

Walking the tightrope:

The role of Peruvian indigenous interpreters in prior consultation processes

Raquel de Pedro Ricoy, Rosaleen Howard, and Luis Andrade Ciudad

Heriot-Watt University | Newcastle University | Pontificia Universidad Católica del Perú

The passing of the Prior Consultation Act (2011) was a turning point in Peru's history: it enshrined the right of indigenous peoples to be consulted prior to the State's adopting a measure that affects them and to use their own languages during the consultation, which makes interpreting essential. This article focuses on the complexities of the interpreters' role and how the beneficiaries of their work perceive it. It reveals that the interpreters' performance is determined by two circumstances: first, it straddles public service and business interpreting; and second, the fact that the interpreters are trained and employed by the State creates tensions in the communication between the latter and the indigenous peoples. The socio-political context and the initiatives designed to ensure compliance with the law will provide a background to our findings. These derive from observation, interviews and meetings with institutional actors and interpreters, and are illustrated by a case study.

Keywords: indigenous interpreters, prior consultation, Peru, users' expectations

1. Introduction

The aim of this paper is to explore the complex role that Peruvian indigenous interpreters (speakers of Spanish and one or more of the country's estimated 47 indigenous languages) play in prior consultation processes through a study of the perceptions held by members of indigenous communities who have been involved in consultations. In Latin America, prior consultation is a process whereby indigenous peoples whose collective rights are directly affected by "an administrative or legislative measure," to quote the language of the legislation, and State representatives engage in a discussion, or "dialogue,"¹ the stated aim of which is to reach a consensus regarding the implementation of the said measure.

¹ See "Ley del derecho a la consulta previa a los pueblos indígenas u originarios" (2011), Article 3.

In most cases, prior consultation processes have focused on measures related to the industrial exploitation of natural resources.² Industrialisation projects range from mining and crude oil extraction to large-scale infrastructural development, all of which can have negative impacts on the environment, human health and social well-being. Thus, prior consultation has led to considerable controversy, as the State ultimately has the last word if a consensus cannot be reached, and serious conflicts between indigenous populations and the authorities have arisen as a consequence (Bebbington, Scurrah, and Chaparro 2013). In other words, prior consultation is not a negotiation in the strict sense of the term, in that its outcome is not necessarily contingent on agreeing on a solution that is acceptable to both parties involved. As a member of the Prior Consultation Division team explained to us, it is in the nature of the process that both agreements and disagreements be accepted by both parties involved: those who consult and those who are being consulted (personal communication, email, September 2017). Governments across Latin America are seeking to address this problem, which is fraught with conflicting priorities and interests (DPLF/OXFAM n.d.).

Instruments such as the International Labour Organisation's Convention 169 (1989), of which Peru is a signatory, and the 2007 United Nations Declaration on the Rights of Indigenous Peoples contain the bases for domestic legislation on the principles of "prior consultation" and "free, prior and informed consent" (see, e.g., Cariño 2005) to regulate industrial activity on indigenous people's territory and oblige governments to consult with communities prior to granting concessions. In the case of Peru, domestic legislation was passed in 2011 in the form of the Act on the Right to Prior Consultation (henceforth, Prior Consultation Act, or Act for short),³ Article 16 of which specifies the requirement for translators and interpreters to facilitate the consultation. This requirement, based on Article 2.19 of the 1993 Peruvian Constitution, is

² Measures of a different nature can also be the object of prior consultation. For instance, the arrangements for implementing the Indigenous Languages Act 2011 ("Reglamento"), which guarantees and promotes the linguistic rights of the indigenous peoples, were the object of a prior consultation process in the summer of 2016. Indeed, the ways in which the collective rights of the indigenous peoples are affected by an administrative or legislative measure can be positive or negative, and, as a member of the Prior Consultation Division team observed (personal communication, September 2017), the former inform the development of the consultation as much as the latter.

³ The full title of this law makes clear its relationship with OIT Convention 169: "Ley No. 29785, Ley del derecho a la consulta previa a los pueblos indígenas u originarios, reconocido en el Convenio 169 de la Organización Internacional del Trabajo (OIT)." It is worth noting that while the text of OIT Convention 169 also uses the phrase "prior consent," the Peruvian domestic legislation only adopts the term "consultation" ("consulta").

also enshrined in the Indigenous Languages Act (2011):⁴ its Article 20 states that “consultation and citizens’ engagement processes pertaining to investment projects will be held in the indigenous language of the people(s) who reside on the land where the projects are to be developed”⁵ and Article 4 avers that “the entitlement to the services of a translator for communication purposes between indigenous people and the public sector is the right of every person.”⁶ Thus, the figure of the indigenous interpreter, which was already documented in the colonial period (Fossa 2006; Ramos 2011; de la Puente Luna 2014; Valdeón 2014), became instated in modern Peru for the first time as a result of the passing of these two Acts and the state interpreter training programme that arose from that, as we shall see.⁷

In previous scholarship, prior consultation, as a means to democratise decision-making by involving those who will be directly affected by the decisions, has been discussed from socio-political (Bonilla Maldonado 2013; Ferri Carreres 2014), anthropological (O’Diana Rocca, Chuecas Cabrera, and Vega Díaz 2015) and legal (Vega Auqui 2016) angles. However, the pivotal role that interpreters, as linguistic and cultural brokers, play in prior consultation has not been examined in the scholarly literature to date. We will argue that interpreting in prior consultation settings is a novel phenomenon that can be conceptualised as a hybrid of face-to-face business interpreting and public service interpreting (PSI) models. We will ground this argument in the relevant theory for these two types of mediated communication.

This paper is built on the premise that, since the interpreters are indigenous people who act as intermediaries between the State and their own, culturally distinct, communities in highly-specialised and both politically and emotionally charged contexts, their role will be affected by tensions that differ from those that affect interpreters in other geopolitical scenarios. The perceptions of the interlocutors in prior consultations, the focus of the present study, will be equally subject to tension. The tensions relate to the clash of cultural systems arising from Peru’s colonial and postcolonial history, the status differential between the dominant Spanish-

⁴ The full Spanish title of the Act is “Ley n. 27935: Ley que regula el uso, preservación, desarrollo, recuperación, fomento y difusión de las lenguas originarias del Perú.”

