

Meeting Minutes

On the 16th day of the month of August of 2011, the following people met in the auditorium of the Universidad Nacional Intercultural de la Amazonía (UNIA) (National Intercultural University of the Amazon Region) in the district of Yarinacocha, Pucallpa:

Linder Villacorta, coordinator of PeruPetro S.A.
Alfonso Saldaña Canoyo, CCNN Nuevo Sucre
Raul Tuesta Burga, head of CCNN Nuevo Sucre
Virgilio Cauper Flores, member of CCNN Sucre
Lizardo Cauper, President of the FECONBU
Sandro Rodriguez Achu, head of Canaan
Idelfonso Campos, vice-president of the FECONBU
Victoria INgrimari, representative of the indigenous women of the OAGP
Patricia Suijas, manager of natural resources of the GOREU
Marin Quevedo, regional advocacy
David Ruiz Urquia, community forestry oversight for the ORAU
Juan Vilchez Cornejo, specialist in environmental quality for the Ministry of the Environment
Carlos Eyzaguirre, advisor for socio-environmental affairs for the Ministry of the Environment
Carlos Vives, manager of community relations for PeruPetro
Augusto Montes, vice-president of the UNIA
Miguel Tangoa Murayari, vice-president of the ORAU
Max Silva, legal advisor for the AIDSESEP UCAYALI
Hugo Cabieses, deputy minister for strategic development of natural resources for the Ministry of the Environment
Robert Guimaraes, responsible for communications and institutional resources for the FECONBU
James Rodriguez Acho, head of the Canaan Community
Felix Rojas Silvano, secretary for the ORAU
Komala Ramachandra, legal advisor
Roger Vargas, manager of natural resources for the regional government
Matgen Quevedo Paima, commissioner of the Office of the Ombudsman
Julio Silva Carrera, secretary of the economy for the ORAU
Zulle Zeijas Cardenas, assistant manager of the environment and conservation for the GOREU
Jorge La Torre, responsible for international technical cooperation for the UNIA
Lily La Torre, academic advisor of the Amazon region school.

After the presentations by each of the attendees, the deputy minister took the floor emphasizing that the ministry is committed to the following items:

1. the enactment of the Law of Previous Consultation, along with a discussion and approval process for the Law of Previous Consultation and its regulations, in order to consult properly with those who are going to be affected or benefited by the projects.
2. the necessity of creating a national system of environmental investigation and control, integrated, decentralized, and unique, but based on respect for the differences and cultural diversity of the country.

3. to integrate water and forest issues into the management system of the Ministry of the Environment, as well as issues relating to mining and petroleum projects.

The key concepts of the Ministry in its environmental work and its relationship with the local communities:

- Respect: to the culture, to its relationship with [*native population*], to their rights to their territory
- Dialog: as a permanent attitude based on respect for the population to reach agreements
- Valuing multiculturalism and the differences that come from this diversity, recognizing it as a potential for possibilities within a united state.
- Development with cultural and social inclusion

It was posed that technical experts prepare a report on the reality of the area, and then go to the communities to verify the information and share their issues with them.

Immediately afterwards, Robert Guimaraes reported the items on the meeting agenda as follows:

1. presentation of the video on the situation in Canaan and Nuevo Sucre
2. review of the problem and claims
3. establishment of a technical commission
4. visit of the authorities

Development of the agenda

Lizardo Caiper presented images of the petroleum from the spill resulting from the rupture of the pipeline that crossed the Mashira stream that passes through the community of Nuevo Sucre. In the images it is observed that the community members hired for the cleanup of the spill did not have appropriate protection, furthermore, the company did not inform the population about this spill, in order to alert the people that were continuing to bathe and use the water. On the third day, the population began to suffer impacts to its health. The community members report that they collected 2 barrels of crude oil, and that the rain carried the crude oil to the locations where the river coastguard personnel were located.

It was indicated that the communities have suffered these problems for more than 35 years, that the company does not tell the truth about its operations, and that when any public official comes to inspect the operations of the company, the business hires staff so that in a particular way they appear to be outwardly cleaning the contamination.

During a number of governments the organization has demanded attention to these problems, and no attention has been paid, for this reason it [*the organization*] appealed to the CAO of the World Bank in order to begin a dialog process; that was thwarted because the company does not want to assume responsibility for the spills.

The communities have a chronology of the spills up through April of 2010, which was delivered to the CAO of the World Bank and which they sent to the officials present (*at the meeting*), as part of the process that began in April of 2011, presently the dialog has broken off, because of a lack of good faith on the part of the business, Maple [*Energy*]. The indigenous organization has

applied to public agencies on numerous occasions for the Environmental Operating Agreement (PAMA) documents and for a contingency plan, but up to now they have not responded.

