



**American Anthropological Association
and
Organizing Committee of the World Council of Anthropological Associations**

**Statement Regarding
Indigenous Human and Political Rights in Peru**

To: President Alan García
c/o Ambassador Luis Valdivieso Montano Peru's Ambassador to the United States

cc: Mr. Yehude Simon Munaro, Prime Minister of Peru
Mr. Rafael Vásquez Rodríguez, President of the Peruvian Congress
Dr. Beatriz Merino, National Ombudsman and Former Prime Minister of Peru
Dr. James Anaya, UN Special Rapporteur on Indigenous People
Mr. P. Michael McKinley, United States Ambassador to Peru
Hon. Hillary Clinton, Secretary of State of the United States of America
Hon. Nancy Pelosi, Speaker of the United States House of Representatives
U.S. Senate Committee on Foreign Relations
U.S. House Committee on Foreign Affairs

The American Anthropological Association (AAA) and Organizing Committee of the World Council of Anthropological Associations (WCAA) is deeply concerned about recent actions taken by the Peruvian government in violation of indigenous peoples' human, territorial and legal rights. Our concern speaks to the AAA's disciplinary and professional commitment to furthering and defending the cultural, political and human rights of the world's peoples. The AAA, which currently has over 11,000 members, is the largest professional organization of anthropologists in the world. The WCAA is a network of national and international associations that promote communication and cooperation in anthropology.

In light of recent events, we request the following:

1) a full and impartial accounting for the wounded and dead resulting from police action in La Curva del Diablo, Bagua and Corral Quemado on June 5, 2009

- 2) an immediate cessation of violent police actions against protesters, the decriminalization of peaceful protests in Peru, and an end to the special emergency measures and suspension of civil rights in the Peruvian Amazon
- 3) respect for the rights of Peru's indigenous peoples as guaranteed to them by ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, and the Peruvian Constitution. These rights include rights to: self-determination, ancestral territories, collective property rights, special territorial reserves for communities in voluntary isolation, and prior consultation and consent when drafting, discussing, and implementing policies and activities that affect indigenous peoples and their territories.
- 4) the permanent repeal of the contested decrees known collectively as "the Law of the Jungle" and the suspension of all land concessions to oil, gas, mining, lumber, and tourism industries granted without the consent of indigenous peoples as part of the US-Peru Free Trade Agreement;
- 5) lift arrest warrants against Alberto Pisango (AIDSESEP), and other indigenous leaders
- 6) apologies from the Peruvian government for racist and culturally offensive language used to dehumanize indigenous Peruvians and portray them as "savages."

We make these requests because nearly two months of peaceful civil protest were interrupted, on June 5, 2009, when the Peruvian government deployed 360 heavily armed police from the Peruvian National Police's National Directorate of Special Operations (DINOES), as well as military troops and helicopters, to confront indigenous and non-indigenous protestors who were blockading one of the principal highways into the Peruvian Amazonian jungle. Protestors were "armed" only with spears and bows and arrows, which they carry as symbols of their cultural heritage. Peruvian police and military personnel used military grade rifles, helicopters and tear gas to disperse the protestors.

During the confrontation, at least 33 protestors were killed, although local NGOs, journalists, international observers, and indigenous and human rights groups have reported there may be many more dead and/or disappeared.¹ Protestors report that indigenous leaders were targeted and shot at numerous times from close range and while fleeing. Numerous photographs of charred bodies with bullet wounds to the upper body have been circulated on human rights websites. Amazon Watch, eyewitnesses, and others claim that police disposed of bodies by throwing them in the Marañon river and removed both dead and detained protestors to a nearby military base, where they continue to be held.² Families of the dead have not been allowed access to the military base. Following the police assault on the morning of June 5, some police were taken hostage and nine of these hostages were killed by indigenous protestors. This is an inexcusable

¹ "Aprodeh levanta un listado con 61 nombres de personas desaparecidas"; <http://www.cnr.org.pe/noticia.php?id=26549>; accessed June 13 2009