⁵ “En el desarrollo de proyectos de inversión en tierras de comunidades campesinas o comunidades nativas, los mecanismos de consulta y participación ciudadana se realizan en la lengua originaria que predomina en dicha zona.”

⁶ “es derecho de toda persona [...] disponer de los medios de traducción directa o inversa que garanticen el ejercicio de sus derechos en todo ámbito.”

⁷ For more information on translation and interpreting policy in Peru, see Howard, de Pedro Ricoy and Andrade (2018; in press).

speaking society and the groups that speak indigenous languages, and the intersection of differing professional codes. In respect of the latter point, it needs highlighting that prior consultation is at once a public service (in the sense that it constitutes a service in bilingual exchanges between members of civil society and State institutions) and a State-led business consultation. The complexity entailed by this dichotomy derives from the premises on which the indigenous interpreters' training is built (see sections 2 and 4), which instil traditional PSI principles (such as those that apply in legal or health settings, i.e., public services *stricto sensu*) into scenarios that are ruled by economic and commercial interests.

In section 2 we present details on the prior consultation and interpreter training processes in Peru. Section 3 reviews the literature on public service and business interpreting. In section 4 we explain our research methods. Section 5.3 discusses the role of the indigenous interpreter in prior consultation settings in Peru as perceived by the indigenous beneficiaries, taking the 2015 prior consultation relative to the *Hidrovia Amazónica* (Amazonian Waterway) as a case study.

2. Prior consultation and interpreter training in Peru

Peru is a geographically diverse, resource-rich country whose reserves of minerals in the Andean highlands and of oil and gas in the Amazon basin have been exploited by national and transnational companies for decades. The passing of the 2011 Prior Consultation Act signified a turning point in the management of relations between the State, responsible for granting concessions to companies, and its indigenous inhabitants. Article 3 of the Act states that the aim of the consultation is “to reach an agreement or consent between the State and the indigenous peoples by means of an intercultural dialogue that guarantees their inclusion in the decision-making processes of the State and the adoption of measures which affect their collective rights.”⁸

The participants in a prior consultation process include representatives of:

⁸ “La finalidad de la consulta es alcanzar un acuerdo o consentimiento entre el Estado y los pueblos indígenas u originarios respecto a la medida legislativa o administrativa que les afecten [sic] directamente, a través de un diálogo intercultural que garantice su inclusión en los procesos de toma de decisión del Estado y la adopción de medidas respetuosas de sus derechos colectivos.”

1. the indigenous communities concerned, who may speak more than one indigenous language
2. the “promoting agency” (*entidad promotora*), a State body that promotes the measure
3. the government office that oversees the process, namely the Prior Consultation Division (*Dirección de Consulta Previa*) of the Viceministry for Intercultural Affairs (itself a division of the Ministry of Culture)
4. in compliance with Article 16 of the Act, at least one interpreter.⁹

The main protagonists are the indigenous communities and the promoting agency. The role played by the Ministry of Culture and the interpreters is one of technical support. As explained on the Prior Consultation Division’s website, the process is structured in seven stages: identification of the administrative or legislative measure; identification of the indigenous peoples who need to be consulted; dissemination of information about the measure to the peoples; internal evaluation of the measure by the indigenous peoples through their representatives; intercultural dialogue between the State and the indigenous peoples; and, finally, the decision or resolution, which is made by the promoting agency.¹⁰

According to Article 16 of the Prior Consultation Act, the interpreters must be “trained in the specific subject matter and registered by the governmental body specialised in indigenous affairs.”¹¹ This requirement for institutional training and accreditation demanded a swift response from the authorities. Thus, in 2012, the Ministry of Culture set up a training programme for indigenous translators and interpreters (*Curso de Intérpretes y Traductores en Lenguas Indígenas*). After its inception in 2013, the Indigenous Languages Division (*Dirección de Lenguas Indígenas*) organised the five most recent editions of the programme. The aim of the course is to cater for the facilitation of communication across the Spanish-indigenous languages divide. It is a non-language specific, intensive three-week long programme that covers the presentation of legal topics (e.g., legislation, treaties, conventions), professional ethics and linguistic issues (Spanish grammar and composition, glossaries and terminology), as well as translation and interpreting practice, which is focused on the acquisition and

⁹ The State may also appoint a facilitator, whose role is separate from language brokering and cultural mediation duties, to manage the conduct of the process. See section 5.3.

¹⁰ <http://consultaprevia.cultura.gob.pe/el-proceso/>

¹¹ “los procesos de consulta deben contar con el apoyo de intérpretes debidamente capacitados en los temas que van a ser objeto de consulta, quienes deben estar registrados ante el órgano técnico especializado en materia indígena del Poder Ejecutivo.”

development of generic strategies. It is noteworthy that the approach to interpreter training adopted in the course is based on precepts that have been imported from literature on PSI, including neutrality and impartiality. Our research shows that the institutional discourse regarding such precepts has permeated the expectations held by interpreters and the beneficiaries of their role.

By 2016, some 307 interpreter-translator trainees, speakers of 36 indigenous languages in addition to Spanish, had passed through nine editions of the *Curso*. Although the initial emphasis was on prior consultation processes, public service interpreting and translation (PSIT) was also covered from the 6th edition onwards. Once they have passed their in-service training, successful graduates of the course are registered on the National Register of Interpreters and Translators of Indigenous Languages, which is also managed by the Indigenous Languages Division and received legal status in 2015. This National Register replaced the one that had originally been created in 2012.

In addition to the basic training, the individuals appointed to interpret in each specific prior consultation process participate in a three-day workshop, jointly facilitated by staff attached to the aforementioned Indigenous Languages and Prior Consultation Divisions, together with the promoting agency relevant to the object of the consultation. In the course of the workshop, as we witnessed at first hand, the process is explained and the materials that are going to be used by the promoting agency are shared with the interpreters, with a view to clarifying conceptual and terminological issues that may arise in the language transfer. A Spanish monolingual glossary comprising technical or specialised terms, which is compiled by the Indigenous Languages Division, is thus updated and expanded with glosses of relevant Spanish terms that suit the needs of the speakers of the indigenous languages.

