

**CONFLICT IN THE PERUVIAN AMAZON: A STUDY OF POLITICAL PROTEST IN  
BAGUA**

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By Joseph Bateman

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Sally McDonnell Barksdale Honors College  
University of Mississippi

University, Mississippi

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Approved:

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Advisor: Dr. Miguel Centellas

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Reader: Dr. William Schenck

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Reader: Dr. Holly Reynolds

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## **Chapter One: Introduction**

On June 5, 2009, over 30 indigenous protestors and policemen were killed in the Amazon city of Bagua, Peru, when a protest over oil exploitation turned violent. President Alan García (2006 – present) had issued decrees 1064 and 1090 in 2008, which bypassed the process of consultation with indigenous groups for logging and drilling for oil in the Amazon. Protests soon followed and continued from April until the clash in June. More than 50 indigenous groups, collectively amounting to less than 1 percent of the Peruvian population, were able to effectively mobilize against the government and seize strategic control of the country's energy production. Both the García government and the indigenous groups attempted to use the violence for political gain, each painting the other as ruthless murderers. The conflict resulted in the suspension and overturn of García's decrees and a public apology by García for not including the groups in the decision-making process.

This thesis examines the recent conflict in Bagua, Peru and attempts to understand what the causes of this conflict were and who were the key players involved. Why did the most violent protest since the end of the civil war occur in the previously peaceful region (comparatively speaking) of Bagua? Which factors changed in order to make this protest possible? In this thesis, I study how this protest fits into the larger picture of social conflict and political instability in the Andes and how this protest fits into scholarship on indigenous mobilization within Peru and within the region, arguing that institutional changes during the process of decentralization and democratization opened new spaces for political contestation that were previously absent, making the June 2009 protest in Bagua possible.

In chapter two, I review previous scholarship on issues pertinent to conflict in the Andes. The subject of social conflict in Andean countries has been studied from the perspective of social movement theory, identity politics, and political institutions. I argue that although all three methods shed light on aspects of conflict in Andean countries, the context of the conflict in Peru causes an institutionalist approach to be most effective in explaining modern conflict in Peru.

In chapters three and four, I investigate what has changed in the political institutions in the previously stable northern Amazon to create space for conflict, and also what caused indigenous mobilization in an area where it has historically been absent. I detail the decentralization process under presidents Toledo (2001 – 2006) and García (2006 – present), emphasizing key differences and similarities that opened (and closed) space for political contestation. Next, I give a detailed analysis of the conflict in Bagua, using it as a case study to better understand conflict in Peru post-Fujimori. I argue that this type of case study is necessary for understanding Peruvian conflict in a modern context and that it offers an understanding of conflict in the Amazonian regions of Andean countries. Lastly, I offer a conclusion that suggests ways to interpret similar conflicts in the region, as many countries in the Andes share similar histories with similar political characteristics.

## **Brief History of Conflict in Peru**

Conflict in Peru is not a particularly modern phenomenon, but this conflict occurred in an area largely spared from the violent civil war of the 1980s and 1990s, and was mostly left out as a player in other political and social conflicts dating back even to Peruvian independence. Peru has shifted between various degrees of political and social

stability throughout its history. The government's reaction to conflict has also varied, ranging from enacting oppressive authoritarian policies to attempting to make the democratic process more open, providing alternative methods to make one's voice heard.

General Juan Velasco Alvarado's military coup in 1968 ushered in far-reaching leftist reforms, mostly agrarian in nature, in an attempt to mobilize various sectors of society using a top-down authoritarian model to industrialize in an autonomous manner while attempting to avoid class conflict. Ironically, Velasco's attempt to reach every part of Peruvian society with his reforms was his downfall because he was unable to establish solid support from any one social class or group. After Velasco, Morales Bermúdez (1975 – 1980) enacted programs that essentially dismantled the Velasco reforms, ranging from IMF-guided economic decentralization to the selling of state-owned press to private owners.

In the 1980 presidential election, Fernando Belaúnde Terry won, promising to continue decentralization and to strengthen private enterprise, and the economy performed well until the debt crisis in 1982. The debt crisis was coupled with the devastating effects of El Niño on the coastal agriculture, an upsurge in guerrilla activity, political violence and an increase in international drug activity, which created an extremely unstable political and social atmosphere for the remainder of Belaúnde's presidency. The poorest were the most affected by the economic crisis, and were therefore enticed by the *Sendero Luminoso* revolutionary terrorist movement that began in the 1980s. The government responded with military violence, which helped Sendero spread their anti-government message throughout the sierras. In 1985, the *Alianza Popular Revolucionaria Americana* (APRA) candidate, Alan García, won the

presidency, and his government attempted to quell the economic crisis, but the positive effects were short-lived and eventually sent the country into further economic collapse. His second wave of economic reforms was met with protests, and guerrilla violence rose throughout the country and spread to the capital.

In 1990, Alberto Fujimori, the son of Japanese immigrants, was elected president after running (ironically) as a man of the Peruvian people. Within a year of being elected, he enacted far-reaching neoliberal reforms, which received approval from other nations wanting to invest. In 1992, he enacted a military supported auto-golpe and dissolved Congress. A dramatic weakening of institutions both acted as a cause and consequence of Fujimori's rise to authoritarian power as longstanding political parties like the APRA lost credibility due to incompetence and corruption (Levitsky and Cameron 2003). Fujimori then used the supportive military to secure his power and used the press as a mouth of pro-state propaganda. The following year, the head of *Sendero Luminoso* was captured, which vindicated Fujimori's oppressive methods in the eyes of many foreigners and Peruvians alike.<sup>1</sup> Fujimori pushed through a constitutional change in 1993 that allowed for his reelection in 1995, and then effectively and ruthlessly handled a hostage situation in 1996, for which he received positive national and international attention.

Toward the end of the decade, Fujimori began to receive much more opposition as the economic success of the country was not helping the lower-class workers and as people grew weary of the president's abuses of power. Running for a third term, Fujimori used his support from peasants and women along with his control of the media

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<sup>1</sup> It was later found in Peru's Truth and Reconciliation that the government was responsible for almost half of the 69,280 people disappeared from 1980 to 2000. *Comisión de la Verdad y Reconciliación*. [www.cverdad.org.pe/ingles/ifinal/conclusiones.php](http://www.cverdad.org.pe/ingles/ifinal/conclusiones.php).

and public resources to obtain reelection after Alejandro Toledo withdrew from the election citing imminent fraud after winning 40 percent of the vote in the preliminary elections. Fujimori lost international approval and then was later struck with international scandal when a tape was released showing his top advisor bribing a congressman. Fujimori resigned and exiled himself to Japan.

Toledo brought back electoral democracy when he was elected president in 2001. However, the political system in Peru had been weakened and parties were now numerous and ever changing. Toledo failed to live up to campaign promises to enact safety nets for the poor, and his attempt to privatize two electricity companies was met with massive organized protest. His government reversed the decision, which would begin a long series of buckling under protest. As unemployment rose, *Sendero Luminoso* reemerged and staged kidnappings and attacks, and Toledo's approval rating plummeted. Opposition parties attacked his government, but no one wanted the responsibility of ruling a nation with so many economic and social problems. The lack of institutions that would act as a channel for demands caused people to protest in the streets and to create a myriad of new political parties that they hoped would resolve their problems. The decentralization of political power caused problems for the central government more than it allowed for regional solutions (Arce 2008).

The 2006 presidential elections show how divided national politics were after Toledo's government. Alan García won another chance at the presidency after losing in the first round of elections to leftist candidate Ollanta Humala, who performed well in Southern Peru and throughout the Andes. Although voters were hesitant to elect a proven failure, they viewed him as a safer candidate than Humala who had led a failed military rebellion against Fujimori (Forero 2006).

García's government has been characterized by economic openness and increasingly positive economic activity, but there are still widespread protests over the inequity of recent growth and the perceived exploitation by foreign interests. Indigenous groups in the Amazon have mobilized against the government's extraction of natural resources and free trade stance while Sendero has become active from time to time in its once stronghold of Southern Peru. Congress has overturned some of the president's decrees, undermining his ability to dictate national economic policy. Although Peru has strengthened democratic institutions in the past decade, political and social conflict continues to plague the country.

## **Research Design**

There have been past studies on conflict in Peru during the process of decentralization (Arce 2006, 2008), but there has been little study on how this type of conflict is different than in the past and how the difference in Toledo's and García's styles of decentralization have affected political conflict in Peru. Arce (2008) writes extensively about how the return to democracy and the decentralization process opened up new spaces for political contestation, and he evidences this new associational space by showing a rise in protests and strikes immediately following the fall of Fujimori. Arce's study only goes through 2004, and I build upon his study by expanding research on social conflict in Peru to include the last half of the decade. I also distinguish between Toledo's and García's methods of decentralization, arguing that the type of decentralization matters and that they are not all the same. I build on Arce's data on protests and strikes that he obtained through a study conducted with the *Instituto de Estudios Peruanos*, using data obtained from the *Defensoría del Pueblo*.

I will use the data from the *Oficina del Defensor Publico* to locate social protests and their stated reasons. The ombudsman office gathers data and notes the causes of protests and acts as an intermediary to find a solution. While its effectiveness in resolving violent conflict is frequently called into question, its reliability in locating and classifying social conflict while remaining free of political corruption is not (Ungar 2004). The data is published by region and includes how many active, latent and resolved conflicts occur each month, and categorizes their reasons.

To understand what social and political conflict means in the Peruvian context, I use national level data on conflict to get an understanding of the overall changes in social conflict in Peru. To get an understanding of how conflict has changed in the past twenty years, I examine institutional changes in the political system and do a detailed case study of the protest in Bagua, an example of this new type of social and political conflict in Peru.

