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Amazonian Indigenous Protest Peruvian Government Decrees

by LADB Staff

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More than six weeks after Peru's Amazonian indigenous communities initiated paralyzing protests to demand revocation of nine legislative decrees (decretos legislativos, DL) that they consider harmful to their interests, the government responded by suspending constitutional guarantees and declaring a state of emergency in eight jungle departments and sending police and military to the sites of the demonstrations. Far from intimidating the 40,000 protesting Amazonian Indians, the government's actions are encouraging them to continue their efforts until they succeed.

The Amazonian Indians, who live in 1,350 communities, are asking the government to overturn decrees that threaten ancestral rights to the lands they inhabit. President Alan Garcia approved the decrees in 2008, using powers granted by Congress to bring national laws into compliance with the free-trade agreement (FTA) with the US, which went into effect on Feb. 1, 2009.

But economist Humberto Campodonico, columnist for the daily La Republica, stresses that "these legislative decrees have little or nothing to do with implementing the FTA with the US.

" The government simply used the opportunity to relax regulations regarding campesino lands and environmental protections and facilitate the influx of big capital, he said.

Stage set in 2008 protest

Indigenous peoples from the Peruvian rain forest staged a tumultuous 11-day protest in August 2008 (see NotiSur, 2008-09-05), demanding revocation of DLs 1015 and 1073, which reduced the number of congressional votes required to approve sales of indigenous lands from two-thirds to a simple majority. They won a victory on Aug. 22, 2008, when Congress overwhelmingly overturned the two decrees, which had nothing to do with the FTA with the US but made it easier to sell indigenous lands to businesses.

At the same time, Congress president Javier Velasquez Quesquen promised to form a multiparty commission to analyze all 99 legislative decrees approved by the executive, including those the Amazonian Indians objected to. In December, the commission presented its report, which was supposed to go to the full Congress for debate on Feb. 1. Instead, it was sent to the Comision de Constitucion del Congreso.

Tired of waiting, on April 9, the Amazonian Indians resumed their struggle and begin a new protest within their communities. The report of the multiparty commission that reviewed the decrees found them in violation of articles of the Peruvian Constitution, Convention 169 of the International Labor Organization (ILO), and Article 19 of the UN's Declaration on the Rights of Indigenous Peoples.

Revocation or death

The latest protests, like those last year, have been organized by the Asociacion Interetnica de Desarrollo de la Selva Peruana (AIDSESEP), whose president, Alberto Pizango, of the Shawi community, has warned that the Amazonian Indians are willing to die to defend their lands. "The peoples have said they will intensify protest measures, and if [the authorities] are going to kill them, so be it, because they prefer to die for their land and the sovereignty of the country," Pizango told La Republica a month after protests resumed.

That day, the executive declared a 60-day state of emergency in eight districts in Amazonas, Cusco, Loreto, and Ucayali departments, saying that production, transport, and distribution of gas and oil were at risk because the protest included blocking highways, bridges, and rivers, taking over stations of state oil company Petroperu, and even seizing the Atalaya airfield near the border with Brazil.

Since April 23, the Amazonian Indians have occupied Stations 6 and 5 of the Norperuano oil pipeline. As a preventive measure because of the strike, Petroperu halted pumping operations at those stations, resulting in an estimated 5 million barrels of oil not sent to the Talara refinery in the department of Piura on the northern coast of Peru. In a police action on May 13 to remove demonstrators blocking the Corral Quemado bridge in the city of Bagua in Amazonas department, 22-year-old Manuel Dekntai was killed and about 20 demonstrators were wounded.

The police used firearms and tear gas during the action. Pizango announced on May 15 that the Amazonian peoples would not comply with the state of emergency and would instead observe their own laws and customs. "We declare our Amazonian indigenous people in insurrection against the government of President Garcia. Our ancestral laws will now be obligatory on our lands, and any attempt by an outside force to enter will be considered an act of aggression," said the Amazonian leader.

The call to insurrection was retracted the following day, after a delegation from the Defensoria de Pueblo held a long meeting with AIDSESEP leaders. The Indians then asked for dialogue with the government. "Within the legal framework, we withdraw the word insurrection, but we will maintain the protest until the problems of the indigenous peoples are solved," said Pizango. Meanwhile, Minister of Justice Rosario Fernandez said a complaint against Pizango and five other AIDSESEP leaders had been presented to the Public Ministry, accusing them of fomenting rebellion, sedition, and conspiracy.

Initial progress

On May 19, the Amazonian indigenous made progress in their struggle when the Comision de Constitucion declared unconstitutional one of the decrees the Indians found most objectionable DL 1090, Ley Forestal y de Fauna Silvestre (forests and wildlife law). It is now up to the full Congress to rescind it. The decree allows deforested land to be converted to agrarian or uncultivated land and to be used for activities not related to forestry. It also eliminates the Comision Nacional Forestal (NCF), which provides for citizen participation in forestry-policy decisions. "With this and other decrees, 45

million hectares of forest would be freed up for privatization. It is an egregious crime," Pizango told daily *El Comercio* on May 23.

The Amazonian peoples' main complaint regarding all nine decrees is that they were not consulted beforehand, as established by ILO Convention 169. Peru approved the convention in 1993 and ratified it in 1994, giving it constitutional status. Two days later, a dialogue was set up between the executive and AIDSESEP to analyze the problems of the Amazonian communities. "This dialogue has been created to talk about the historic programmed abandonment of the Amazonian indigenous," Defensora del Pueblo Beatriz Merino told *El Comercio* on May 24. "They ought to tackle the important issues education, health, regional development head on."

Pizango cautioned that the dialogue to review the decrees would not be merely to modify some of their articles, as Prime Minister Yehude Simon had suggested, but rather to convince the executive that Congress had to rescind them. On May 26, the Amazonian people made more progress. The Comision de Constitucion agreed to bring abrogation of DL 994 to the floor of the full Congress on the grounds that it was unconstitutional. This decree promotes private investment in irrigation projects to extend the agricultural frontier using unrestricted waters. The decree holds that uncultivated lands are state property, except those to which there is a private or communal title.

The May issue of the Centro Peruano de Estudios Sociales (CEPES) magazine *Agraria* says, "If a native or campesino community does not have a property title, it could lose its lands even if it has lived and worked on them 50, 100, or more years." "Communities are punished for not having a property title, although it is the state that must give it to them," said CEPES specialist Pedro Castillo.

The Amazonian indigenous peoples 56 in total, comprising 17 linguistic families are also asking that the other decrees be rescinded. DL 995 establishes the reopening of Banco Agrario but the authorization of majority private equity means that it will no longer be a development bank. DL 1060 regulates the Sistema Nacional de Innovacion Agraria (SNIA), favoring the introduction of transgenic crops to the agriculture market.

DL 1064 approves the legal framework for effective use of agrarian lands but eliminates the prior-consultation procedure with indigenous communities. DL 1020 regards agrarian credit, favoring wealthy farmers and discriminating against small landowners. DL 1081 creates the Sistema Nacional de Recursos Hidricos and allows privatization of water resources. DL 1083 provides for dispensing certificates of efficient use of water resources, favoring farmers who use high-tech irrigation methods.

And DL 1089 deals with titles of rural parcels, promoting adjudication of lands to third parties for mining and oil exploitation. Solidarity throughout Peru and abroad Meanwhile, the indigenous protest continues to be vigorous and to receive displays of solidarity from various regions, organizations, and personalities.

On May 27, national demonstrations were held in solidarity with the Amazonian protest. In Lima, the Confederacion General de Trabajadores del Peru (CGTP) and the Coordinadora Politica Social (CPS) held a massive march to the Congress with thousands of participants including members of

mining unions and regional and civic organizations. Despite the tight police security, the march took place without incidents. In Iquitos, capital of Loreto department, police violently repressed a peaceful solidarity demonstration, wounding 16 people with shotgun pellets.

The provinces of Utucuvamba and Bagua, in Amazonas department, held a two-day work stoppage in support of the struggle. In Cusco, Machiguenga natives blocked the Cusco-Machu Pichu rail line. The IV Cumbre Continental de Pueblos y Nacionalidades Indigenas del Abya Yala (the original name of what is now known as the Americas) opened on May 27 with a statement supporting the struggle of the Amazonian peoples. The Asociacion Nacional de Centros de Investigacion, Promocion Social y Desarrollo (ANC) issued a communique on May 26 titled, "In the respect of the rights and the Amazonian peoples the future of the country is at stake."

The document calls on the Peruvian government, "in finding a solution to this conflict, to respect our Constitution and international treaties ratified by the Peruvian government and to accept the challenge of putting into practice mechanisms of an inclusive and pluricultural democracy with the participation of the Amazonian peoples, forgotten for centuries in the history of Peru." The bishops of the Amazon have also commented on the protest, affirming that the cry of indigenous and river communities who want integral development has not been heeded. The bishops call for rescinding the decrees and "forming new rules with the participation of indigenous populations."

The International Federation for Human Rights (FIDH) called for rescinding the decrees in question. In a public letter, it says, "The FIDH supports the public call by the Amazonian bishops in which they express solidarity with the indigenous peoples and also ask that said legislative decrees be annulled."

With all this support, it would be difficult for the Amazonian ethnic groups to drop their struggle. This seems clear to the US government. The US Department of Commerce has indicated to Peru's Minister of Foreign Commerce and Tourism Mercedes Araoz its concern for the FTA, which it would see being seriously affected if the decrees were rescinded. On May 28, a meeting was held between representatives of AIDSEP and political advisors from the US Embassy in Peru in which the Amazonian leaders explained the reasons for their protest and reaffirmed their position.

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