Thus equipped, the interpreters can be called upon to work in the information and intercultural dialogue stages of the prior consultation process, during which they face many challenges that can be intrinsic or extrinsic to the communicative process. The latter can be subsumed under the category of linguistic and cultural asymmetries: on the one hand, there is an asymmetry of lexical repertoires and discursive and text-generic patterns between Spanish and the indigenous languages; on the other, Spanish, as Peru's *lingua franca* and the language of the State and its institutions, enjoys a higher status than the Amerindian languages, which accrues to a hierarchical sense of socio-political positioning among speakers.

3. Public service interpreting vs. business interpreting

Empirical evidence has contributed to the side-lining within contemporary Interpreting Studies of the “conduit metaphor” (Reddy 1979), according to which interpreters are (or should be) sterile channels for communication. Evidence stemming from sociological approaches that take into consideration the professional experience of practitioners (e.g., Berk-Seligson 1990; Gile 1995; Hale 1996, 2007; Rudvin 2007; Wadensjö 1998) shows that “neutrality” and “impartiality” are often disrupted by the reality of human interaction. And yet they remain as ruling principles in well-respected codes of conduct for PSI (e.g., NRPSI, NAATI, NAJIT, EULITA),¹² which can be explained because, even if we accept that interpreters cannot be neutral, especially in emotionally-charged situations, they are expected to put their feelings, their ideology and their interests aside and *act* as if they were. However, as Rudvin (2007, 66) remarks, “ethics goes beyond the call of duty and the minimal standards of professionalism; it is that aspect of life that is most interconnected with other socio-cultural practices and is most culture-bound.” This applies equally to public service and business interpreters, regardless of the mode of interpreting (simultaneous, consecutive or liaison). For the purposes of this paper, we will focus on the distinction between public service and face-to-face business interpreting.

Corsellis (2005, 153) observes that, “in some countries [...], the term ‘community interpreter’ has attracted connotations of a lower standard or of a different and partial role. The title ‘public service interpreter’ is preferred for qualified professionals.” As previously mentioned, indigenous interpreters straddle the roles attributed to either label: they perform a public service, in accordance with national legislation, and they do so in community settings;¹³ they are qualified by the State’s registering body and, at the same time, they are assigned a lower status than that afforded to interpreters between major languages; and, finally, the impartiality of their role is strained.

In relation to PSI, Inghilleri (2012, 51) remarks that

¹² Respectively, National Register of Public Service Interpreters (UK), National Accreditation Authority for Translators and Interpreters (Australia), National Association of Judiciary Interpreters and Translators (USA) and European Union Legal Interpreters and Translators Association.

¹³ We acknowledge the controversy surrounding the terminology and, in this article, we use the term “public service interpreting” or “PSI” to refer to the conditions that pertain to the practice of indigenous interpreters. This is to avoid potential confusion, as the term “community interpreter” is used in Peru to refer to language brokers who have not been trained or qualified by the State. The use of terminology and the nature of the context (the latter stemming from the postcolonial nature of the scenario) differ, therefore, from those studied in European contexts.

[Interpreters'] decisions are influenced by pragmatic, personal, and political realities which create various kinds of partnerships between interpreters and interlocutors. Interpreters are active, key players in interpreted communication, facilitating open negotiations over meaning and maximising the possibility that the communicative objectives of all participants are met; they require codes of practice in which principles like neutrality or impartiality are not taken to mean the abdication of personal and social responsibility in their role.

This illustrates the tension between the principles of neutrality and impartiality, on the one hand, and the personal investment of the interpreters and their commitment to the social order to which they subscribe, on the other. Again, this is equally applicable to business interpreting, although different constraints are at play. First of all, a difference has to be noted between business interpreting in conference settings, which is conducted in simultaneous or consecutive mode, and that in face-to-face interactions, which are conducted as dialogue (*liaison*) interpreting, which, as mentioned above, is the type that is relevant to this study. In conference settings, issues of power differentials between the interlocutors tend not to be prominent: “interpreting in business is not usually conceptualised in terms of powerless newcomers and an institutional authority” (Takimoto 2015, 39). However, power relations can be more visible in face-to-face dialogue interpreting, as has been frequently noted in the literature on PSI and is arguably applicable to prior consultation processes (see our elaboration on asymmetries in Section 5.1).

Ozolins (2014, 30) acknowledges the lack of research into business interpreting, but claims that it can be connected with “those interpreting situations in other sectors where the exigencies force interpreters into other roles, or force them to have to deal with interlocutors with little understanding of interpreting and a variety of expectations of what interpreters should do.” He notes a key distinction, though: that the sector “is singular in not having spawned codes of interpreting ethics.” He elaborates:

Business interpreting relates only to the needs of the parties to communicate in order to secure deals, and [...] issues such as impartiality or role are often subservient to the needs of the negotiating party. Takimoto (2006) relates how interpreters that work across different sectors feel that often in business interpreting they may go against codes of ethics they obey elsewhere: in business settings there is a focus on communicative

efficiency so that interpreters will summarise or expand explanations, or in certain circumstances may censor messages to avoid conflicts arising which could derail negotiations. They may also be expected to perform a host of other roles besides interpreting because of their clients' lack of understanding of the interpreting role and the close and personal ties established during long assignments. (ibid.)

All the issues above seem to corroborate the hybridity of interpreting in prior consultation processes: it is a legislated public service provided in the context of a consultation where financial interests are often at stake; it is ostensibly ruled by principles ascribed to PSI, such as “neutrality” and “impartiality,” and yet it unfolds in scenarios where partisan views and advocacy are constantly at play; and, finally, it is likely to be affected by tensions related to conflicting professional codes (business communication vs. PSI) and ethical stances (professional vs. personal). We shall now explain the methodology applied in the study, and then proceed to illustrate these points in relation to our research findings.