In general, I define social conflicts in Peru as those being registered by the Peruvian *Defensoría del Pueblo*, with some notable exceptions because of flaws in their methodology. The severity of a social conflict will depend on the length of a protest, amount of violence in terms of number of people injured or killed, and number of people mobilized. Besides data from the *Defensoría del Pueblo*, I use various newspaper articles from the Peruvian newspaper, *El Comercio*, to better understand who is mobilizing and against whom and cross-reference this with the ombudsman office's accounts.

There are various actors that play important roles in the political atmosphere of Peru. The national and regional governments, the military, indigenous groups, civic organizations, and foreign and national businesses all have interacted in various degrees

in the region during recent history, and I will use interactions between these actors and institutional changes as my independent variables. Institutional changes can be measured by studying the decentralization process and its effectiveness. Also, new laws or decrees and the suspension or cancelation of others that deal with indigenous communities are relevant. Social instability, measured with protests as stated above, will be the dependent variable. The *Defensoría del Pueblo* and newspaper reports show which actors are mobilizing and against whom, and who is involved in solving the conflict. This allows me to draw connections between actors, mobilization, institutions, and stability. I look for spikes in instability in terms of social protest, whether in severity or in number, and then look to see what changed in terms of organization of actors and institutions to make the protest possible.

## **Chapter Two: Literature Review**

Most of the literature focusing on conflict in the Andean countries can be separated into three categories. Literature on social movements focuses on the organizational structure of the protesting groups, detailing how and why these movements arise. Other writers explain conflict as a result of the introduction of identity politics in the region and that these groups that were previously unrecognized are demanding political representation. Political institutionalists argue that changes in the political structure due to democratizing reforms open new spaces of contestation that were previously unavailable, making previously unseen conflict possible. All three approaches explain reasons for conflict fairly well, but because of the nature and context of the indigenous protests in Bagua, Peru, the institutionalist approach is the most adequate to explain this conflict.

Scholars who focus on the organizational nature of protest tend to fall into the school of social movement theory. Social movements depend on “mobilizing structures” to develop enough strength to begin, but then they must create a newer structure to sustain and institutionalize the movement (McAdam, McCarh, Zald 1996). Political opportunity structure examines the effects of changing political structure, usually from an institutional perspective, which Gamson and Meyer (1996) argue makes it ignore cultural phenomena and causes the classification of variables to be too broad. Through this review and this thesis, I will show that non-political factors *can* be taken into account in when examining changing political structures to provide a nuanced examination of political conflict.

## **Social Movements**

Resource mobilization theory is a social movement theory that places emphasis on the resources that movements have to determine their success or failure. Movements form when groups have reasons enough to form and the resources to mobilize (Tilly 1978). Many groups have reasons to organize for collective action, but the key factor in transforming reasons into reality is the existence of opportunity. Institutional changes can change the rules of the game so that the perceived cost and benefit of carrying out social protest changes in their favor.

Newer social movement theories focus on cultural movements that mobilize along ideological lines or because of shared belief systems. Social movements under new social movement theory focus on immaterial demands and do not focus as much on economic matters. Touraine (1998) argues that, even more recently, the nature of social movements has changed again as socio-democratic governments decline in favor of economic gains. The political, social, legal and cultural systems in place to uphold state power are under stress. This weakening gives rise to the power of individuals to self-identify independent of their social or cultural groups, despite having a greater connection to the globalized world. The individuation of culture causes the emergence of an extremely high diversity of cultural interpretations, and conflict arises when people vie to have their understanding made the only reality. One of the major problems in applying new social movement theory to Peru is that the indigenous groups' demands are partially economic in nature and not an elusive recognition of identity. The indigenous groups want political power, not necessarily organized along the lines of their indigenous identity, but instead to have power over the resources that are beneath their feet.

Touraine's classification of more recent movements could shed some light on the Bagua protests, but the most appealing aspects of his newer theory, that states are under stress due to their seeking economic gain, can be seen extensively in earlier social movement literature. Charles Tilly's earlier work, *From Mobilization to Revolution* (1978), and other social movement theories that use an institutionalist approach can explain the conditions under which social movements are made possible in Peru.

Studying social movements can also shed light on why certain groups use violence to achieve their political goals, as the indigenous groups in Bagua did. Tilly (2003) explains that various groups all over the world throughout history have used violence as politics, separating the “us” from “them” along shared historical or ethnic lines, then using violence to force the “other” into submission, if the “other” has significantly less political power, or force the “other” to recognize them as a legitimate identity if the “other” consists of the political elite. The type of violence depends on the makeup of the two different groups involved, but all types of political violence, Tilly claims, can essentially be explained using this model.

One flaw in Tilly's argument, as he himself notes, is that it is difficult to explain why some “forms of political claim making” result in violence and others do not. Thus focusing solely on social movement elements when studying violence as politics without including relevant changes in political institutions ignores many of the factors that could lead to political violence. This approach also attempts to gloss over many case-specific historical contexts that can greatly influence the type of political action that takes place when confronted with conflicting interests. His attempt to use one theory to explain political violence in Bosnia, Rwanda, China, Iran and even the “Wild West” causes it to be too broad to explain any specific conflict with great detail. While some of this theory

can be applied to the conflict I study, such as the breach between the indigenous groups and their representation in Lima, focusing solely on this aspect would not lead to a full understanding of this conflict.

## **Identity Politics**

Other authors place more emphasis on cultural and ethnic identity to explain political conflict. Instead of conflict stemming from institutional weakness or change, it is the result of cultural differences and exclusion (Albó 2004). While there is a glut of literature (Yashar 2005; Albó 2004; Drake and Hershberg 2006) on how Peruvian indigenous groups have not traditionally been as organized as those in Ecuador or Bolivia for various historical reasons, recent events in the Amazon might show that indigenous identity and organization are strong enough to produce successful protests. Identity politics literature details how the assertion of ethnic identity can lead to political conflict, not dissimilar to how Tilly (2003) explains the formation of identities when explaining political violence, but identity politics, really a more specific study within the same field of sociology, focuses much more on how ethnic or racial groups that are persecuted or marginalized use politics to assert their identities.

Minority groups frequently demand recognition from the political system in order to reaffirm their identities<sup>2</sup>. The misrecognition of minority identities can cause sociological problems within the group, which could lead to political conflict if people react violently to this imposition of a false identity. There are various ways in which political parties and governments can create an atmosphere in which multiple cultures can coincide, but politics that *emphasize* differences between groups can cause feelings of exclusion. Conversely, identity politics that emphasize one unified national identity

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<sup>2</sup> See Charles Taylor (2006) for an extensive analysis.

ignore the various minority groups that exist in favor of assimilating all the various ethnic and cultural minorities into one homogenous identity dominated by the white ruling class. Although the theory of state-recognition of ethnic identities might help explain how and why indigenous groups and the government frame discourse on Peruvian indigenous and *campesino* identity, it does not explain how conflict emerges, especially when the conflict is not over recognition of identity.

Bartholomew Dean (2002) writes about the imposition of one national identity upon the Peruvian Amazonian Indigenous groups through various education and civilization projects that occurred in the 1990s under Fujimori, although national identity projects occurred at various stages throughout the twentieth century in an attempt to diminish differences and assume one “Peruvian” identity, as noted by Albó (2003). Neoliberal policies opened the region to resource exploitation from national and foreign companies, and some indigenous leaders who cooperated with support of the Fujimori government received large payments. However, the first successful attempts to organize were not made in response to a loss of identity, but instead were responses to land-rights infringements and economic abuses committed by the government and oil companies. The two main indigenous organizations, *Asociación Interétnica de Desarrollo de la Selva Peruana* (AIDESEP) and *Confederación de Nacionalidades Amazónicas del Perú* (CONAP) are organized mostly against land-rights infringements, not the preservation of an endangered indigenous identity, even if they do promote cultural exchange through promotion of bilingual education.

Because of the nature of indigenous organization in Amazonian Peru, I do not think that cultural politics, nor a lack thereof, has played a major role in the current crisis. Beverly Crawford (1998) notes that most “cultural” conflicts are actually caused

by economic liberalization and the weakening of political institutions and state economic power that accompanies it. Shifts in power away from ethnic groups are framed as cultural discrimination, which hides the underlying changes that have taken place in the institutions of political economy. Essentially, identity politics are secondary to institutional changes when explaining conflict involving different ethnic groups. The decentralization of the economy coupled with institutional transformation causes a rupture of “old social contracts.” These changes create shifts in the power structure that then lead to social conflict.

## **Institutions**

Changes in the political structure, such as decentralization, give the opportunity for regional politics to become more important, and this decentralization can also open space for the appearance of identity politics, especially in regions like the Amazon where there are diverse indigenous groups. Yashar (2006) notes that decentralization has recently given indigenous groups in the Andes a political voice, and groups are attempting to translate this opportunity into political power at the state level. However, weak institutions that are responsible for these reforms make it difficult for regional officials to have any real political power. Some national politicians have begun to “value” indigenous demands, whether for real concern for representation or for votes, but this increased presence in national campaigns did not translate into successful indigenous movements, and the increased presence of indigenous organizations coupled with increasing democratization of political institutions could signify new opportunities for these groups to exercise real political power.

Institutionalists argue that institutions matter in explaining political phenomena (Skocpol 1979; Hanagan and Tilly 1999). Many authors use institutional changes in the

Andes during regime changes and within governments to explain the absence and presence of conflict. Some within the field focus more on the effects that changes in the political economic structure have in other areas of society saying that liberalizing changes in economic institutions are the major variable and when unaccompanied with the modernization of political institutions, these economic structural changes can cause political instability (Huntington 1968; Sheahan 2006). Others focus on the structure of national politics and the collapse of the party systems in Peru or other Andean countries and the destabilizing effects that this institutional change has had in national and regional politics (O'Neill 2005, 2006; Van Cott 2003, 2005; Levitsky and Cameron 2003). The study of presidentialism focuses on the unrealistic expectations that some political systems place on elected executives and its political consequences, and even the converse action of decentralizing power away from the president has been shown to increase instability and disillusionment with the government to the point of protest (Linz 1990, McClintock 1994). Although there are different specific aspects of political institutions that scholars within the field tend to focus on, they all note the importance that changes in or problems with political institutions when attempting to explain social instability.

Economic liberalization has had various social and political effects in the Andes. John Sheanan (2006) emphasizes that the reforms that centralized government and liberalized the economy under Fujimori did not include institutional reforms to protect democracy. Also the reforms that produced economic growth did so unequally so that exploitation in the mining sector increased and actually did little to promote sustained growth.

While Sheahan emphasizes the importance of sustained economic growth for the sustainability of democracy in the region, others, such as Huntington (1968), do not assume that economic growth will lead to political stability nor will it be necessarily be aided by or even accompanied by democracy. Traditional modernization theory by Huntington argues that economic modernization without simultaneous modernization of political institutions causes political instability. He argues that “the primary problem of politics is the lag in the development of political institutions behind social and economic change” (1968: 5).

Modernization causes the complexities of social society to become magnified, and without a government that changes to become responsive to the new social forces, the political system suffers crisis, but many criticize Huntington because of his apparent justification of dictators in the name of modernization. Sheahan (2006) argues that deinstitutionalization under Fujimori caused the economic growth to be unequal and caused social injustice that would eventually give rise to protest if left unchecked. Although he does not argue against Huntington necessarily on moral grounds, he notes that economic growth under the seeming political stability of a dictator is not really sustainable.

While economic reform in Peru has played an important role in giving reasons to protest, many argue that the more important factors to study are the institutional changes in government that made it possible for these protests to occur. Moisés Arce (2006, 2008) details the societal and political consequences of market reform in Peru, as Sheahan has, but he argues that the more important change occurred during the return to democracy under Toledo government. His election and the fall of Fujimori brought new opportunities for protests by allowing mobilization and increasing the

chances of success. While the neoliberal policies of Fujimori gave reasons for protests, Peru follows the trend of other Latin American countries that experience more protest in the wake of neoliberal policies that happen under democratic regimes. Arce focuses on the structural changes that economic liberalization had to explain societal consequences, but political changes, not economic reform, are what allowed for protests, even if economic reform was the object of protest.

Other scholars have written similar works that detail how the individual conceptualizes the state and how this influences state stability. Tilly (1999, 2003) writes about the concept of citizenship and how national conceptions of citizenship can influence the emergence of social movements that attempt to expand these rights. Jo-Marie Burt (2006) uses these same ideas to argue that conflict in Peru and in the other Andean countries is *not* due to institutional changes in the procedures of democracy and that the government's inability to effectively govern the entire country creates a void in regional politics that these political movements attempt to fill.

Burt's argument that the national government really has little hegemonic power in regional politics is partially valid, but focusing on this reality does not explain the changes that occurred in the Amazon during the last decade to create a political atmosphere conducive to social protest. In the past, the government has made few strides to extend democratic institutions to the Amazon, but during the last ten years, this historical reality has changed.<sup>3</sup> If anything, regional politics have strengthened since the return to democracy in 2000 and the subsequent reinstating of democratic institutions, so there is less of a void in regional politics now than in the 1990s when there was no widespread conflict in the Amazon.

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<sup>3</sup> This process is outlined in detail in the next chapter.

In contrast to studying the regionalization of politics, presidentialism studies the concentration of political power in the executive and its effects on the stability of democracy. Presidential focused governments, with the exception of the United States, have tended towards instability because of unrealistic expectations by citizens and the tendency of presidents to make promises impossible to fulfill (Linz 1990). Presidents in Peru often see their own election as a type of “messiah” mandate, undermining their own validity and then making it difficult, if not impossible, to fulfill citizens’ expectations (McClintock 1994). When they fail to live up to the citizens’ ambitions, there has often been a dramatic shift of power. McClintock uses Linz’s institutionalist approach to explain instability within national elections, but the same disillusionment can occur at the regional level. The study of presidentialism sheds some light on the downfall of Fujimori, but an institutionalist approach that focusing on the regionalization of politics better explains conflict in the context of decentralization.

Kathleen O’Neill (2005, 2006) argues that decentralization of power, not concentration in the presidency, causes political instability. Decentralization through the introduction of elections instead of appointments of regional officials causes a decline of traditional party power in regional politics, which then can undermine their power in national politics. Presidents then are elected after gaining significant regional power instead of garnering national appeal through a national party.

This weakness of political parties creates instability because strong political institutions cannot be built when political parties that won the past election do not even exist for the next. Politics becomes personalistic, and parties become centered on candidates. The only long-lasting political party in Peru today is APRA, which from its founding in 1924 until the 1950s was almost exclusively associated with Haya de la

Torre<sup>4</sup> (Clinton 1970). There has also been a lack of parties that represent the interests of indigenous groups, much less indigenous parties, and indigenous groups have traditionally latched on the leftist parties that make largely rhetorical promises of political inclusion (Van Cott 2003, 2005). Because political parties in Peru are so fleeting, a legacy of Fujimori's populist presidency in which he undermined the traditional political party system, it is difficult for citizens to identify which one will best represent their needs because most political parties in elections did not exist during the last elections (Levitsky and Cameron 2003).

For example, for the 2006 presidential elections, Ollanta Humala formed the Nationalist Peruvian Party, a new leftist party that nearly defeated García, the candidate for the long-standing APRA party. In the 2006 elections, 22 of the 25 regions elected national parties to represent them in municipal governments, whereas in 2002, there were only 9 regional parties that won (*Latin American Newsletters* Dec 2006). While APRA still has some strength at the national level, the regional governments are beginning to elect newly formed regional party candidates whose political affiliations are unclear. Weakness in political institutions, therefore, can greatly increase the volatility of the political system by creating a void in citizenship knowledge of who they are voting for that is normally filled by predictable political parties.

## **Conclusion**

Institutionalism, especially the institutionalism used by Tilly (2003), Van Cott (2005, 2006), Yashar (2006) and Arce (2006, 2008) makes the most compelling

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<sup>4</sup> APRA is one of the longest standing political parties in Peru, and was founded as an international party by de la Torre. Its populist characteristics allowed it to be ideologically malleable and responsive to political needs. For further reading on the history of APRA see Clinton (1970).

argument in the context of explaining social and political conflict in the Amazonian region of Bagua, Peru. The indigenous groups do not have a cohesive identity and rely on the pan-indigenous organizations for political voice. Also, the protests in Bagua stemmed from political and economic intrusion, not from cultural denial. They also occurred in 2008 instead of 1998, when Fujimori's repressive government's total lack of political institutions made the success of such protests impossible. I will not focus on presidentialism within the school of institutionalism because of the eight-year lapse that spanned nearly two presidencies before the protests took place. If presidentialism caused the instability that led to the Bagua protests, it probably would have occurred during Toledo's presidency, for even though he began the process of decentralization and recognition of indigenous power, neither was done as effectively as promised. Protests started two years into the presidency of Alan García, and I will use an institutionalist approach to examine what changed during the nine-year process of democratization, especially during García's presidency, to provide the opportunity to protest to the indigenous groups and to make them decide that the possible benefits outweighed the possible losses.

### **Chapter Three: The State of Peruvian Democratic Institutions**

Peru has recently undergone various reforms in an attempt to re-institutionalize democratic governance. The central government returned political, administrative and fiscal decision making to the regional governments in various stages during the Toledo and García governments and is still continuing to do so. Decentralization has given a notable amount of real power to these regional governments to make decisions, but some have complained that the low level fiscal decentralization does not allow them to self-rule as much as was expected. The level of political decentralization has allowed previously ignored political interests, such as indigenous groups' demands in the Amazon, to surge into the regional political arena, and some indigenous groups have even formed electorally viable political parties that were not able to emerge under Fujimori.

During the 1990s, Fujimori systematically dismantled institutions in Peru to concentrate executive political power, leaving little to no political power outside of Lima. Because of the failure of state institutions and party system collapse from the 1980s into the 1990s, the Shining Path was able to take control of many of the rural parts of the country, and Fujimori combated their control politically by concentrating all the power in the presidency. Because his party did not control the legislature, he dissolved it, which he was able to do without much opposition because it had already failed to resolve the problems created by the Shining Path and the economic crisis (Burt 2004, Dietz and Myers 2004). After the Shining Path was considerably weakened with the capture of its leader, Abimael Guzman, Fujimori became the government and was able to institutionalize his authoritarian power with the 1993 constitution. When he fell from

power in 2000 after a corruption scandal, a new political vacuum was formed that the Toledo and García administrations attempted to fill through democratizing reforms.

This chapter will focus on Peruvian institutional reforms during the process of democratization in context, first from the perspective of the central government and then from the perspective of indigenous organizations, detailing the various ways that the democratization process has allowed for political contestation. The Toledo and García governments both used the decentralization process for political purposes, advancing and slowing the process as suited their needs. When confronted with political opposition from the southern regions of Ayacucho and Arequipa, Toledo halted the process attempting to maintain political power. García pushed for further decentralization, attempting to accomplish the same goal of maintaining political power, but unlike Toledo, he saw the decentralization process as a way to decentralize conflict and push the political blame away from the central government toward the regions.

### **Central Government Institutional Reform under Toledo/García Toledo's Reactionary Attempts to Decentralize**

The process of democratization began with the election of *Perú Posible* (PP) candidate, Alejandro Toledo, in 2001. His administration began decentralization by reinstating the thirteen provinces and twenty-five regions with various decentralization laws passed in 2002 (Arce 2008)<sup>5</sup>. Elections for regional governors held in November, however, resulted in the election of twelve APRA candidates and only one PP candidate, causing Toledo to slow his push for continued decentralization as he realized that he

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<sup>5</sup> As noted by Arce, president García (1980 – 1985) created 13 regional governments whose democratically elected officials were changed to central government appointees during Fujimori's authoritarian regime, so the "beginning" of decentralization and democratization under Toledo is more of a re-beginning of a project started before Fujimori's dismantling of democracy.

would not be able to control the new local and regional governments. Like Fujimori, Toledo was unwilling to give the regional governments any real decision-making power, as this would undermine his ability to easily or effectively dictate national policy. The elections “dispersed considerable political power from the central government, creating veto points for challengers to mobilize opposition against the government in some cases, or to fight over the allocation of central government resources in others” (Arce 2008: 46). Political opportunity to contest the actions of the central government greatly increased because of the regional elections in November 2002.

Because of the political defeat in the regional elections, Toledo’s supporters in the legislature began to attempt to rewrite some of the decentralization laws passed earlier in the year so as to not give the regional governments too much fiscal or administrative power. Also, the PP argued that the members of the Councils for Regional Coordination should not be chosen by the regional governments, as this would create a division between the regional and national governments and would prevent consensus between the García-led APRA regions and the central government. Thus, after beginning the process of decentralization, Toledo began to rein in all three categories of what Tulia G. Falleti (2005) describes as the necessary aspects of complete decentralization: administrative, fiscal, and political. The organic law of regional governments did not clearly delineate the powers of the regional presidents, and many of the APRA leaders used this ambiguity to demand more power than the Toledo government was prepared to forfeit. This follows O’Neill’s prediction that “decentralization will occur when parties in power face weak national electoral prospects, strong sub-national support, and stable support over time” (2005: 195). Toledo pushed for meaningful decentralization only for as long as he maintained regional support. Once APRA won 12 of the regional elections,

Alan García, APRA's leader, became the loudest proponent for continued devolution of power to the regions.

In the two years following political defeat after the regionalization process began, Toledo avoided further decentralization of power, as this would essentially mean that he would be giving power away to his opponents. The process of political decentralization opened new spaces for contestation, and Toledo used the budget to withhold fiscal power from the regional governments. From 2002 – 2005, the regional budgets were increased from 18% of the national budget to 22.5%, which, according to the regional governments, did little to increase their autonomy (Falleti 2005). By opening the process of democracy, constituents in the regions undoubtedly gained political opportunity, even if the regional governments had insufficient funds to exercise real power.

Following the 2002 elections, massive strikes and protests by the teachers union crippled his administration's political capital, and he was widely criticized for his indecision and then rash decision making to resolve the conflict (Arce 2008). Protests against Toledo's neoliberal policies were widespread during his presidency (see Arce 2006, 2008), which were made possible in part by his devolution of political power to the regions and were in part due to his abandoning of campaign promises to not privatize the energy sector. Fujimori aggressively sought to liberalize markets, but was not met with the same kind of organized protest during his presidency that Toledo faced because there were no outlets through which to protest, as he had dissolved the legislature and merely appointed regional presidents instead of allowing them to be elected democratically.

In one last attempt to control the decentralization process that he began, Toledo put to referendum the creation of five macro-regions that would consolidate sixteen of the country's departments in order to give his party more control over their governance. The referendum failed, showing that the country had become disillusioned with his government's method of reinstitutionalizing democracy, and this failure paved the way for opposition leader García to be elected president.

### **García's Attempt to Shift Political Blame**

When García entered the presidency in 2006, he faced the same problem that Toledo faced: an opposition party's control of Congress, and with the following municipal and regional elections, many regions that had formerly supported APRA shifted either towards Ollanta Humala's Nationalist Peruvian Party or newly formed regional parties. But, instead of attempting to quell opposition by halting the decentralization process, García used decentralization as a way to transfer political problems to the regional governments. If the regional governments had more political autonomy, then the central government could not be responsible for all of the regional problems. Regional conflict and protest would then not complain to the central government but to the regional governments to have their voices heard. This method of decentralization might not necessarily reduce conflict, in fact it might actually increase conflict by opening new political spaces for voicing conflict (Van Cott 2006), but doing so does shift some of the responsibility of dealing with the conflict away from the central government to the regional governments.

At the beginning of campaigns for municipal elections in 2006, president García showed interest in decentralizing in an attempt to spread political accountability through the country, saying that "power is blame, and blame has to be shared" (*Latin*

*American Newsletters* Dec 2006: 14). The elections did, in fact, disperse political power. Many APRA regional leaders lost elections to opposition parties, some of which promised to oppose and protest the national government. The regional governors of Ancash, Cusco, Tacna, Pasco and Huanuco all joined in a protest against the national government, hoping to achieve political demands. Through the decentralization of political power, political problems were transferred to regional governments instead of the regional governments being used as institutions through which the regional demands could be met.

García also pursued neoliberal policies, avoiding using the term because of its negative connotation. He sought to “trim the power of central, regional and municipal government,” (*Latin American Newsletters* Dec 2007: 13) to allow for the private sector to manage the country’s poverty problems. His push for the expansion of resource exploitation was met with opposition from almost everyone except the business sector, and this widespread disapproval eventually led to the indigenous protests in Bagua in June 2009.

García also faced regional autonomy demands from Puno governor, Hernán Fuentes, who represented the *Unión de Comunidades Aymaras* (UNGA), the only major indigenous political organization in Peru outside of the Amazon. Fuentes demanded that the central government grant the southern region of Puno more political and administrative autonomy while increasing financial support, but his demand was met with immediate rejection from the central government and disapproval from other regional governments, including that of Amazonas. Even Ollanta Humala, unsuccessful 2006 presidential candidate and the most vocal critic of the García government, voiced disapproval, fearing that Fuentes’ demand might cause García to halt the entire process

of transferring administrative functions to the regional governments and limit his party's ability to gain real political power (*Latin American Newsletters* April 2008). The lack of support for Fuentes by other regional leaders shows that they hoped to use current political institutions to achieve their goals and were not ready to reject the process.

Fuentes' demand for autonomy in Puno is also an example of effective Andean indigenous political organization. While most of the indigenous mobilization is concentrated in the Amazon, the region of Puno remains the only outlier as an example of Andean indigenous organization. Because this southern region, which borders Bolivia, was so far away from the widespread violence of the civil war, networks of association did not suffer nearly to the extent that they did in the central Andes, so the Aymara population was able to organize into the *Unión de Comunidades Aymaras* (UNCA). The success of the organization is evidenced in Fuentes' demands of the central government, even if they were ignored.

Following the violent protests in Bagua in June 2009, García pushed for further regional decentralization in an attempt to make financing more effectively address regional demands. Letting the regional governments democratically decide how to use public funds was seen as a way to divert regional social protest against the central government and can be seen as a direct result of the Amazonian protests. Whether or not this "popular" method of decentralization will achieve its goals are yet to be seen.

While Toledo sought to control policy by recentralizing power after he was met with political opposition, the García government sought to insulate the central government from blame by promoting decentralization in an attempt to push the blame for socio-economic shortcomings onto the regional governments. Neither was ultimately

successful in using the decentralization process to eliminate or even alleviate social conflict or protest because citizens capitalized on the re-institutionalization of regional governments to voice their long-held complaints in the political arena, forming opposition parties to work within the political system and staging protests when the newly formed regional political system was unable to fulfill their demands.

### **Indigenous Organization in Peru**

Scholars frequently note Peru's lack of indigenous organization in comparison with other Andean countries (Van Cott 2003, Yashar 2005, Albó 2004). This comparative lack of organization, however, does not mean that there is *no* political organization, especially with respect to the Amazonian indigenous groups, as noted by Yashar (2005). Some scholars argue that indigenous political organization would be a natural occurrence in the multicultural countries of the Andes and that the lack of this organization is not only evidence that there is a lack of political space, but that there are actually barriers preventing this from happening (Van Cott 2003). During the 1970s, president Juan Velasco Alvarado attempted to form a national identity that included the highland indigenous groups by making Quechua a national language, but his agrarian reform's failure opened up the Andean region to leftist groups that minimized indigenous identity, focusing on class stratification (Albó 2004).

The civil war fought against the Shining Path during the 1980s and 1990s effectively destroyed associational space and “posed insurmountable obstacles for widespread organizing in the countryside and ultimately foreclosed the possibility altogether of organizing an indigenous movement in Peru” (Yashar 2005: 247). Campesino organizations were targeted by guerrillas and the government alike, and “political and social organization became a dangerous activity” (Albó 2004: 23). Since

Fujimori left office and many of the barriers to organization left with him, indigenous organization has strengthened, showing that there was not a lack of will to organize, but a lack of ability.

Although the 1993 constitution passed under Fujimori guaranteed some indigenous rights, most were only rhetorical, and other rights were completely removed, some of which were in violation of the ratification of the International Labour Organization Convention 169 (Van Cott 2006).<sup>6</sup> Peru was recognized as an ethnically and culturally pluralistic nation, but because the ethnic plurality of the nation was not ensured or protected by economic and social policy, the Fujimori government did little to conserve indigenous identity (Albó 2004). Fujimori lessened restrictions on selling and re-delineating indigenous land, a reform similar to that passed by García in April 2008, which led to the violent bloodshed in Bagua. The 2003 constitution also ignored most of the indigenous groups' demands as they lacked a strong, unified political voice. Indigenous groups responded with a refusal to work with the government-sponsored National Commission of Indigenous, Amazonian, and Afroperuvian Peoples (CONAP), citing that it had failed to create venues for meaningful political representation (Yashar 2005). In September 2007, Peru ratified the Declaration on Rights of Indigenous Peoples, which, although non-binding, means that Peru agrees to cooperate with indigenous groups to include them in national politics, and notably agrees to respect indigenous land rights. García has made little show in pushing for indigenous

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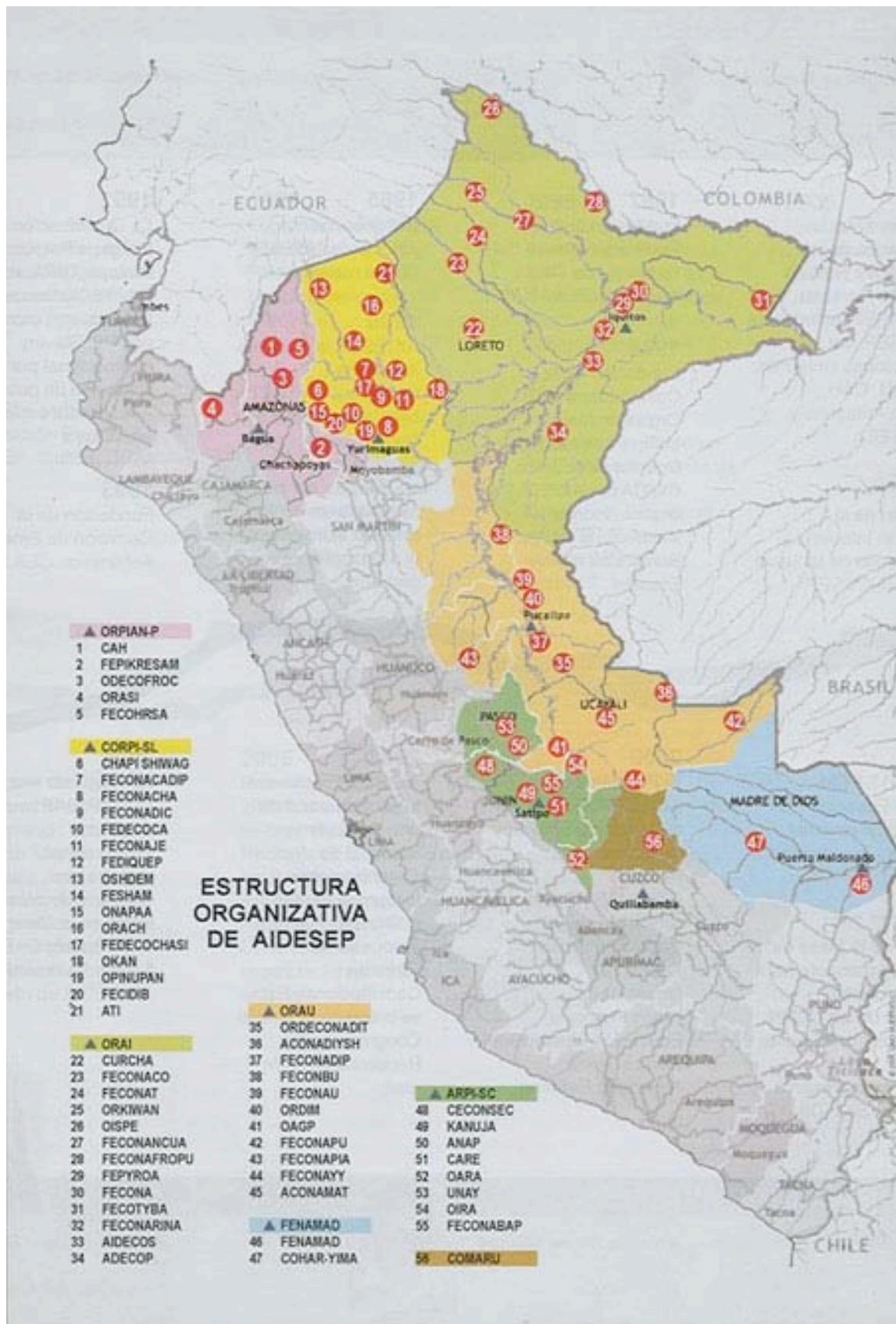
<sup>6</sup> The International Labour Organization (ILO) is an agency of the United Nations formed in 1919 that "is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity" The ILO convention 169, which Peru signed in 1994, extends these rights to indigenous communities and guarantees access to traditionally held lands and should have reversed the constitution's removal of these rights. ([www.ilo.org](http://www.ilo.org)).

representation in Congress and violated the indigenous sovereignty of land-rights with decrees that reduced the number of votes necessary to sell native land without consultation.

In Peru, the *Asociación Interétnica de Desarrollo de la Selva Peruana* (AIDESEP), formed in 1980, has been the most organized body used by Amazonian indigenous groups for political purposes. AIDESEP consists of 1,340 different indigenous communities organized into 56 federations that are grouped into seven larger regions spanning the northern, central, and southern Amazon, and most of the organization is concentrated in the northern Amazon around Bagua.<sup>7</sup> Participation in the political process only became possible after electoral reform made it feasible for indigenous parties to form. In 1995, the number of signatures required to appear on the ballot was quadrupled from 100,000 to 400,000, all but eliminating any real possibility of party formation. AIDESEP proved its political viability with the election of thirteen indigenous mayors under the party Indigenous Movement of the Peruvian Amazon (MIAP), but was unable to achieve the signatures necessary for regional or national party registration. In 2002, more than a dozen indigenous mayors held office, although many ran under parties like Perú Posible, the party founded by president Toledo, or Somos Perú to become elected (Van Cott 2003, 2006).

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<sup>7</sup> See attached map of AIDESEP organizational structure.



Much of the activity is concentrated in the northern Amazon. Source: <http://www.aidesep.org.pe>

Indigenous leaders in Ecuador noted that “political liberalization” made it easier to organize into political entities during the last half of the 1990s (Yashar 2006), and the process of decentralization in Peru has also coincided with increased indigenous participation, albeit on the regional and municipal level. While political associational space expanded after the repressive civil war, indigenous participation still lacked effective institutional strength in 2005, although the “seeds of an indigenous movement” existed in the Amazon (Yashar 2005). These “seeds” arguably bloomed in June 2009 with the protest in Bagua, as indigenous groups were not only able to organize a widespread protest but were also able to make the government cave to their demands. The opening of associational space through the process of democratization allowed for the organization of regional groups vis-à-vis the central government in a way that was not possible under Fujimori because people used new regional political institutions to form parties or other political organizations. Many of the regional political figures, such as Fuentes, used this new electoral space to voice complaints against the central government. Thus, this newly regionalized political power provided a new space for regional mobilization against the central government that was not present during the 1990s.

### **In Conclusion**

During the last decade, the process of decentralization has created new avenues for political association that were not available during the Fujimori years. Regional governments gained varying degrees of political, administrative and fiscal control under Toledo and García. Political parties, especially APRA, have resurfaced after their failure in the 1990s, although personalist parties centered on candidates and other purely regional parties show that the national party system still lacks strength. Amazonian

indigenous organization also shows evidence of real strengthening of democratic institutions, whether or not they are part of the government. Because of historic and systematic exclusion and persecution, Andean indigenous groups have yet to form viable political parties, with the exception of UNCA in Puno. In contrast, Amazonian indigenous groups were been left comparatively unscathed by the national government and civil unrest have used the new decentralization process during the last decade as an opportunity to exert power. However, because the central government still dictates national policy, the regional level indigenous movements are largely relegated to being just that: regional.

## **Chapter Four: Conflict in Peru From General Overview to Detailed Case Study**

Studies of conflict in Peru are usually synonymous with studies of the Shining Path, but conflict continues in Peru today, albeit in a different manner, years after the Shining Path has largely disappeared<sup>8</sup>. During the 1980s and 1990s, the terrorist groups *Sendero Luminoso* (Shining Path) and the *Movimiento Revolucionario Túpac Amaru* (Tupac Amaru Revolutionary Movement MRTA) paralyzed the country and undermined the political system. Along with his mishandling of the economic crisis, García's mishandling of the terrorist organization during his first presidency (1985 – 1990) was one of his largest political downfalls and precipitated the election of authoritarian leader, Alberto Fujimori. Fujimori's autocratic government was able to effectively dismantle the organization, and in the process of dismantling the Shining Path, it dismantled democracy in Peru as outlined in the previous chapter.

With the return to democracy came different kinds of conflict that worked in a different kind of framework. Political institutions were restored during the last decade and people began to use them to voice disapproval of the central government in a way that was not possible under Fujimori (Arce 2008, Van Cott 2005). Groups and individuals began to use protests to influence the government, a political freedom that would have been ineffective under Fujimori at best, deadly at worst. The defeat of the Shining Path, which was even more oppressive to rural Peruvians than Fujimori's autocratic government, coupled with the downfall of Fujimori and the return to

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<sup>8</sup> It must be noted that while the Shining Path no longer controls large sections of Peru as it did during the 1990s, the organization still exists. Months after the Bagua protests, the terrorist organization shot down military helicopter during in the southern region of Huancayo ("Narcoterroristas derriban helicóptero en zona del VRAE" *El Comercio* September 3, 2009).

democracy changed conflict in Peru from being monopolized by the Shining Path to being a mechanism to influence government decisions.

### **Analyzing Social Conflicts in Peru**

Protests in Peru more than doubled in 2000 when Fujimori was immersed in the corruption scandal that led to his removal and continued to rise in the next two years.

Arce's study, "The Repoliticization of Collective Action after Neoliberalism in Peru," (2008) focuses on the rise in protests post-Fujimori, studying conflict from 1995 – 2004, and he concludes that after the fall of Fujimori, the decentralization process

changed the locus where protest takes place; and at least until very recently, has encouraged an increase in mobilization and protests . . . [and] the rise in mobilization signals a major shift in the structure of political opportunity that has allowed for a greater use of protest. (56)

People had long-standing reasons for protest that exploded when they had the new political opportunity to voice their disapproval without fear of reprisal. The protests largely subsided in 2003, and then began to increase again in 2004. My study builds on this data by showing that the trend continues through the end of the decade and that the conflict continues to be in rural areas where mobilization had not previously occurred.

I analyze this new type of social and political conflict in Peru during the last decade using data from the *Defensoría del Pueblo* and news articles from *El Comercio*, one of the most respected news sources in Peru. The *Defensoría del Pueblo* is a social ombudsman office that was created under the 1993 constitution, which serves to protect Peruvian's constitutional rights and has offices in each region to ensure the protection of these rights at the local level. One way in which it monitors the protection of constitutional rights is by gathering data on active and latent conflicts at the regional level each month and compiling the regional reports into a monthly national report on

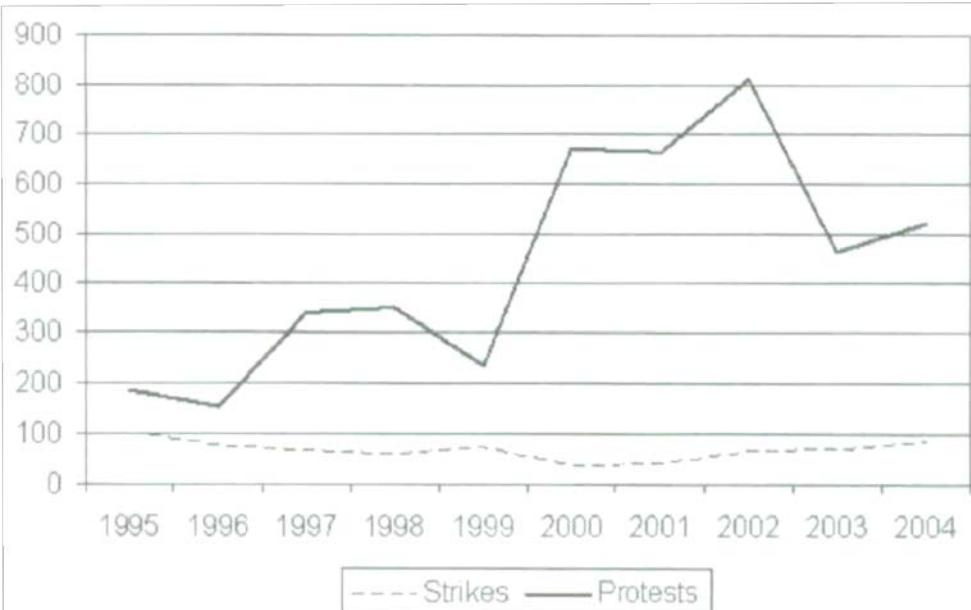
social conflict in Peru. The conflicts are categorized by type, such as socio-environmental, land dispute, local government issues, national government issues, illegal cultivation of coca, etc., and are classified as latent or active. After showing the rise in conflict during the Toledo and García years using the two sources above, I will argue that this rise in conflict is in fact due to the decentralization and democratization processes that these governments carried out during the past decade, using the protests in Bagua during June 2009 as a qualitative case study.

### **The *Defensoría del Pueblo* and the Need for Case Studies of Peruvian Conflict**

For an overview of the conflict during the process of decentralization and democratization in post-Fujimori Peru, I analyze the number of conflicts in Peru by region, as reported by the *Defensoría del Pueblo*, to see if there was an increase during the last ten years. Examining the data on social and political protest in Peru shows a general upward trend that begins to increase rapidly during 2008 and continues into 2009. From January 2008 to June 2009, the total number of conflicts in Peru more than tripled from 83 to 275. Before January 2008, the number of total conflicts in Peru, as registered by the Ombudsman office, remained within the range of 52 to 78. This increase in 2008 and 2009 marks a dramatic rise in the number of conflicts, with a peak of 288 conflicts in September before a slight decline by the end of 2009. The data from Arce's study comes from a study that he conducted on news reports with the Instituto de Estudios Peruanos (IEP) and therefore includes more protests than are officially registered by the Ombudsman office. Arce's data most likely reflects a more realistic number of protests within Peru, as his numbers are much higher, but even his data

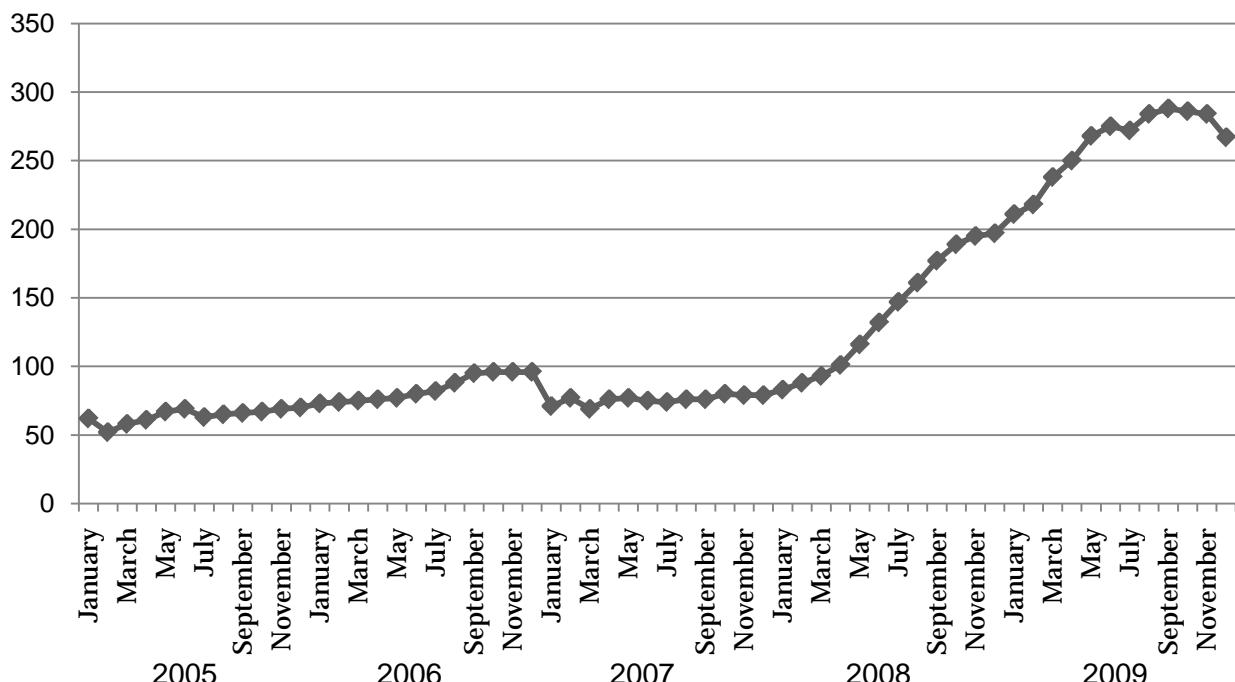
shows an upward trend from 1995 to 2005, with a large increase during the Fujimori corruption scandal and then a steady increase through the Toledo and García years.

### **Number of Strikes and Protests in Peru 1995 – 2004**



Source: Study conducted by Moisés Arce and the *Instituto de Estudios Peruanos* for "The Repoliticization of Collective Action After Neoliberalism in Peru." 2008

### **Number of Social Conflicts in Peru 2005 - 2009**



Data Source: *Defensoría del Pueblo Peruano*

The political crisis of Fujimori's corruption scandal coinciding with a spike in political protests evidences that there were reasons for protest under Fujimori, but a lack of space in which to voice concern because of his dictatorial regime made such protest risky at best. I argue that this trend continues during the next ten years as other groups take advantage of new opportunities that were absent under Fujimori to petition the government, through institutional means and outside of them. This data shows and increase from just fewer than 200 social protests in 1995 to just over 500 in 2004 with a peak of 800 in 2002.

There is an indisputable rise in the number of conflicts towards the end of the decade, but the connection between the decentralization process and the rise in conflict is not so clear. Both Toledo and García blame their political opponents and international actors for orchestrating protests to undermine their governments, García going as far as to frame the conflict in Bagua as a war against democracy by Ollanta Humala and Hugo Chavez and a host of other "outsiders" (*Latin American Newsletters* September 2008). In order to attribute this increase in conflict across Peru to the decentralization process as hypothesized, I am using the June 2009 conflict in Bagua province in the Amazonas region as a case study to examine in more detail to understand how the process of decentralization and democratization play a major role in opening space for political and social contestation.

### **Problems with the *Defensoría del Pueblo***

It is important to use a case study to understand conflict in Peru because of serious limitations in the methodology used by the *Defensoría del Pueblo* to report social conflicts. The dataset limitations are evidenced by the fact that the protest in Bagua was not even included in the number of conflicts reported for the Amazonas

region in June 2009. Instead, the monthly report included a paragraph, with factual errors, at the end detailing some of the major events and what the *Defensoría del Pueblo* was doing to restore peace:

On June 5, a commissioner went to the Hospital in Bagua Chica to check the care of the wounded, while other commissioners were transferred to the Curva del Diablo, where the confrontation developed, confirming the death of four more natives and one police official. The removal of the bodies that were found in the zone was coordinated with the Public Ministry. On June 6, coordination to organize the return of the indigenous groups to their communities was begun, holding meetings with the church and local authorities. On May (sic) 7, the transfer and registration of the refugees were coordinated with the local parish priest. A Commission of representatives from the Public Ministry and the legal medical division of Utcubamba participated in an investigation into the existence of an alleged mass grave of indigenous citizens in Jorobamba, ruling out the claim. A group of seven indigenous citizens who had taken refuge in the sector was found, which brought about their transfer to the parsonage. On June 8, the transfer of all of the natives to the parsonage was confirmed, and in total, 788 natives were transported in 13 vehicles. From June 12 to June 30, various itinerant missions were carried out to confirm the various settled speculations concerning alleged disappearances, and a higher number of alleged deaths of natives. On July 2, the *Defensoría del Pueblo* made public the information about its inquiries and research in different areas that there were no findings of more wounded or dead than were found in earlier days.<sup>9</sup>

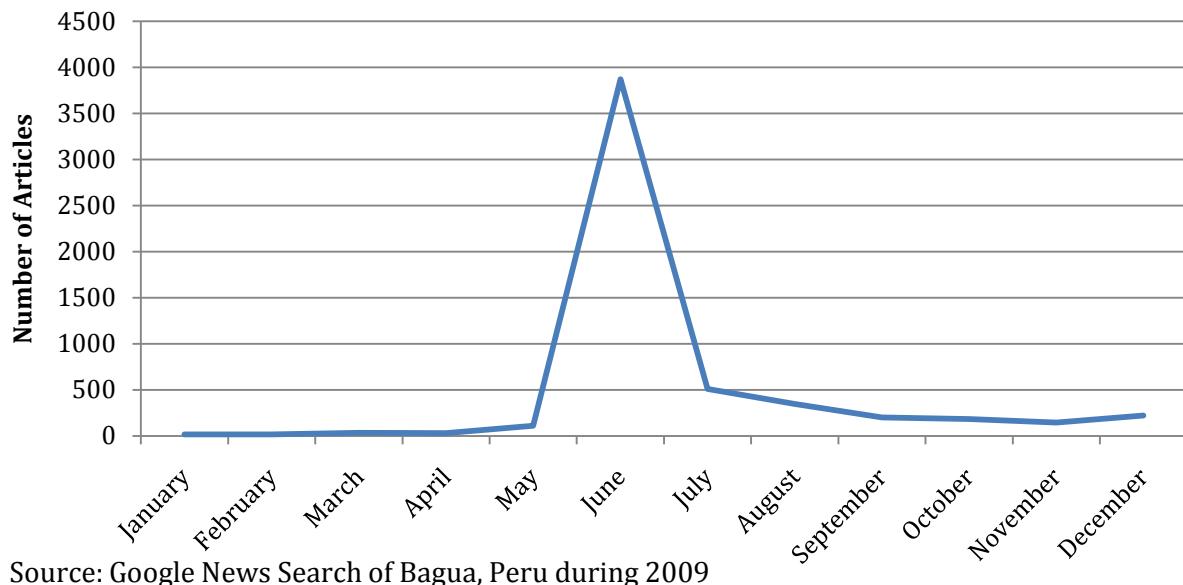
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<sup>9</sup> Original text from the *Defensoría del Pueblo*: “El mismo día 5 de junio se tuvo un comisionado en el Hospital de Bagua Chica a efectos de verificar la atención de los heridos; mientras otros se trasladaron a la Curva del Diablo, en donde se desarrolló el enfrentamiento; constatando la muerte de cuatro nativos más y de un efectivo policial. Se coordinó con el Ministerio Público el levantamiento de los cadáveres que se encontraban en la zona. El 6 de junio se inició las coordinaciones para coadyuvar el retorno de los indígenas a sus comunidades, sosteniendo se sostuvo reuniones con la iglesia, autoridades locales entre otras. El día 7 de mayo se coordinó con el párroco de la ciudad, a efectos de conseguir el traslado de los nativos a su lugar de origen, se realizó el empadronamiento de los nativos refugiados en la casa pastoral. Se participó con un Comisión integrada por representantes del Ministerio Público y la division médica legal de Utcubamba, en el desplazamiento a la localidad de Jorobamba para verificar la existencia de supuesta fosa con ciudadanos indígenas enterrados, descartando la información. Sí se encontró, un grupo de ciudadanos indígenas (07) quienes se encontraban refugiados en dicho sector, por lo que se procedió su traslado a la casa pastoral. El día 8 de junio se confirmó el traslado de todos los nativos que se encontraban en la casa pastoral, en total 788 nativos fueron transportados en 13 vehículos. Del 12 al 30 de junio se realizaron varias misiones itinerantes para confirmar las reiteradas especulaciones de presuntas desapariciones, así como un mayor número de presuntos fallecidos de pobladores nativos. El día 2 de julio la Defensoría del Pueblo hizo pública la información que luego de haber realizando las indagaciones y una búsqueda en diversas zonas no hubo hallazgo de más heridos o fallecidos que los dados a conocer días anteriores.”

Because the conflict was classified as a single strike, albeit violent and policy-changing, instead of being classified as a social conflict, it was not registered by the *Defensoría del Pueblo*. This begs the question: how many other protests and conflicts were not included due to the way in which the Ombudsman office collects its data?

The fact that this protest was not included in the registry of active social and political protests in Peru shows something about the politics of the institution, even if it has been free of accusation of pro-government bias. At the least, it shows something about its methodology in collecting data on social conflict. Because the Ombudsman office only reports registered conflict instead of reporting every strike and protest, its numbers are much lower than the actual number of social and political protests each month. For example, although the protest received little attention for the *Defensoría del Pueblo*, the amount of violence and political influence that the protest caused gained large amounts of national and international news attention. For example, a quick Google News Search (included below) shows that new coverage of Bagua, Peru increased dramatically during the months of June and July 2009, but the *Defensoría del Pueblo* severely downplayed its importance by not even including it in its registry of active social conflict.

### **Number of World News Articles Containing Bagua, Peru during 2009**



Because its methods of reporting conflict have remained the same throughout the measured period, the data is still useful in showing an increasing trend of conflict within Peru. An overall change in the number of conflicts in Peru during the last decade can still be measured using the data from the *Defensoría del Pueblo*, but in order to fully understand the conflict in Bagua, I also examine news articles about the conflict between the indigenous groups in Bagua and the central government surrounding the protests. This study supplements the study of the overall increase in conflicts as measured by the *Defensoría del Pueblo* because it gives a detailed account of the new kind of conflict that is made possible by the decentralization process and the return to democracy.

#### **Bagua: A Case Study of Social Conflict**

Almost half of the conflicts during the last half of the decade in Peru were classified as “socio-environmental,” conflicts in which the effect that a business, local

government or other actor has in a community is seen as having a negative effect on the environment and well-being of those who are protesting. Social conflicts in southern Peru and in Cajamarca are frequently against mining companies that are accused of contaminating water sources or lowering air quality. Another significant portion, nearly a quarter, comes from protesting land use by companies, classified under the categories of illegal use of land, failure to receive permission or other types of land disputes.

Amazonas went from having one or no active conflicts in the years preceding the protest to having two active conflicts during the entire year of 2009. These low numbers do not compare with other regions like Cusco, Cajamarca or Loreto that frequently suffered from over 20 conflicts in a given month, but none of these other regions had incidents in which protests escalated to the level of violence or received the amount of international attention as the incident in Bagua.

### **Context of the Bagua Protest**

Like many of the other conflicts in Peru during the last decade, the protest in Bagua was over the use of land and how companies could receive permits to use indigenous land. Before the June 6 protest, there were various articles in *El Comercio* detailing how indigenous groups in the region had held strikes and barricaded roads. On August 18, 2008, there was a confrontation between protesting indigenous groups and police that resulted in two policemen being injured. Two weeks of protest ended on August 23, when Congress decided to repeal Legislative Decrees 1015 and 1073, which made it easier for companies to gain approval for exploitation of resources. In response to the decision to repeal the decrees, Alberto Pizango, president of AIDESEP, exclaimed, “Peru won, reason won, and not the imposition of many of the decrees that threatened

society and the Amazonian *pueblos*" (my translation).<sup>10</sup> Less than a year later, the Peruvian Congress would prove him wrong, passing legislation almost identical to the decrees that were responsible for the two weeks of protest.

To facilitate the implementation of the Free Trade Agreement with the United States, President García pushed the decree through Congress on January 14, 2009, once again lowering the percentage of indigenous votes needed to allow use of land from 66 percent to 50 percent plus one, which AIDESEP saw as a violation of the ILO Convention 169 that guarantees indigenous groups the right to consultation in matters pertaining to traditionally held lands (El Comercio June 6, 2009). Legislative Decree 1090 was simply a second attempt at easing restrictions on the use of indigenous land for exploitation of natural resources and would open the possibility to use 13,000 hectares of ancestral land. On May 27, it was reported that an indigenous group blocked 20 kilometers of the main highway that carries supplies to the mines and the cities of Bagua, Jaén, Chachapoyas and Tarapoto, protesting the legislation. According to Aníbal Kategari, the spokesperson for the protestors, the demonstration would remain peaceful and they hoped to enter into talks with the government to resolve the issue.

On June 6, the protests turned from peaceful to violent when 639 soldiers and over 3,000 indigenous protesters clashed in the part of the blocked highway aptly named *Curva del Diablo*, leaving 33 people dead and 200 injured.<sup>11</sup> The government defended its use of the military, arguing that the extensive roadblocks had interrupted production and threatened new oil company installations and by claiming that the

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<sup>10</sup> "Nativos y pobladores marcharon por Bagua para celebrar decisión del Parlamento." *El Comercio*. August 23, 2008, original text: Ganó el Perú, ganó la razón y no la imposición de muchos de los decretos que atentaron contra los pueblos amazónicos y también contra la sociedad."

<sup>11</sup> Official figures as reported by the *Defensoría del Pueblo*

protests were a sign of international aggression from Hugo Chavez and Evo Morales and domestic anti-democratic movements led by political opponent Ollanta Humala who were able to manipulate AIDESEP leadership. García's claims were largely unfounded and not supported with any sort of evidence, but it is interesting to note that the government attempted to increase political clout and shift blame throughout the crisis. César Acuña, the mayor of Trujillo, a large industrialized city on the northern coast, publicly argued against the central government, arguing that the violent measures were unwarranted: "The deaths that occurred in Bagua are due to the disinterest and arrogance that the Central Government and Congress displayed towards the demands of the Amazonian population.<sup>12</sup>" After the initial finger pointing calmed, the indigenous groups eventually won. Because of the violent protests, the government suspended, then repealed the decrees, but because of the violence, many members of AIDESEP, including its president Pizango, fled the country, seeking asylum in Nicaragua.

