part of the Peruvian Amazon known as Lot 39. This region, in northern Peru, is home to at least two of the world's last uncontacted tribes.

Repsol currently claims there is not enough evidence to prove the existence of any uncontacted Indians in Lot 39. It says their existence is 'extremely improbable' and bases this claim on the 'observations and studies available to the company to date.'

This position has been adopted by Repsol after considerable opposition to its work in Lot 39 has been voiced, and the fact that the plight of the world's last uncontacted tribes has now become a major international issue.

This report is an exposé of Repsol's work in Lot 39, where the company has held a licence to work since 2001. It lists 39 things Survival believes Repsol wouldn't want the global public to know about its operations in the region.

1

Repsol acknowledged the existence of uncontacted Indians in Lot 39 in 2003, at a meeting in nearby town, Santa Clotilde.

According to a record of the meetings, signed by many participants including a Repsol representative, a workshop called 'Uncontacted Tribes' was held on 13 August. One of the conclusions of the workshop was that Repsol should prepare a plan in case of contact between its workers and the tribes.

2

Anthropologists have collected a great deal of evidence demonstrating the existence of uncontacted tribes in Lot 39.

This evidence includes abandoned gardens, paths, crossed spears belonging to the tribes, and direct sightings.

3

Another team of anthropologists argues that in total there are at least 75 pieces of evidence that demonstrate the existence of uncontacted tribes in the region of Lot 39.

4

Local indigenous organization ORPIO published a report in 2009 including **23 sworn testimonies** documenting the existence of uncontacted tribes in the region of Lot 39.

5

Although the identities of the tribes are not clear, **enough is known about them for various names** to be used, including Pananujuri, Taromenane and Taushiro.

6

Survival estimates that **at least 75 people are on record providing evidence** of uncontacted tribes in the region of Lot 39.

7

In 2007, US oil company Barrett Resources, formerly working in an area *within* Lot 39, **admitted that contact with uncontacted tribes was 'probable'** during the course of its operations.

8

In 2008, members of an uncontacted tribe were spotted in Lot 39 by a company sub-contracted by Repsol.

Two Indians were spotted on two distinct occasions between 15 and 20 kilometers from the Ecuador border. On both occasions the Indians were seen crossing seismic lines, paths cut through the forest by oil companies to identify underground oil deposits.

9

On several occasions in 2007 Peru's Energy Ministry failed to approve Repsol's plans in Lot 39, asking the company to explain how its operations might *impact on the health of the uncontacted tribes* in the region.

10

Peru's Energy Ministry told Survival in 2007 that it would *request Repsol 'to protect the uncontacted tribes'* in the course of its operations in Lot 39.

11

Many institutions, organizations and individuals based in Peru, have acknowledged the existence of uncontacted tribes in Lot 39.

These include Peru's indigenous affairs department, the Health Ministry, and the government's former natural resources department. Peru's national Amazon Indian organization AIDSESEP has 'proven uncontacted tribes live in the area,' the governmental indigenous organization, INDEPA, wrote to the Energy Ministry in 2007.

12

***International institutions and organizations* such as The Field Museum, Amazon Watch, Save America's Forests and Earthrights International have all acknowledged the existence of uncontacted tribes in Lot 39.**

13

The government of neighbouring Ecuador has recognized the existence of uncontacted tribes in the region of Lot 39 and prepared, in 2007, to set aside **\$38,000 for '*a bi-national agreement' to help protect them.***

14

Contact between Repsol's oil crews and uncontacted tribes *could decimate the Indians.*

Uncontacted tribes lack immunological defences to outsiders' diseases. In the past, entire tribes have been wiped out after first contact.

15

In 2007 Repsol prepared a 'contingency plan' in case its workers made contact with uncontacted Indians in Lot 39.

This plan was dismissed as 'farcical' by AIDESEP. It recommended that its workers should shout at the tribes using megaphones, especially if attacked. Some of the things Repsol recommended that its workers should shout at the tribes included: 'Try to persuade the person or group (the uncontacted Indian/s) to return to their settlements... Use a megaphone to inform the natives in the local languages why we are there.'

16

Repsol's 'contingency plan' was in *stark contrast to its 'Indigenous Community Relations Policy'* where it claims to recognize indigenous peoples' rights to 'free, prior consultation in good faith and provided in a manner appropriate to the circumstances, with the aim of reaching an agreement or securing consent regarding proposed measures.'

17

Repsol's 'contingency plan' required at least *three people to verify any sighting of, or encounter with, members of an uncontacted tribe in Lot 39.*

Effectively, this meant that two Repsol workers could see 50 uncontacted Indians, but this would not count as verifiable evidence.

18

In 2007, AIDESEP brought a case against Repsol's work in Lot 39 *to Latin America's top human rights body, the Inter-American Commission on Human Rights (IACHR).*

19

AIDESEP has proposed a *reserve for the uncontacted tribes* that includes almost all of Lot 39.

The aim of this reserve is to make the area off-limits to oil exploration by companies like Repsol.

20

A local indigenous organization says Repsol's operations in Lot 39 could have **'irreparable consequences' for the uncontacted tribes** and is demanding that all work in the region is suspended.

21

In 2008, another local indigenous organization **rejected the presence of oil companies**, like Repsol, operating in Lot 39 and the surrounding region.

