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Peruvian Government Accused of Shortchanging Farmers

by LADB Staff

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Nearly 7 million Peruvian farmers are accusing the government of President Alan Garcia of encouraging privatization of water management and distribution. On Jan. 15, farmers began a national strike demanding the repeal of legislative decrees (decretos legislativos, DLs) 1081 and 1083, covering water management and usage, which they say are detrimental to the interests of small agricultural producers.

The two legislative decrees, along with two dozen others dealing with agriculture, were promulgated under powers given the executive to enact the legislation necessary to implement the free-trade agreement (FTA) with the US, which went into effect Feb. 1.

"The legislative decrees, more than 20 that go against agriculture, jeopardize the stability of campesino and native communities, put at risk land ownership, water resources, forest exploitation, and the environment. They are unconstitutional," said the Convencion Nacional del Agro Peruano (CONVEAGRO), which represents the country's small and medium-size producers, in a press release last December.

DL 1081, published in June 2008, hands over water management to private businesses, setting aside the 112 users boards (juntas de usuarios) that have managed water resources for 35 years. DL 1083, which promotes greater irrigation efficiency through decreased water use, allows the sale of treated waste water without considering that this is a natural resource and part of the national patrimony.

"We oppose privatizing water resources (DL 1081) and limiting water management and incentives (DL 1083), since it could be a double-edged sword to stop some users from irrigating," Jose Enrique Malaga, president of the Junta Nacional de Usuarios de los Distritos de Riego del Peru (JNUDRP), told the Lima daily La Primera.

The JNUDRP is now in charge of water management and collecting usage fees. Two days after the strike began, on Jan. 17, the farmers halted their actions after obtaining the government's promise to promulgate within a week the Ley de Recursos Hidricos (Ley del Agua, water law), which civil society has been crafting, by consensus, for four years.

The Ley del Agua, which includes the repeal of DL 1081 and DL 1083, was approved by a wide majority in the first vote in Congress on Jan. 15, but it needed approval in a second vote that was expected on Jan. 27. However, the measure has still not been presented for the second vote.

A different law?

Passing the Ley del Agua remains the number-one demand of Peruvian farmers because it incorporates important changes regarding DL 1081. The law recognizes the existence and

organization of the users boards, which the decree set aside. Nevertheless, some critics say the law does not significantly change the content of the decrees. The January issue of *Revista Agraria*, published by the Centro Peruano de Estudios Sociales (CEPES), says that the water law incorporates numerous articles from those decrees. "In an exhaustive review of the law, Patricia Arteaga, a lawyer and researcher at the Instituto de Promocion para la Gestion del Agua (IPROGA), found that 13 of the 19 articles of DL 1081 and half the articles of DL 1083 have been incorporated into the water law," said *Revista Agraria*, which emphasized "the importance of not producing a law on such an important issue water is not just any good if it has not been carefully analyzed by Congress and the various interested parties have not been consulted."

Furthermore, on Feb. 17, Deputy Janet Cajahuanca said that various articles of the already approved text of the water law were arbitrarily changed by the president of the congressional Comision Agraria (agrarian committee), Mario Alegria Pastor of the governing Alianza Popular Revolucionaria Americana (APRA).

Cajahuanca said that Articles 2, 8, 45, and 75 had been changed, wrote journalist Susana Grados in *La Primera*. In Article 2, the modification allows the privatization of water management, while in Article 8, the phrase "nonprofit" has been eliminated so that private entities, "as requested by the state," can manage "artificial goods [such as canals] associated with water." Grados included the opinion of opposition Deputy Marisol Espinoza regarding other changed articles. Espinoza said Article 45 now "promotes concentrating water rights in a few hands."

The change in Article 75 eliminates the "intangible nature" of the headwaters of the watersheds in the approved text. "They have gone backward in this respect," said Espinoza. Resuming the water strike The Ley del Agua should have been approved in a second vote on Jan. 21 and promulgated the following day, as Prime Minister Yehude Simon had promised.

The date was postponed to Jan. 27, the date on which the committee met, but the proposed law was not brought to a vote. "It surprised us that, in a completely dishonest way, they brought up the text of the water law with significant changes that threaten agriculture and envision water-management privatization," said Malaga to the daily *El Regional de Piura*, a department on the northern coast of the country. "It's been a month and the government continues turning a deaf ear to farmers' demands, it continues systematically deceiving the campesinos, breaking its commitments.

Moreover, it has tried to pass a water law that favors businesses turning a profit. So, they want DL 1081 to continue in effect, having included it in the Ley del Agua," continued *El Regional de Piura* in its Feb. 17 edition. Tired of what they call government deceit, the farmers from the north, center, and south of the country have agreed to resume the national agrarian strike on March 2.

"We are not going to let ourselves be taken in and fall for the central government's deceit again. We will resume the agrarian strike with total resolve and determination. If the government continues its deceits and shifting positions, we will radicalize our protest, because we are decent people who will not allow our rights to be trampled," said Orlando Huanqui, president of the Frente de Defensa de los Intereses de los Agricultores in Arequipa, in the central highlands, to *Regional de Piura*.

FTA with US goes into effect

The FTA with the US increases farmers' concerns, since it allows the import of subsidized agricultural products, which will put thousands of workers who depend on agriculture out of work. "The national market that is facing an invasion of subsidized farm products under the FTA has been left defenseless because the government decided to eliminate tariffs 'to avoid price increases.' We have been left without tariffs and with high prices despite the international drop, which shows there is no policy to defend agriculture," said CONVEAGRO in its December press release. "There is no will to promote mechanisms to strengthen agrarian organization, training, technology, financing, infrastructure for 90% of agricultural producers," it added.

In June 2008, the government created the Programa de Compensaciones para la Competitividad (PCC), which would offer support for training Peruvian farmers to compete in the market under the FTA. The US\$700 million program would last five years and could be extended by law and at the initiative of the executive. "I believe that in the next two or three months, we will have selected the sectors that will benefit from the compensation and we will begin giving the support," said Minister of Agriculture Carlos Leyton in mid-January.

Luis Zuniga, president of the Comité Nacional de Productores de Arroz (CNPA) and a member of CONVEAGRO, said that the support should be not only for the most affected crops such as yellow corn, wheat, cotton, rice, among others, but should include the stages of production and marketing of the product.

For Zuniga, agriculture is in a precarious position because the government never bothered to implement adequate policies to compete on an equal basis with the US. "At this point there is no measure favoring national agriculture. We all know that the US subsidizes its agriculture and still the tariffs for those products are zero, when at one point it was said that tariff reduction would be phased in over 15 years," the agrarian leader told La Republica on the day the FTA went into effect.

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