4. Research methods

One of the objectives of our project was to discover how the indigenous interpreters in prior consultation processes perceive their role and how this role is perceived by the users, or beneficiaries, of their services.¹⁴ To this end, we conducted interviews with, and attended meetings organised by, relevant actors involved in interpreter training (staff from the Indigenous Languages and Prior Consultation Divisions, and from PerúPetro, a promoting agency representing the Ministry of Energy and Mines). We also interviewed the director of the *Centro Amazónico de Antropología y Aplicación Práctica (CAAAP)* NGO, which monitors prior consultation processes with indigenous interests in mind. To obtain information from both qualified and trainee interpreters, we conducted interviews and focus groups in which they shared their views and experiences with us. In addition, we observed, and participated in, the First National Encounter of Indigenous Translators and Interpreters (Lima, February 2015), as well as in the 8th Training Course for Interpreters and Translators in Indigenous Languages (Quillabamba, Cuzco, 18 August – 5 September 2015). De Pedro Ricoy also observed the induction workshop to prepare interpreters for the prior consultation process for Plot 187,

¹⁴ Throughout our research into this topic, the Ministry of Culture played an indispensable part in facilitating our access to relevant events and information.

jointly facilitated by the Viceministry for Intercultural Affairs and PerúPetro (Puerto Maldonado, Madre de Dios department, March 2015). De Pedro Ricoy also made a trip to Pucallpa, Ucayali department, to conduct interviews with indigenous beneficiaries of the prior consultation process that had taken place concerning the Amazonian Waterway, concluded on 28 September 2015.

The information gathered allowed us to identify the most salient issues related to the role that indigenous interpreters play in prior consultation processes. From our interaction with State actors, we gathered that the emphasis was on training interpreters, rather than cultural mediators, and that their role was conceptualised within a PSI paradigm in which the conduit metaphor (although not mentioned by name) was upheld. This meant that paramount importance was attached to the abovementioned notions of neutrality and impartiality, something that was in evidence in the training that we observed and in the First National Encounter of Indigenous Translators and Interpreters. Moreover, the interviews and focus groups that we held with interpreters showed that they fully subscribed to those notions. They often described themselves as channels for other people's voices and told us that they aspired to be invisible in their role. However, both the governmental representatives and the president of the *CAAAP* NGO revealed awareness of the tensions between the perceived need for the interpreters to remain impartial and the reality of highly emotionally and ideologically charged encounters.

Our case study will focus on the attitudes and perceptions of the users of indigenous language interpretation, rather than the experiences of the interpreters themselves. To our knowledge, such a focus on the indigenous beneficiaries of interpreting is original as an object of research.¹⁵ As mentioned above, de Pedro Ricoy conducted fieldwork in Ucayali department, in the Amazon rainforest, at the end of September 2015 with the specific objective of garnering first-hand information from the Shipibo-Conibo¹⁶ leaders who had participated in the Amazonian Waterway prior consultation process, shortly after the consultation had

¹⁵ Experiences of the indigenous interpreters are discussed in Andrade, Howard and de Pedro Ricoy (forthcoming 2018).

¹⁶ The Shipibo-Conibo people are located in the departments of Ucayali, Madre de Dios, Loreto and Huánuco, in the central Peruvian rainforest. Their language, Shipibo-Conibo, belongs to the Panoan family. They are the third most numerous people of the Peruvian Amazon after the Ashaninka and the Awajún. Their population is estimated at 33,787 people (Ministerio de Cultura 2014).

concluded.¹⁷ The case study and the research methods adopted in relation to it are discussed in section 5.3.

5. The role of the interpreter in prior consultation processes

We will now outline the findings pertaining to the interpreters' role that we derived from the abovementioned sources of information.

5.1 Specific challenges

The indigenous interpreters operate in a postcolonial context in which there is substantial divergence between State organisational structures and the ancestral systems still adhered to, at least in part, by its indigenous peoples.¹⁸ In terms of the asymmetries that arise in interpreted encounters, it is difficult to separate linguistic and cultural aspects. A clear illustration of this is that the differences between national Law, derived from Roman Law, and the customary law by which many communities rule their affairs do not only result in the lack of lexical equivalents, but, more importantly, signal different conceptualisations of terms which recur and are key in prior consultation processes, such as 'rights', 'private' and 'heritage' (see Howard, Andrade and de Pedro Ricoy 2018; de Pedro Ricoy, Howard and Andrade 2018). Beyond that, structural differences between Spanish and the indigenous languages, combined with supra- and paralinguistic features (e g., intonation, body language) that are part of the communicative norms of a cultural group, can lead to misunderstandings and even misgivings. For instance, a member of the staff of the Ministry of Energy and Mines (the promoting agency most often represented in prior consultation processes) told us in interview that, due to lack of awareness, the difference in length between the turns in Spanish and those in the indigenous languages may lead the speakers of the former to wonder "what is he [the interpreter] telling them [the indigenous people]?". Summarising and expanding are strategies that business

¹⁷ Participation in prior consultation processes is restricted to government representatives and indigenous community members. For this reason, we were not able to observe any of them directly.

¹⁸ For an insight into postcolonial contexts, see Quijano (2014), whose definition of *coloniality* (2014: 285, our translation) is followed in this article: "one of the constituent and specific elements pertaining to the pattern of power of global capitalism," a structure originated and globalised from America, and based on the imposition of a racial-ethnic classification of the population, that "operates on every sphere, arena and dimension—material or subjective—of everyday existence, with a societal scope."

interpreters often deploy (see Ozolins 2014), but a difference in the length of the interventions may be also due to structural differences between the languages themselves.

The emphasis on lexical asymmetries, with the indigenous languages “lacking equivalents” for legal, technical and scientific terms, is evident from the importance attached to the compilation and updating of the monolingual (Spanish) glossary and to the terminological explanations in the training course and the induction workshops. Such a single focus leads to other (important) asymmetries in communicative conventions (e.g., how narration, instruction, description and argumentation operate in different languages) being sidelined. It is also noteworthy that the process of transferring indigenous terms and concepts that are alien to the Spanish-speaking culture tends to be overlooked, even though it undoubtedly poses notable challenges to the interpreters. This arguably mirrors the power relations between the languages and the unequal status afforded to their speakers, which, as mentioned above, play an important role in interpreter-mediated contexts.