22

In 2009 six leaders from the region where Repsol is working spoke out in **support of the proposal to create a reserve** for the uncontacted tribes.

23

Repsol is **seriously endangering its own workers** by working in Lot 39 because uncontacted tribes are likely to view oil crews as hostile intruders.

On many occasions in the past, oil company workers, or other outsiders, in the Amazon have been killed by uncontacted Indians.

24

Lot 39 has been described by scientists as within **'the most biodiverse' area in South America**, uniquely rich in amphibians, birds, mammals and plants.

The scientists urged Peru's government to make Lot 39 'off-limits to large-scale development.'

25

There are **plans to build a pipeline** that would transport oil found by Repsol out of the remote Amazon.

The pipeline, planned by Anglo-French company Perenco, is scheduled to be 207 kms long and could destroy up to 500 metres of rainforest on either side.

26

The government of neighbouring Ecuador has **proposed banning oil exploration** in the region adjacent to Lot 39, where there are also uncontacted Indians.

This proposal, publicly announced in 2007, is known as the 'Yasuni-ITT Initiative.'

27

Repsol is *violating the uncontacted tribes' rights under international law* by working in Lot 39.

These rights are enshrined in the International Labour Organisation's (ILO) Convention 169, which Peru has ratified and which states that indigenous people must be consulted about measures affecting them. In this case, consultations are impossible to hold.

28

Repsol's work in Lot 39 directly *contravenes a recommendation made by the ILO* to Peru's government.

It urged Peru's government to 'suspend the exploration and exploitation of natural resources. . . until such time as the participation and consultation of the peoples concerned is ensured through their representative institutions.' In this case, participation and consultation are impossible.

29

Repsol is *violating the United Nations' Declaration on the Rights of Indigenous Peoples* by working in Lot 39.

'States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources,' says the Declaration. In this case, consent cannot be obtained.

30

Repsol's work in Lot 39 directly *contravenes a recommendation made by the United Nations* to Peru's government in 2009.

Following violent conflict in northern Peru on 5 June 2009, the United Nation's Committee for the Elimination of Racial Discrimination urged Peru's government to prohibit oil and gas drilling on indigenous peoples' land if it does not have their 'informed consent'. In this case, consent is impossible to obtain.

31

Repsol's work in Lot 39 directly *contravenes a recommendation made by Amnesty International* to Peru's government in 2009.

Amnesty urged Peru 'to review urgently all concessions that have been granted to extractive industries in areas where such activity could affect the rights of indigenous peoples, with a view to taking appropriate action to respect and protect human rights; no activity should take place in these concession areas until the review is complete; the review must include a clear process of consultation with affected communities.' To date, no such review has been

carried out.

32

Repsol's work in Lot 39 directly *contravenes a recommendation made by the International Federation for Human Rights* to Peru's government in 2009.

The Federation urged Peru to suspend work in any oil concessions where indigenous people have not been consulted. In this case, consultations are impossible to hold.

33

Repsol's work in Lot 39 *could contravene the principles of the UN 'Global Compact'*, which Repsol has been a member of since 2002. The Compact is described as a 'strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption.'

34

Last year *demonstrators gathered outside Repsol's headquarters in Madrid, Spain, to protest against the company's operations in Lot 39.*

The protesters held signs reading 'Repsol: extinction threat for uncontacted tribes' on the same day Repsol held its AGM in 2010.

35

More than *50 international NGOs have called for the immediate withdrawal of Repsol from Lot 39.*

Amazon Watch, Forest Peoples Programme, Peru's Amazon Indian organization AIDASEP, Peru's Andean Indian organization CAOI and Spanish NGO Repsolmata are amongst the signatories of a letter protesting at Repsol's activities in the region.

36

Other oil companies have *abandoned operations on uncontacted tribes' land* in Peru following protests about the potential impacts.

In 2006 Chinese company Sapet agreed not to enter a reserve for uncontacted Indians in south-east Peru following pressure from a local indigenous organisation. Mobil pulled out of a similar area after campaigns by local Indians and Survival in the 1990s.

37

Celebrities such as **Oscar winner Julie Christie and Spanish stars Ana Belén and Oscar Jaenada** have spoken out against companies such as Repsol working on un-contacted Indians' land.

'Uncontacted tribes could be wiped out within the next twenty years unless their land rights are recognised and upheld,' said Christie, the narrator of Survival's groundbreaking film about the tribes launched in 2008.

38

Repsol is set to cut 454 kms of seismic lines and build 150 heliports in Lot 39. The **explosions from the seismic testing and the noise from the helicopters could terrify** tribes living in the area.

39

Repsol's work in Lot 39 could **completely devastate the uncontacted tribes** because they rely entirely on the rainforest for their food, shelter, clothing and culture.

Conclusion

Repsol's work in Lot 39 could threaten the survival of at least two of the world's last uncontacted tribes. Survival urges Repsol to abandon its operations in the region altogether and permit the Indians to live on their own land in peace.

Repsol has a partner in Lot 39, US company ConocoPhillips, which has a 45% stake in the operations. Survival also urges ConocoPhillips to abandon its interest in the region and to respect the uncontacted tribes' rights as recognised by international law.

Survival's position, like that of many organisations in Peru and elsewhere, is that no company should work in areas inhabited by uncontacted tribes because the risks, both to the tribal people, and to company workers, are just too great. Until that happens, the survival of some of the world's most vulnerable people remains in doubt.