

**Testimony of Daysi Zapata Fasabi, Vice President of
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– AIDSESEP**

Before the Tom Lantos Human Rights Commission

Hearing: “The Rights of Indigenous Peoples: Latin America”

Thursday, 29 April 2010

In the name of my organization, AIDSESEP, it is my pleasure to offer warm greetings to the North American people, represented by you, illustrious Representatives of the United States Congress.

AIDSESEP is the organization that represents some 61 indigenous peoples and roughly 1350 indigenous communities in the Peruvian Amazon. Created in 1980, AIDSESEP adopted the mission of promoting indigenous rights within the national legal system and fighting for the respect and defense of those rights.

For thousands of years the Amazonian indigenous peoples have lived in harmony with the Amazon rainforest. Since the creation of the Peruvian state in 1821, however, we have been excluded and have been invisible in the public policies and plans.

Since its creation, AIDSEP has worked to improve this situation, reaching out to all governments over the years for a permanent dialogue. In some cases this has resulted in the signing of cooperative agreements for the execution of projects in such areas as land titling, education, and health.

Currently, the natural resources found within our Amazonian territories, such as gold, oil, wood, etc, are increasingly desired by extractive companies. With the government's authorization, they extract these resources without consulting us or having our consent. As a consequence, this situation causes huge damage to our peoples: displacement, depredation, deforestation, and the poisoning of our sources of life, such as water, air, and the earth.

In 2009, in the context of the implementation of the Free Trade Agreement between the United States and Peru, the Peruvian government created more than 100 "legislative decrees", some ten of which essentially facilitated the process of displacing us from our territories and taking the resources from indigenous peoples.

AIDSEP initiated a process of conversations with diverse governmental agencies, asking for the revocation of the legislative decrees that impacted us negatively, and demanding that the government complied with a proper consultation before adopting these damaging laws (as established in the ILO Convention 169). However, the government did not listen to the indigenous peoples.

Tired of being forgotten, resolved to not allow that we be displaced off our mother earth, and following the mandate of local communities, AIDSEP called for a strike which peacefully mobilized thousands of indigenous people. These people closed down the principle roads and river ways through the Amazon, and were backed up by many city dwellers.

After 56 days of the strike, the government ordered that it be broken with Special Anti-riot Forces with military arms and orders to shoot, who confronted an unarmed population. The violence resulted in a tragic total of 24 police deaths and 9 civilians, in addition to hundreds of injured indigenous protesters.

Immediately the Government initiated a strategy of legal persecution against indigenous leaders. In fact, the public campaign to demonize and blame indigenous leaders for what happened turned out to be a total failure. Backing in public opinion forced the government to establish agreements with AIDSEP to establish a dialogue process around different themes.

Four “dialogue tables” were created around priority themes with the objective of replacing the controversial legislative decrees and drafting proposals for new policies and public investment projects to be carried out in indigenous communities.

Table #1: The Commission regarding the Events of June 5th

Table #2: To Evaluate the Legislative Decrees

Table #3: Regarding the Right to Consultation

Table #4: Regarding Development Programs

After six months participating in the Dialogue Tables, and the growing legal harassment and persecution of AIDASEP’s leaders notwithstanding, we indigenous continued working in order to come to conclusions in consensus with the government officials. However, we have seen that the decision-makers within the Government’s political party have not demonstrated the necessary political will nor have they complied with the need to include the results of the Dialogue Tables in legal norms, public policies, and the corresponding administrative procedures.

One example is the Forestry Law that is currently being debated in the Congress. It does not take into consideration the proposal that came out of Dialogue Table #3.

In terms of the Commission that investigated what happened in Bagua, we haven’t seen that the Government is willing to take actions to avoid a repeat of the serious things that happened there. The official version of the report (Majority Report) blames indigenous people for everything that happened, and does not incorporate the recommendations of international human rights organizations. For their part, we indigenous have also written a Minority Report, which investigates the incident in a transparent and objective manner.

The critical situation of the Amazonian indigenous people continues to grow. While the government has not complied with the Dialogue Table agreements, they are continue to violate the right of indigenous people to prior consultation as they intensify the sale of oil and mining concessions in indigenous territory.

Currently, there are more than 49 million hectares under oil and gas concession, or roughly 72% of the Peruvian Amazon, overlapping natural protected areas, indigenous community lands and special reserves for isolated indigenous peoples. Additionally, there are new forms of displacement caused by concessions of forests on indigenous lands for the mono-cultivation of agro-fuels.

On the other hand, the Initiative for the Regional Integration of South America (IIRSA), is impacting indigenous peoples within the Peruvian Amazon with such mega-projects as roads, river dredging, oil and gas pipelines, and hydroelectric dams. Most of these projects are carried out within indigenous territories, and the catalyze the colonization of said territories and their resources. Just in the case of the Inambari hydroelectric dam, 57 indigenous communities would be flooded. Many projects are also impacting natural protected areas.

At the same time that we are seeing the terrible impacts of the warming and drying of the Amazon created by global climate change that is being predicted for the tropical rainforest and its habitants, we are extremely concerned that the proposed solutions, coming out of the industrialized countries like the USA, are oriented toward the market – such as carbon markets, the Clean Development Mechanism, and Reducing Emissions from Deforestation and Degradation – that don't take into account that our peoples are not participating. We don't understand the logic of the market and believe that these solutions put us at a tremendous disadvantage when we need to conserve our territories and forests for our children and for the planet.

I would like to thank you for the opportunity offered to us by the Members of Congress who form the Tom Lantos Human Rights Commission, especially the Co-Chairs Rep. Jim McGovern and Frank Wolf.

I would like to request that the U.S. Congress use its good offices to assist our peoples in:

-- Our efforts to have the Peruvian Government comply with respect for the rights of indigenous peoples, especially in regards to the legal property of our ancestral territories.

-- That any decision the Peruvian Government plans to take which might impact indigenous peoples should be appropriately consulted with the peoples involved

-- That the U.S. Congress pay special attention to and take responsibility for consequences the implementation of the FTA has which impact indigenous peoples

-- That the Peruvian Government lift the arrest warrant for our brother and leader Alberto Pizango Chota, who has been exiled in Nicaragua because of political persecution of the Peruvian government.

Thank you very much.