Related to the above is the diverse linguistic landscape within which the indigenous communities are embedded, due not only to the presence of many Amerindian languages, but also to their language-contact relations with Spanish over the centuries since colonisation. Levels of indigenous language use vary both longitudinally and latitudinally. Within the communities, leaders are normally bilingual or have good command of Spanish and, while elders tend to have greater competence in their indigenous language than in Spanish or speak only the former, this situation is often reversed among the younger generations. Spanish is generally the dominant tongue in the cities, whereas autochthonous languages are better preserved and more widely used among those who live in rural and remote areas. There are also differences across languages: those with the highest numbers of speakers are experiencing something of a resurgence, while those with few speakers are being progressively eroded. In extreme cases, due to centuries of suppression and discrimination of the indigenous languages, only Spanish is spoken in some native communities. In addition, most languages show intense dialectal fragmentation, which is ideologically portrayed by some speakers as the source of insurmountable gaps in communication within the same language.

This diverse landscape has an impact in the conduct of prior consultation processes. The presence of interpreters is essential to facilitate the communication between the State and the communities. However, the legal obligation to provide it has occasionally clashed with some communities’ linguistic needs. A representative of the Prior Consultation Division related how, in one extreme case, a community leader addressed her in the following terms at the start of a process in the Loreto region: “*Señorita: estamos perdiendo el tiempo, porque aquí nadie*

entiende el kukama” (we are wasting our time, Miss, because nobody here speaks Kukama) (interview with members of the Prior Consultation Division, Lima, 27/02/15). Similarly, a participant in the induction workshop in Puerto Maldonado stated that her motivation to attend the workshop was to obtain information about the subject matter (oil prospection) and not to hone her interpreting skills, as Ese-Eja, her ancestral language, was no longer spoken in her community; at the same time, she also made a plea for Ese-Eja to be revitalised. Nonetheless, despite some anecdotal evidence that came to our attention during our research to the effect that participants in the prior consultation processes do not always find a need for interpretation, as in cases where the majority of them have made the shift to Spanish, the Ministry of Culture, as the State body concerned with indigenous language rights under the Indigenous Languages Act, seeks to safeguard these rights, even if it is only in the interests of a single person (member of Prior Consultation Division team, personal communication, email, September 2017).

In most cases, however, the challenges derive from the levels of bilingualism among indigenous people. Those who have competence in both Spanish and the indigenous language can monitor the exchange and, inevitably, come to an evaluation of the interpreters’ performance. This puts the latter in a vulnerable position, as some of them acknowledged in interviews and during the First National Encounter of Indigenous Translators and Interpreters. Finally, local linguistic variation can also pose problems for the interpreters and the providers of the translation and interpreting services (the Ministry of Culture) alike, due to the strategic or ideological use of dialectal difference, as mentioned above. For example, a member of the Prior Consultation Division reported antagonistic comments addressed to an interpreter, whom community leaders did not know and claimed not to understand: “*Yo a ti no te conozco. No te entiendo*” (I don’t know you. I cannot understand what you are saying). This incident is a clear example of the crucial role that trust plays in face-to-face interpreting, which has a bearing on the previously mentioned expectations regarding impartiality. We will now move on to examine the associated challenges that arise from the nature of prior consultation processes.

5.2 Facing a clash of codes

Our analysis shows that, whilst prior consultation is a legislated public service (i.e., a service to the public provided for by law, which is not to be confused with a legal procedure), it shares features with a business negotiation. Interpreting in such contexts is conceptualised by the State institutions as an example of PSI and, as such, the principle of neutrality that is enshrined in professional codes ostensibly applies (see section 4). In the absence of specific codes for

business interpreting that can be drawn upon to account for the hybridity of the interpreting task in prior consultations, and given the complexity of the ethical and social dimensions of the interpreters' role (see Rudvin 2007, 66; Inghilleri 2012, 51), its application is subject to tensions. According to the trained interpreters with experience in prior consultation processes whom we interviewed, they often feel that they have to explain certain points themselves. In one extreme case, for example, an interpreter stated that if the interlocutors said something that was false, it had to be clarified ("*Si dicen algo falso, hay que aclararlo*"), instead of redirecting the question or the query to the primary interlocutor, thereby departing from the guidelines that apply in PSI and slipping into a role of advocacy.

The need for interpreters to be "impartial" and even "invisible" is indeed emphasised in the training process outlined in Section 2, and these are terms that the interpreters themselves often use when describing their role. However, it seems clear that professional boundaries are frequently challenged, overtly or indirectly, by the primary interlocutors: the very nature of the processes creates tensions that affect the interpreters' positioning and can lead to a clash of professional and ethical codes, as will be detailed below and corroborated by information derived from our fieldwork.

First, the fact that prior consultation can be described in part as a process motivated by financial interests, rather than only as a public service, is reinforced by the frequent presence of a non-trained interpreter appointed by the community in addition to the one trained and qualified by the State. The co-presence of two interpreters is customary in mediated exchanges that relate to trade and politics, especially when trust (or lack thereof) is an issue. Yet the difference in the status attached to the individuals in this case (one is trained and employed by the State, while the other is not qualified, but is trusted by the community) can be potentially problematic, especially because, as mentioned above, at least some of the indigenous interlocutors can monitor the performance of both. It must be noted that, unlike in other geographical scenarios, such as the EU (cf. Townsley 2016), a role of monitoring or mediation is not assigned to an interpreter or to someone who has competence in the two languages used in the consultation. In fact, unlike in those scenarios, in Peruvian prior consultation processes a facilitator, whose role is not associated with language brokering, is appointed by the State to assist in steering the process and resolving potential conflicts.

Second, and importantly, the trained interpreters are sometimes emic participants in the process: they are members of the communities potentially affected by the measure and, as such, contribute to the internal dialogue stage of the process, from which the institutional representatives are excluded. The ensuing potential tension between personal and professional

ethics is difficult to resolve, particularly if there is a conflict of interest. Finally, the dynamics between the primary interlocutors (the State and the indigenous communities) and the professional indigenous interpreter can also be a determining factor in how the latter's role is shaped and perceived. Since this role is, as mentioned in the Introduction, a very recent one, it is understandable that a certain lack of awareness regarding its scope and limitations surrounds it. The fact that s/he is trained, accredited and employed by the State may generate some wariness among the community members about his/her allegiance. Conversely, if s/he is well trusted and perceived as "one of their own," or an ally, the possibility that his/her sense of belonging and solidarity be called upon can generate some expectations that may compromise the impartiality of his/her role.

5.3 Case study: interpreters as "impartial allies"

We will now turn to our case study focused on the beneficiaries of interpretation in the context of the Amazonian Waterway prior consultation process, referred to in section 4.

In Pucallpa, de Pedro Ricoy was assisted by a Spanish-speaking consultant, formerly of the Indigenous Languages Division, who has some knowledge of the Shipibo-Conibo language and has lived in indigenous communities in the area for a total of approximately two years. The consultant put the researcher in touch with a state accredited Shipibo interpreter who had facilitated communication between his community and the State representatives from the Ministry for Transport and Communications (the promoting agency in this instance) and the Viceministry for Intercultural Affairs during the consultation. The interpreter facilitated the contact between the researcher and the indigenous leaders, but was not present at their meetings.

Six interviews were conducted with male Shipibo-Conibo leaders, all of them in Spanish: three in Pucallpa, the departmental capital, two of which were held in the interviewees' work places and the other, in the interviewee's home; another two in settlements on the outskirts of Pucallpa; and the final one, in the native community of Santa Clara (approximately 15 km upstream from Pucallpa). As a preamble, the interviewees were asked to state their name and affiliation or position in their community, whether their first language was Shipibo-Conibo or Spanish (they all said that they had acquired Shipibo-Conibo first) and what prior consultation processes they had participated in. Then questions were put to them regarding their experience of working with interpreters and what the role of the interpreter should ideally be. The interviews were conceived as a structured set of six questions (see

Appendix). However, although the same questions were put to all the respondents, there was some variation in the development of the dialogue, due to required follow-ups or clarifications. All six interviews were video-recorded and subsequently transcribed by a professional agency in Lima.¹⁹ To preserve the anonymity of the interviewees, the names used below are pseudonyms.²⁰

In general, all the respondents were very appreciative of the role of the indigenous interpreter and welcomed the State-sponsored training initiative. Some of them had witnessed the work of *ad hoc* interpreters prior to the enactment of the 2011 legislation and they had found it lacking. José said, “...*ahí es peor. [...] Porque, eh, prácticamente no entiende nada, ¿no?*” (...that’s worse. [...] Because, huh, he doesn’t understand almost anything, does he) and Gabriel declared: “*ahí casi no hay entendimiento con ellos, y no entienden también porque son de la comunidad*” (in those cases there is practically no communication with them [the State representatives], and they also don’t understand because they are people from the community). He also stated: “*Para mí los intérpretes es una herramienta de trabajo que podemos mejorar*” (in my view, interpreters are a work tool that we can improve on). This is a shared view: the importance of training was emphasised by all, and some (José, Daniel and Lucrecio) explicitly zoomed in on the acquisition of specialised knowledge and vocabulary. José gave the example of an *ad hoc* interpreter in a previous prior consultation on the Forestry Act, who had, in his view, impeded comprehension because she had no knowledge of the subject matter (“*no dejó entender porque no conocía sobre cuestiones forestales*”).

As for the abovementioned cultural and linguistic asymmetries (see Section 5.1), the latter received by far the most attention. It must be noted that the respondents’ specific focus on terminology fits in with the institutional emphasis on the glossary and on finding equivalents for technical and scientific terms. Santiago’s statement is typical of the respondents’ stance on this issue: “*nosotros, como pueblo indígena, a veces nosotros no entendemos las palabras técnicas*” (we, as indigenous people, sometimes do not understand technical words). This could be attributed to the existence of high levels of bilingualism and low levels of formal education in their communities, as a result of which most of the participants in the process can follow the gist of what is being said in Spanish, but are not familiar with the meaning of certain terms. It is significant in this respect that elderly people (“*madres*” and “*ancianos*”) are singled out by

¹⁹ For a critical reflection on the elaboration and application of this method, see de Pedro Ricoy (2017).

²⁰ All the opinions that they expressed are their own and the Ministry of Culture does not necessarily share their perceptions.

Gabriel and Daniel as the community members who benefit the most from the work of the interpreter, although the latter also mentioned other “brothers and sisters” and also community leaders who lack formal education (“*no saben [...], no son letrados*”). It is noteworthy that the institutional drive to make the information delivered in Spanish accessible to the indigenous peoples is also a priority for the indigenous peoples and it pervaded the discourse of all the respondents. Replying to the question as to whether making Shipibo concepts and constructs understandable to the Spanish-speaking State representatives was important, José remarked, “*muy, muy poco, creo, se interesan. Pero a nosotros sí que nos interesa, que sí tiene que haber una buena [...] interpretación del tema*” (I think they have very, very little interest. But we are indeed interested, that there must be a good [...] interpretation of the subject matter).

Lucrecio was sceptical about the interpreters’ facilitating not only the language transfer, but also intercultural communication: “*Desde la experiencia que tengo, ha sido una transferencia de lenguas nada más*” (in my personal experience, it has been a transfer across languages and nothing else). On the other hand, Daniel alluded to the cultural gap: “*En este proceso de consulta del proyecto Hidrovía Amazónico [sic] se ha necesitado más información técnica, mucha más información científica, pero entendida desde nuestra concepción, desde nuestra cultura*” (in this consultation process for the Amazonian Waterway project, more technical information, much more scientific information has been required, but understood from our own conception, from our own culture). Gabriel was the only respondent to acknowledge the systemic asymmetries between the State and the indigenous peoples: “*los pueblos indígenas, nosotros, tenemos diferente política, diferente metodología; la política del Estado es muy diferente a política de los pueblos indígenas*” (the indigenous peoples, us, have different politics, different methodology; the State’s politics is very different to the indigenous peoples’ politics).

For José, the facilitation of intercultural communication involved an active positioning of the interpreter on the side of the indigenous peoples: “*muchas veces, sí, [los intérpretes] se ponían en la posición de un indígena [...]. Decían: ‘Mira, las cosas son así’*” (many times, they did, [the interpreters] put themselves in the place of an indigenous person [...]. They said: ‘Look, this is how it is’). He gave the following example of this kind of interpreter’s intervention: “*Mira esto, este artículo de la ley dice esto y esto, creo, nos perjudicaría, ¿no?, en tal sentido*” (look here, this article of the Act says this and this, I think, would harm us, wouldn’t it?, in such and such a way). Interestingly, he upheld the principle of neutrality in interpreting, alleging that it enables the indigenous peoples to make up their own minds, and saw no contradiction in this.

José's views were echoed by the other respondents, who used the Spanish terms for 'clarify', 'explain', 'inform' and 'facilitate' to describe the role of the interpreter, whilst emphasising the utmost importance of his/her impartiality. Their comments afford a glimpse into how departures from interpreting as a triadic exchange²¹ during the sessions in which State agents were involved occurred in two different ways: 1. as asides during the dialogue, of which Gabriel's description is illustrative, "*cuando no entiende, pregunta al intérprete y el intérprete ya le hace entender a los indígenas. Y, ya, pues pregunta y le dice: 'Quiero que me haga entender esto'*" (when one does not understand, one asks the interpreter and the interpreter helps the indigenous people understand. And, so, one asks and says: 'I want you to help me understand this'); and 2. as interpreter's interventions embedded in the dialogue, which appear to be in the form of explanations. Daniel provides an indication of how this happens: "*Es mejor que el intérprete lo explique en su lengua originaria para que todos entendamos, este... lo que realmente busca o lo que realmente quiere el proyecto*" (it's better that the interpreter explains in his indigenous language so that we can all understand, eh, what the project really seeks or what the project's real objective is). They may also take the shape of examples: Lucrecio claims that "*El rol del intérprete es hacer llegar, entender información clara, con pocas palabras, y mostrarnos algunos ejemplos claros para que los hermanos indígenas entiendan de qué información están hablando*" (the interpreter's role is to communicate and help understand clear information, in few words, and show us some clear examples, so that the indigenous brothers can understand what the information is about).

The advisory role that appears to be expected of the interpreter is particularly evident in the internal evaluation stage of the process, from which, as mentioned before, the State actors are excluded. Daniel's words are telling in this respect:

Donde nos ha tocado hacer la labor de la evaluación interna a nivel de las organizaciones, nosotros hemos invitado al intérprete. Entonces, con mucha más libertad, sin presión, sin presencia del mismo Estado, ha podido vislumbrar mejor el objetivo del proyecto, y lo que busca el proyecto.

(When it has fallen to us to conduct the internal evaluation at the level of the [indigenous] organisations, we have invited the interpreter. Then, with much more

²¹ The triad is to be understood as the interpreter, the collective of State representatives and the collective of indigenous community representatives.

freedom, without pressure, without the presence of the State itself, he has been able to [enlighten us] as to the project's objective and what the project seeks to achieve.)

As Fernando said, that is when they act in the benefit of the communities (*“eso era sobre beneficio de las comunidades”*). The consensus seems to be that the insights that the interpreter has gained while performing his professional role, once shared with his/her people, can generate new ideas and stimulate discussion, as well as provide guidance. Gabriel states: *“He visto último en el trabajo de hidrovías, en evaluación interna, y ahí el traductor nos canalizó a las comunidades qué pueden hacer, qué propuestas podemos presentar”* (I've seen [it] most recently in the work about waterways, in the internal evaluation, and there the translator guided us, the communities, as to what they can do, what proposals we can submit). Fernando pointed out that the interpreter also issued warnings about the consequences that the development of the project would have on matters such as health and education, and said that he found his counsel very useful.

This suggests that the indigenous users perceive the interpreter's role as being dual: s/he must be impartial in the delivering of a professional service and, at the same time, s/he should act as an ally. This has clear ethical implications, in that the interpreter's code of conduct seems to be perceived in a way that is more closely aligned with that of business interpreting than with that of public service interpreting, the guidelines for which underlie the training provided by the State. To add to the complexity of the scenario, these “impartial allies” are not employed by the indigenous communities, the party that expects this kind of added value from them, which leads one to consider issues relating to trust that would not apply in face-to-face business interpreting contexts. Daniel remarked early on in the interview, when commenting on the desirability of professional training for indigenous interpreters, that, while the State's involvement was desirable, it may have undesired consequences:

Pero eso, de una u otra manera, genera ... desconfianza por parte de la población. En todo el proceso se vio, en sectores muy radicales de nuestros pueblos, que ya no creían ni en los mismos intérpretes, porque aducían que los intérpretes ya están comprados por el Estado, está asociado con el Estado.

(But that, one way or another, generates ... mistrust among the people. Throughout the process it could be seen, among very radical sections of our peoples, that they did not even believe in the interpreters themselves, because they argued that they were in the State's pocket, he is associated to the State.)

Lucrecio was the most vocal of all the respondents on this matter:

Lo que pasa es que los capacitados por el Ministerio vienen condicionados por el Ministerio [...]. Eso es como un instrumento nomás que van a manejar, o sea, no pueden hacer más comentarios, más allá fuera de lo que están hablando, entonces, consideramos un poco de desconfianza, porque solo va a decir lo que ellos dicen, y no es el sentir indígena, la preocupación que uno quiere saber más allá de toda la información.

(The thing is that those qualified by the Ministry are conditioned by the Ministry [...]. That [the interpretation] is like simply a tool that they can control, that is, they cannot comment further, further to what they are saying, that's why we have to view it with a certain distrust, because they are only going to say what they say, and that's not the indigenous people's view of the matter, the concern to know more beyond all the information.)²²

He uses this perception as an argument in favour of what can be described as a business-oriented interpreting scenario, by appealing to the need for local interpreters to be involved in the process:

Que el pueblo tenga confianza de su traductor, y que el Estado tenga confianza en su traductor, y que sea un puente de aquí para acá, y de aquí para acá. Entonces, de aquí no va a decir si está informando, si está traduciendo mal o bien, ni el Estado también cuando traduce va a decir: “¿Estará yendo más allá de lo que yo digo?”. O sea, esa confianza no hay ni dentro del Estado ni con los pueblos indígenas. Entonces, viendo eso, es que mejor yo propongo mi traductor comunal que está conviviendo con nosotros y que conoce muchos de nuestros problemas que tenemos. Ahora, el que viene de afuera no me conoce, y simplemente va a traducir como tal, como está, sin saber cómo estamos viviendo ahora.

([It is necessary] that the people trust their translator, and that the State trust their translator, and that he be a bridge between here and there. That way, from here it's not

²² Representatives of the Ministry of Culture have informed us that Lucrecio's views do not match the reality of the situation (personal communication, email, September 2017).

going to be said whether he's delivering information, whether he's translating well or badly, and neither is the State going to say, when he translates, is he going beyond what I'm saying? That is, trust does not exist within the State or with the indigenous peoples. Then, in view of that, it's better for me to propose a community interpreter who lives with us and knows many of the problems that we are facing. Now, the interpreter who is an outsider doesn't know me and he's simply going to translate, just like that, not knowing what our living conditions are like now.)

The views expressed by the respondents illustrate the perceptions and expectations held by Peruvian indigenous peoples who are affected by State-planned activities subject to prior consultation as to what the role of interpreters is. These are closely linked to issues related to governance and the management of natural resources that have arisen in other geopolitical scenarios (e.g., Australia, Canada, Guatemala, India, Papua New Guinea and the Philippines) in the context of free, prior, informed consent (Cariño 2005; Ward 2011) and, therefore, merit further exploration within international frameworks.

6. Conclusions

Interpreting in prior consultation scenarios is a hybrid activity: it is a public service enshrined in legislation that is provided in the context of a process in which financial interests are often at play. It is an activity ruled by principles traditionally associated with PSI, such as "neutrality" and "impartiality"; however, it takes place in extremely polarised settings where the indigenous people to whose culture the interpreter belongs seem to expect him/her to align himself/herself with their position. This hybridity translates into the lack of a realistic professional code that could help interpreters to keep a better balance when "walking the tightrope."

Interpreting becomes more demanding and complex when there is no institutional ethics code that underpins professional practice. In the contexts that we have examined, interpreting poses very specific challenges when it comes to enacting relevant protocols. Whilst the State trains and qualifies the indigenous interpreters in a public service framework, in practice, the indigenous interlocutors in prior consultation processes seem to expect the interpreter to position himself/herself actively, in an interactional pattern more akin to face-to-face business interpreting. From the case study conducted in Ucayali, we find it probable that these expectations converge with the emic positioning of the interpreter (i.e., as a member of the communities that will potentially be affected by the measure under consultation). Thus, the

tightrope metaphor seems more apt than the conventional one of a bridge to describe the challenges, both from the outside and from within, that concern the indigenous interpreters' role in a postcolonial country like Peru.

A viable, sustainable ethics protocol for interpreting in prior consultation processes would not only have to take into consideration the needs and duties of the interpreters and the State: it must also consider the expectations of the indigenous beneficiaries. However, as this study has shown, such expectations may entail a contradiction: it seems obvious that the Shipibo-Conibo leaders who were interviewed expected the interpreters to be “impartial allies” and they do not perceive this as an oxymoron. This confirms the necessity of raising awareness among the users of interpreting services as a *sine qua non* for translation and interpreting policy to be successful. We argue that in Peru awareness-raising activities should target primarily indigenous political leaders and that, in the absence of institutional alternatives, they should be conducted by the State, even though we must acknowledge that this may generate additional mistrust among some of the actors involved.

It is reasonable to believe that, in an international environment impacted by the tension between the exploitation of natural resources and the duty to uphold the political and territorial rights of the indigenous peoples, interpreting in prior consultation processes will become progressively common. Understanding the challenges that it poses requires the development of an interdisciplinary research agenda, which can, at least in part, be valuably informed by the Peruvian experience, being as it is one of the first of its kind. It will be important to approach this experience from angles that have not been covered in this article: ethnographic observation of the processes by the researchers, which is not possible at present, would be crucial to gain a better grasp of what they entail. Having said that, the indirect method that we have applied here has served to illustrate clearly the uneasy balance that defines the role of indigenous interpreters trained and qualified by the State in prior consultation processes. Their close links to the latter (the institution responsible for their training, qualification and employment) can be seen as a hindrance to be overcome in order to build greater trust with the indigenous communities; trust is the indispensable ingredient for interpreting in prior consultation settings to increase its effectiveness on a basis of mutual understanding.

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Appendix

Set of questions used in the interviews with Shipibo-Conibo indigenous leaders:

- What is your mother tongue?
- How many prior consultations have you been involved in and what was their subject matter?
- In what capacity were you involved?
- How do you perceive the participation of interpreters in prior consultation processes?
- Do you think that interpreters contribute to facilitate intercultural communication, as well as the transfer between languages?
- What do you think that the most important contribution of the interpreters in prior consultation processes should be?

Address for correspondence

Raquel de Pedro Ricoy
University of Stirling
Faculty of Arts and Humanities
Translation and Interpreting Studies
Pathfoot Building A33
FK9 4LA STIRLING
Scotland (UK)
raquel.depedroricoy@stir.ac.uk

Co-authors information

Rosaleen Howard

Newcastle University

rosaleen.howard@ncl.ac.uk

Luis Andrade Ciudad

Pontificia Universidad Católica del Perú

lfandrad@pucp.edu.pe