² "Eyewitness Reports Accuse Peruvian Police of Disposing the Bodies of Dead Indigenous Protestors"; http://www.amazonwatch.org/newsroom/view_news.php?id=1843, accessed 12 June 2009

act, and we condemn such violence. Riots, vandalism and looting broke out in the nearby cities of Jaen and Bagua, and the government deployed sharpshooters to disperse unarmed protestors in Bagua. The government also declared a curfew and state of emergency throughout the region, and has issued arrest warrants for Alberto Pisango of the Inter-Ethnic Association for Development of the Jungle (AIDSESEP), and other indigenous leaders. At the current moment, Alberto Pisango has been granted political asylum in the Nicaraguan Embassy in Lima. The Peruvian government's violent and excessive response to the protests has been denounced by: the chairman of the United Nations Permanent Forum on Indigenous Issues, Victoria Tauli; Peru's Ombudsman's office (La Defensoria del Pueblo); the National Human Rights Coordinator of Peru; the Conference of Amazonian Bishops of Peru; Human Rights Watch; the Coordinating Body of Indigenous Organizations of the Andes (COICA), representing indigenous organizations in Bolivia, Peru, Colombia and Ecuador; and numerous other Peruvian and international organizations.

The protestors were acting as part of a peaceful mobilization campaign launched on April 9, 2009, by AIDSESEP, COMARU and other indigenous organizations to protest a package of executive decrees, known collectively as "The Law of the Jungle," which Peruvian President Alan Garcia issued using extraordinary powers granted to him by Peru's Congress. The executive decrees, which were intended to bring Peruvian law into line with requirements of the US-Peru Free Trade Agreement, open indigenous territories in the Amazonian rainforest to oil, lumber and mining concessions. They do so by declaring indigenous territories "vacant" or "unused", by reclassifying protected forest reserves, and by circumventing constitutional and legal norms mandating that the national government consult with indigenous peoples prior to granting concessions for the exploration or extraction of natural resources in their territories. As such, the decrees stand in direct violation of both indigenous land use practices, and the constitutional and internationally recognized territorial and legal rights of Peru's indigenous peoples.

Peru is a signatory of International Labour Organization (ILO) convention 169 and is a sponsor and signatory of the 2007 United Nations Declaration on the Rights of Indigenous Peoples, both of which contain legally binding clauses guaranteeing indigenous cultural and territorial rights in member nations. In August 2008, the Peruvian Ombudsmen Office (Defensoría del Pueblo) filed a suit charging that the decrees were unconstitutional. Following numerous delays on the part of the ruling APRA party, congressional commissions declared decrees #1090 (The Forestry Law) and #994 unconstitutional on May 19 and May 26, 2009. Subsequent debate concerning the remaining decrees was squashed by members of Garcias's APRA party, leading to an escalation of indigenous protests in the affected areas of the Amazon.

Indigenous organizations have repeatedly denounced the use of special decrees that attempt to circumvent, or otherwise violate, their constitutional and legal right to consultation with regard to mining, lumber and oil concessions. Although the Peruvian constitution grants subsoil rights to the nation as a whole, the Peruvian government is legally obligated "to consult with the interested peoples, through appropriate procedures and through representative institutions each and every time a legislative or administrative

measure is proposed that will directly affect [the indigenous peoples].”³ Despite this constitutional mandate to consult indigenous people prior to either granting concessions or proposing laws that affect their territories and lives, Garcia’s government repeatedly refused to acknowledge indigenous rights to consultation, and has moreover avoided all dialogue with AIDSESEP and other representative indigenous organizations since taking office in 2006. In response to indigenous demands, the President of Peru and cabinet members have described indigenous peoples as “savages” and “dogs,” and their mobilizations as “barbaric.” Following the June 6 killings, the government has attempted to portray indigenous organizations as “terrorists” and as agents of “totalitarian foreign governments.”⁴

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³ ILO Convenio 169, Arts. 6, 7, & 15; approved in 1993 as Peruvian Legislative Resolution #26253). On the right to consultation in Peruvian law, see also Informe Sobre el Derecho de Consulta de los Pueblos Indígenas, Informe #011-2009, mayo 2009 ; <http://reducayali.blogspot.com/2009/05/informe-de-la-defensoria-del-pueblo.html>; accessed June 10, 2009.

⁴ In an article authored by President Garcia in the Lima daily, *El Comercio*, 28 October 2007, the president famously dismissed both indigenous peoples and poor peasants as “manger dogs” (perros de hortelano) who “neither use nor allow others to use” the resources they control, and who should not therefore be allowed to claim equal property and legal rights as other Peruvians. In nationally broadcast commercial TV spots and in his official statements concerning the events in Bagua, Garcia’s government has defended the killings in Bagua by attempting to link AIDSESEP and other indigenous organizations to Venezuelan President Hugo Chavez, Bolivian President Evo Morales, drug traffickers, and the Shining Path.