### **Analysis of the Conflict from an Institutional Perspective**

The decrees 1090 and 1064 did little to change the ability of indigenous groups to block use of land for exploitation, as it only changed the requirement of votes by 15 percent, but the fact that the government did not consult with the regional government or the indigenous groups before issuing the decree showed a disregard for their political voice in the matter. On June 16, *El Comercio* published an article detailing this lack of dialogue:

The excessive tolerance by and the absence of the State caused a lack of legal coordination of extraction activities during decades, which probably has been the

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<sup>12</sup> "César Acuña pide derogar normas sobre la Amazonía." *El Comercio*. June 9, 2009, original text: "Las muertes ocurridas en Bagua son responsabilidad del desinterés y soberbia que mostraron el Gobierno Central y el Congreso de la República frente al reclamo de las poblaciones amazónicas."

most important obstacle until now in allowing healthy relations between indigenous communities, business and the government to become viable . . . Although the ILO Convention 169 has been Peruvian law for 15 years, a regulation that would operationalize and disseminate the convention was never created. The enormous burden of its diffusion and prevalence has been relegated to the indigenous organizations and communities <sup>13</sup> (my translation)

The government had previously worked directly with businesses and had ignored the indigenous organizations when making decisions, so the actions of the García government were not out of the norm, but the reaction that they caused was different than in the past. There were no protests under Fujimori, and there were not even major protests in the Amazon during Toledo, showing that under García, indigenous people thought that protests might be able to force the government to listen to their demands. Protests in Bagua did not occur for nearly eight years after returning to democracy, so the change from dictatorship to democracy itself is probably not the sole catalyst for political protest in the region.

The ten years of devolving political power to the regions led these governments to expect and demand participation in matters that affect them. The lack of violent protest in the Amazon during the Fujimori years despite cultural and economic exploitation that was arguably much greater than experienced under García shows that these groups had little space for contestation during these years. The ILO Convention 169 was signed by Peru in 1994, yet there was no protest against the Fujimori government demanding that it be respected. The reason for protest was there, but the opportunity was not. Besides having increased political opportunity during the 2000s through official political

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<sup>13</sup> "Amazonía y Estado-nación." *El Comerico*. June 16, 2009, original text: La permisividad y la ausencia del Estado promovieron durante décadas una falta de articulación legal con las actividades extractivas, lo que probablemente haya sido el obstáculo más importante de todos a la hora de viabilizar un asana relación entre las comunidades indígenas, las empresas y el propio Estado. . . . A pesar de que el Convenio 169 de la OIT es ley peruana desde hace más de 15 años, nunca se creó un reglamento que lo operativice y lo difunda; se dejó el enorme peso de su diffusion y prevalencia a las propias comunidades y organizaciones indígenas."

avenues, indigenous groups began to organize much more effectively towards the end of the decade, and AIDESEP began to exercise political power by electing local candidates as was outlined in the previous chapter.

In the editorial from *El Comercio* on June 16, 2009, an excerpt of which was included above, the writers attributed the protest to a breach between the national government and the regional government of Amazonas. Much of the language of the editorial shows evidence of what Falleti (2005) categorizes as a method of decentralization that allows the central government to maintain the balance of power, devolving political power reactively, followed by administrative and fiscal decentralization. Following this process of decentralization, Falleti argues, allows for a medium to low degree of change in the intergovernmental balance of power. Thus, even though the governments of Toledo and García pushed for the decentralization projects outlined in the previous chapter, because they were started by Toledo, who reigned in any real political power given to the regions after he was faced with conflict, and García, whose stated purpose of decentralization was to spread the political blame across the nation, the process did little to change the balance of power between the national and regional governments while at the same time opening new political space for contestation.

## **Conclusion**

On July 3, *El Comercio* published an article entitled “Why is Violence Produced in Our Country<sup>14</sup>,” detailing the institutional factors present in Peru that cause it to be a country that continues to be plagued by violent protest. They correctly point to the fact that those who live far from the capital have little influence on the decisions that the

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<sup>14</sup> “Por qué se produce la violencia en nuestro país.” *El Comercio* July 3, 2009.

national government makes, and attempts to petition the government are met with deaf ears until violence breaks out. In another editorial about the causes of the violence, writers reference a German scientist who commented, “In Lima itself, I haven’t learned anything about Peru. Lima is more separated from Peru than London.<sup>15</sup>” In this context of political separation and constant ignoring of the periphery, violence becomes a political method and democracy is considered a farce. They also point to an ignorance of the political system in the rural areas, arguing that they are easily taken advantage of by radical agitators.

While it may or may not be true that these protestors are being taken advantage of, this would not be a possibility if people were able to effectively have their voices heard through the political system. The way in which the government has decentralized has not changed the older systems of corporatism in which the government works around the indigenous communities in conjunction with extraction businesses in the Amazon, largely leaving the local citizens out of the discussions. The decentralization process has added new avenues of political representation in the Amazon that were not present in the past, but the same government that put them in place is the largest obstacle to their effectiveness.

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<sup>15</sup> “La democracia no es la ley de la selva.” *El Comercio* June 6, 2009.

## **Chapter Five: Concluding Remarks**

Conflict in Peru is not a new phenomenon, but the type of conflict during the last decade is different than conflict during the 1980s and 1990s. Protests are dispersed across the country, and various groups are responsible instead of almost all of the conflict coming from the Shining Path or the MRTA. Marginalized groups outside of the political center of Lima have increased expectations of having their voice heard by the central government through the regional institutions, and when they are not, they demand that they be heard through strikes and protest. Until regional governments gain the ability to make decisions concerning regional matters, protests will probably continue in the politically peripheral areas of Peru.

In this thesis, I have answered why the protests in the previously peaceful region surrounding Bagua were made possible. Because of the nature of this protest, existing social movement literature and scholarship on identity politics are unable to fully explain why the protest happened in Bagua. Therefore, using an approach that draws upon literature of changing political institutions best explains why this protest occurred at this time and why it occurred in Bagua.

Changes in political institutions throughout the decentralization process under Toledo and García brought about changes in the opportunities to protest and changed the likelihood that that would succeed. Indigenous groups in the Amazon have historically been either ignored by the national government or taken advantage of by extraction business, and they have had little political voice until recently when the government began to systematically return governing power to the regional governments. The recent transition to democracy and the decentralization process that accompanied it have changed the face of social conflict in Peru.

Devolving political power to the regional governments has led under-represented citizens to demand that these regional governments effectively represent their views, and when marginalized groups, such as the indigenous people in the Amazon, are unable to use political institutions to achieve their goals, political conflict arises. The violent protest in Bagua is a good example of the changing face of social conflict in Peru because it shows that in places where political conflict has been historically absent, the decentralization process has opened up new spaces for political contestation. Although business had previously exploited the natural resources in the Amazon, by signing the ILO Convention 169, which guaranteed the rights of indigenous groups, these groups began to demand that they be included in the decision-making process in matters pertaining to the use of these lands. Throughout the Andes and Latin America, political and socially marginalized groups that were excluded by traditional political politics and were further excluded during authoritarian regimes are now becoming increasingly able to take advantage of democratization and decentralization projects to become included in mainstream politics, and when governments attempt to maintain the status-quo of political elite/outsider political rhetoric, these groups demand that their voices be heard through protest and social conflict.

## **Problems Encountered**

Because past studies of conflict in Peru used a different method of measuring conflict than I did, it was difficult to combine past data from Arce's study (2008) with my data from the last half of the decade. The two sets of data show the same upwards trend following the fall of Fujimori, and my data showed that this trend continued through the end of 2009, showing that the two data sets compliment each other. It would have been

ideal to have one single data set that spanned the entire process of decentralization, but the combination of the data from Arce (2008) and the *Defensoría del Pueblo* was at least able to show that social conflict continued to rise through the decade, culminating in the most violent protest since the end of the civil war between *Sendero Luminoso* and the government.

Through this thesis I have shown that the data provided by the *Defensoría del Pueblo* does not provide a complete understanding of the makeup of social protests in Peru. Because of how they collect data, many conflicts, including the violent protest in Bagua, are not included. Future studies of conflict in Peru could examine other methods of measuring conflict that are more comprehensive. Although the *Defensoría del Pueblo* has not been accused of having a pro-governmental bias, the way they address and measure social conflict in Peru makes the organization unable to effectively resolve many of the conflicts that it monitors and causes it to simply ignore others. Future studies of conflict in Peru should look for other data sources that are more reliable and that reflect the reality of social conflict in Peru. Also, the lack of reliable information shows the necessity for case studies in future research of conflict in the Andes to get a better understanding of what causes specific conflicts.

### **Contribution to Scholarship on Conflict in the Andes**

This thesis contributes to the larger body of literature on conflict, confirming the theory that processes of decentralization and opening of political institutions can open up new spaces for political conflict, but it also suggests that political and historical context contribute to deciding where and how these conflicts will arise and what they look like. Indigenous conflict exists in other South American countries, namely Ecuador

and Bolivia, and studying the conflict in Peru could aid in understanding the causes of conflict in other Andean countries with large indigenous communities living in the Amazon.

In terms of policy formation, governments should study the link between decentralization and a return to democracy and the possible protest and social conflict that could arise. I am not suggesting that a stable authoritarian regime is more desirable than a democratic government in which people demand that their voices be heard. I am, however, suggesting that when governments devolve political power after a long history of political oppression and center-periphery rhetoric, if they do so in a manner that does not give real decision-making power to the regional governments, conflict could arise.

Toledo realized that political decentralization meant the weakening of his political party's power, and he attempted to reverse the process and recentralize power in the capital, infuriating regional governments and spurring countless protests. García only partially learned from Toledo's mistakes. Attempting to use the decentralization process to diffuse political problems without recognizing constitutional rights of the indigenous groups in the Amazon only made it easier for them to protest the central government and influence policy formation in the capital. When effective decentralization occurs, citizens are able to influence government policy that affects their lives. Thus, the success of the protests in Bagua could be interpreted as the evidence that democracy in Peru is working, but the effectiveness of the protest in serving as a catalyst for future strengthening of regional political institutions remains to be seen.

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