Lizardo indicates that the communities are asking that the company be punished and for compensation for the spills, and a development and health fund for the communities. The amount of compensation to repair the damage to the communities and for the implementation of the livelihood and development plan for the communities has not yet been determined.

Before leaving, Miss Matgen Quevedo Paima, commissioner of the Office of the Ombudsman for the town of Ucayali, expressed her decision to accompany the technical commission that will visit the area in order to develop a report about the problem.

There was a report on the impact that petroleum spilled on land and in bodies of water has on the health and lives of both people as well as other beings in nature. It was stated that the environment and natural resources are, for the indigenous people, their vital means of subsistence and they *[oil spills]* affect the entire food chain of biodiversity in addition to their cumulative effects.

Concerning the problems spoken of by the representatives from Nuevo Sucre: they stated that since 2009 there have been 3 spills in a row; the company doesn't recognize that there is contamination; they suffer permanently; the dialog has broken down because of the company; and that before the arrival of the government commission and the change in the location of the meeting, the communities felt very sad; they are asking the authorities go to the scene of the events.

The representative from ORAU stated that the organization knows that people have suffered from various kinds of pain and skin conditions, and he asks that the contamination of the water and the fish be evaluated, but that the company does not want to assume the financing of these studies. The people need to know what is the state of their resources and their health.

It was indicated that it is necessary to include the government oversight of logging companies because they also affect the rights of indigenous people.

Liver and lung cancers have been the major causes of death in the Canaan community. These are problems caused by cumulative contamination, which with the current government, the communities are confident will be addressed.

It is necessary to form a multi-sector technical commission to evaluate the harm to the environment and the health of the area caused by the operations including the corresponding penalties and the compensation after the assessment of the damages.

Also note that this is a problem in all of the territories of the indigenous communities of the Amazon region where these companies operate and FECONBU reiterated its request for the creation of a national multi-sector council for dialog and decentralization of a binding nature to pay attention to the affairs and rights of indigenous people.

The government was asked what plans and actions it will develop in the future for attending to these problems, and what commitments the government is going to assume in order to stop the contamination by these operations in indigenous territories.

The communities have presented the evidence of the spills. Mr. Vives from PeruPetro commented before seeing it that the spill could be more than 2 barrels of oil, but that it would be difficult to quantify an oil spill in a body of water.

It is necessary for the government to make a comprehensive evaluation of the resulting damages, an evaluation of the type of illnesses caused by the accumulation of contamination.

It's noted that the presence of the water authority was demanded because of the bodies of water that have been affected in the case of this community.

Mr. Cabieses, before the questions regarding the projects that are said to have been implemented in the communities, the representatives from Nuevo Sucre y Canaan responded:

On the part of the Canaan community:

- There have been no talks about health
- Non-implementation of the health post: none, only paracetamol [*acetaminophen*] and sedatives
- Yes, beneficial vacation programs
- Old computers that don't work
- Yes, sports equipment
- The company did not support the sports field
- There has been no support for the management of the water supply
- Participation in the sports program
- No talks about the care of the environment
- No implementation of clean up for the community

On the part of the community of Nuevo Sucre

- No arrival of the a heath technician, only a health promoter
- Yes there is construction of a water well, but there is no fuel to run it
- Only one stretcher, as for medicines, only a medicine cabinet paid for with a deduction from the easement rights.
- Beneficial vacations
- There are no courses for bilingual teachers
- Yes, school supplies were delivered
- Yes, sports supplies were delivered
- A cake for Christmas
- Participation in the anniversary of the community
- The delivery of tools paid for with a deduction for the easement rights

The deputy minister recognized that the analysis of the problems presented by FECONBU and its proposals are very good, {That document is attached to the end of these minutes} and for that reason, the deputy minister expressed that they will form a multi-sector commission composed of:

- The Minister of Health
- The Minister of the Environment and Environmental quality
- A specialist in social issue and conflicts
- The Minister of Energy and Mining
- PeruPetro
- The Agency of Assessment and Environmental Oversight (OEFA)
- The National Service for Areas Protected by the State (SERNANP)
- The President of the Council of Ministers
- The National Water Authority
- The Office of the Ombudsman

in order to evaluate the problems of the area.

It is suggested further participation from

- The Interethnic Association for the Development of the Peruvian Amazon (AIDSESEP)
- The National Institute for the development of Andean, Amazonian and Afro-Peruvian People (INDEPA)

This team will enter the area between the dates of August 29 and September 1, 2011.

At the conclusion of the meeting those present signed: