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Peruvian Government Accused of Discrimination and Racism

by LADB Staff

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President Alan Garcia has been accused of racism at the UN because of his repeated aggressive remarks on the indigenous peoples of Peru and for his disregard for indigenous rights. On Aug. 3, the Confederacion Nacional de Comunidades Afectadas por la Mineria (CONACAMI), comprising 1,300 Peruvian campesino and indigenous communities, and the Coordinadora Andina de Organizaciones Indigenas (CAOI), founded in 2006, presented to the UN Committee on the Elimination of Racial Discrimination (CERD) a report from indigenous organizations as an alternative to the Peruvian government's official report to the agency. The Peruvian government presented its report to CERD on March 29 to fulfill an obligation pending since 1998, thus complying with the UN's International Convention on the Elimination of All Forms of Racial Discrimination.

The report describes measures taken to fulfill commitments derived from the Convention. "That has allowed us to show that we are a country with great legislative and regulatory progress in what is needed to fight discrimination," Minister of Justice Aurelio Pastor told Andina news agency. Indigenous organizations view the report differently.

Report insufficient

"The government report attests to some normative and declarative advances, but not to concrete policies, to goals with periodic assessments and results. It is an insufficient report, especially since it is presented after 11 years of CERD requests," said the CAOI alternative report.

The Peruvian government report, which covers up to 2008, does not mention the conflicts with indigenous communities, particularly Amazonian communities, although they have been mobilized and in a dialogue process since August 2008.

The government also does not answer a lengthy list of questions from CERD aimed at showing the country's advances, or lack thereof, in combating discrimination. That was the purpose of Pastor's trip to Geneva, although his input satisfied neither the CERD experts nor the indigenous organizations. Pastor "talked about his view of the country during this administration, economic growth, international reserves, investments...a political speech without substance or technical information or about policies against racial discrimination," said Miguel Palacin Quispe, CAOI coordinator general who attended the 75th session of CERD.

Among CERD's questions to the Peruvian government was the following: "The Committee has received reports regarding the use of what could be considered discriminatory speech by Peruvian President Alan Garcia, specifically referring to indigenous peoples' ancestral lands and the existence of indigenous people in isolation or initial contact in his article, The dog in the manger syndrome [El síndrome del perro del hortelano], published by El Comercio newspaper Oct. 28, 2007, and

the committee would like more information in that regard." In the article, Garcia calls indigenous populations who oppose turning their lands over to extractive businesses for exploitation the dog in the manger (in that they neither eat nor let anyone else eat).

During the Amazonian conflict, Garcia continued using discriminatory language, such as, "the most backward of our past" or "barbarism deep in the jungle" to refer to Indians. At one point, Garcia said, "Indians are second-class citizens." And, regarding indigenous populations in voluntary isolation, Garcia said, "The dog in the manger has created the figure of the 'unconnected' jungle native, unknown but presumable, because of whom millions of hectares must not be exploited and Peruvian petroleum must remain in the ground."

Following Pastor's presentation, Palacin told the daily La Primera, "The Peruvian government develops a systematic policy of discrimination and criminalization against Indian people," and he said that was substantiated in the alternative report.

Systematic discrimination

Palacin said that the June 5 massacre at Bagua, where 34 people died (see NotiSur, 2009-07-24), was "the epitome of the Peruvian government's systematic policy of discrimination and criminalization of indigenous peoples for the purpose of facilitating operations of transnational extractive businesses."

Referring to the events at Bagua in his presentation to CERD, Pastor defended Garcia's allegation of foreign interference that damages the country without substantiating his charges. He also blamed "Indians, nongovernmental organizations (NGOs), and even the diplomatic Catholic Church" for the conflicts. "No member of the Catholic Church instigated or participated in the indigenous communities' protests against various legislative decrees in the Peruvian Amazon," which resulted in the deaths of 24 police and 10 civilians, Miguel Cabrejos Vidarte, president of the Conferencia Episcopal Peruana (CEP) told the press.

Ronald Gamarra, executive secretary of the Coordinadora Nacional de Derechos Humanos (CNDDHH), called Pastor's participation "inopportune and unfortunate," and he said that Pastor had distorted the June 5 events at Bagua. "I am absolutely convinced that the UN special rapporteur and those attending the meeting in which the Peruvian government report [regarding discrimination] is being discussed must be totally surprised and thinking that the Peruvian representative was a representative from 20 years ago during the dictatorship," Gamarra said to Ideeleradio.

Pastor's statements crumbled on Aug. 7 when Amazonas department prosecutor Luz Rojas filed homicide charges against Gens. Luis Muguruza Delgado and Javier Uribe Altamirnao and 15 police agents for the June confrontations with the indigenous in the Amazon basin. Rojas, who has reported receiving death threats since she filed the charges, accused the police of using disproportionate force and arms against the demonstrators. CAOI asked CERD to visit Peru to verify the lack of a policy for indigenous peoples.

Since 2004, hydrocarbon projects have increased, going from 13% to 75% of the lotified Amazon area, said CAOI in its report. It added that the government's "consultations" with the communities, as required by International Labor Organization (ILO) Covenant 169 regarding indigenous peoples and tribes, "are limited to informational workshops and unilateral public hearings, are done after the government's negotiations with the interested companies, and the community's observations are not binding."

Afro Peruvians also face discrimination

The Afro Peruvian Centro de Desarrollo Etnico y Makungu por el Desarrollo also presented an alternative report to CERD. "Concerned about the invisibilization and the systematic human rights violations of Afro Peruvians, we decided to present an alternative reflection through a report that contrasts the official affirmations put out by the Peruvian government in its report," the Center said. "The Afro Peruvian population faces greater vulnerability since it no longer is constitutionally recognized, and there is no evidence of its contribution in the nation's official history, making us invisible," said the alternative report.

This second alternative report states that one weakness of efforts against racial discrimination in Peru is the lack of a national action plan to combat racial discrimination, although it views as positive the 2006-2010 Plan Nacional de Derechos Humanos, which recognizes that Afro Peruvians as well as indigenous peoples are more vulnerable. "There is a distinction between recognizing indigenous peoples' right to land and questioning the right of Afro Peruvians to be visible a concept of a people regarding the indigenous population that is not recognized for Afro Peruvians."

The plan, the report points out, does not mention the Afro Peruvian population in the formulation of proposals for intercultural education and only refers to the possibility of more accurately conveying Afro Peruvian culture. The Afro Peruvian report ends by recommending the implementation of the Plan Nacional de Derechos Humanos, particularly the chapter on Derechos de los Pueblos Indigenas y Afroperuanos.

Both indigenous peoples and Afro Peruvians say there is a lack of institutionality in that the Instituto Nacional de Desarrollo de Pueblos Andinos, Amazonicos y Afroperuno (INDEPA) does not fulfill its function of promoting both populations' development. Thus, they are anxiously awaiting CERD's recommendations, scheduled for release Aug. 28, which Peru will be obliged to abide by. In that sense, Gamarra told Ideeleradio, "I am convinced that the recommendations will include implementing the Plan Nacional de Derechos Humanos, which has not been applied for many years."

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