

**LFFU**

# **Leave Fossil Fuels Underground at a Glance**

**LFFU in Argentina: The *Vaca Muerta* fracking conflict**

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## LFFU in Argentina: The *Vaca Muerta* fracking conflict

### The *Vaca Muerta* conflict at a glance

- The area is the largest deposit of shale oil and gas in the world and is located next to a Mapuche community living there since 1917
  - The extraction process started in 1918 but the problems with the local community started in 2013 when foreign companies took the lead in the extraction process
  - Municipalities in Vaca Muerta issued the first anti-fracking ordinances in Latin America
  - Mapuches' territorial rights were recognized in 2019
- **Key actors:**
    - Indigenous community Mapuche *lof Campo Maripe*
    - 'Asambleas por el Agua Pura' (Assemblies for Pure Water)
    - Shale oil and gas workers' union
    - Civil society
    - Local government of Neuquén
    - nine petroleum companies, including YPF, Shell and Chevron
- **Key arguments against the project:**
    - Protection of indigenous territory and indigenous rights
    - Environmental protection of the water bodies in the zone
    - Labour exploitation due to lack of government control
- **Key arguments in favour of the project:**
    - Revenues can bring development to the country
    - The extraction can help the development of new industries in Argentina
- **Key dates:**
    - 1917: First Mapuche community arrives from Chile
    - 1918: First small scale oil extraction production
    - 1931: Discovery of the shale oil and gas reserve
    - 2011: Discovery of new oil reserves in the area
    - 2012: The city 'Cinco Saltos' became Argentina's and Latin America's first municipality free of fracking via an ordinance.
    - 2013: Introduction of foreign capitals and the beginning of fracking.
    - 2013: Other municipalities issued anti-fracking ordinances. The first waves of protests to fracking activities start.
    - 2019: Second wave of protests
    - 2019: Judge absolved the Mapuches sued for usurpation of part of Vaca Muerta's land and recognized Mapuches' territorial rights.

## History of the conflict

*Vaca Muerta* is one of the world's largest deposits of shale oil and gas. It has a size of 30 thousand km<sup>2</sup>, spread over the western Argentinean provinces of Neuquén, Mendoza, Río Negro and La Pampa. The former two provinces, and mostly Neuquén, is home of indigenous Mapuche communities, who have been living in the area from 1917 and now are affected by the fracking project (OPSur, 2018a)

The Argentinian public company YPF has conducted the oil and gas extraction for decades, until 2013 when an agreement allowed American oil's company Chevron to invest in the project, which opened the region to international capitals. This move was followed by Shell, Total, ExxonMobil and others (Weizman, 2019). The reserve is especially interesting for private investors because the mineral composition and the characteristics of the deposit makes it economic viable for industrial scale drilling and fracking (Gavalda, et al., 2017).

The protests have been permanent in Mapuche and also in non-indigenous territories. The city Cinco Saltos, in the province Río Negro, became the first municipality free of fracking in Argentina and Latin America when in 2012 issued an ordinance banning this activity (Svampa & Viale, 2014). Since 2013 the '*Asambleas por el Agua Pura*' (*Popular Assemblies for Pure Water*) have pushed for municipal ordinances prohibiting fracking and claimed for a provincial ban in Mendoza. Thanks to this, departments like General Alvear, San Carlos, Tupungato and Lavalle, were declared 'free of fracking' (San Rafael, 2018; Opsur, 2018b). Social pressure has counteracted several attempts of the national authorities to rule out these ordinances (El Sol, 2013; AMPAP, 2018); but not always with success. In Neuquén also the municipality Vista Alegre issued an ordinance against fracking in 2017, but months later the provincial tribunal revoked it (El Federal, 2017).

In 2014 started a wave of protest in Mapuche territory, when the community blocked the road to access the Loma Campana plateau, one of the oil wells and, later on, occupied the fracking towers and the YPF offices in *Neuquén Capital*. These actions were repeated in three periods of protests and blockades, lasting two weeks, 48 days and another 48 days respectively, forcing the government to create a special committee to determine the community's land claim. The committee argued that the Argentinian law recognizes historical indigenous territorial rights, stating that the property of the land does not depend on who has the land title but who lives and works it. But the Governor refused to recognize the committee's finding by arguing that "the houses are new, they did not even exist in 2006 and it is not possible to establish their origin" (ElOrejiverde, 2016) and therefore the Mapuches were not officially occupying their lands. The oil companies and the regional government are using the governor's rule as an argument to claim their "rightful" ownership of the *Vaca Muerta* area and working as if "the community is not even recognized where they are living. [...] as they were a ghost community" («Lof Campo Maripe», 2016).

In 2019, the social movement in the area started a new wave of collective actions against the project. This time unrest peaked when the labor unions rejected a government's offer of 4,000 Argentinian pesos (around 67 USD) monthly fee, for three months, as a compensation for the damage in the area to the residents of the area (Bassi, 2019) and the government sent the national gendarmerie to "secure the indispensable goods and supplies needed for the correct development of the fossil fuel extraction (Diario Uno, 2019). The labor union accused the measure as a militarization of the zone "to protect foreign investment in an industry more and

more challenged” while more than 20,000 workers are forced to work in exploitative conditions (Trip, 2019).

In May 2019, six members of the *Lof* (Mapuche’s community) *Campo Maripe* went to trial, accused of usurpation of part of the Vaca Muerta territory in 2013 when they were trying to defend their lands and demanding the compliance of national and international law. (Lavaca, 2019a). One week later, the local community got their first victory. The judge absolved the accused Mapuches, arguing that there is no possible usurpation of territory as they had the ancestral right to it, changing the recognition of the territory and applying the right to consultation previous to the use of land. Jorge Nawel said “The judge [...] made a revision of the current norms, the national constitution and the 169 ILO treaty, jurisprudence and decisions of the Inter-American Court of Justice [...] it is and institutionalization of a law that was marginalized the last decades because judges did not want to use them to define territorial conflicts” (Lavaca, 2019b). After the trial, the extraction of gas and oil continued anyway. The fight for the territory is not over yet and the Mapuche community is willing to fight for their right to their ancestral lands until the end (Pozzi, 2019).

#### Questions for future research:

- How the anti-fracking ordinances influence the national social mobilization to limit fracking? Can the national state overrun these ordinances, and what does it imply for democracy?
- What is the impact of Mapuches’ territorial claim in the current Vaca Muerta conflict?

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