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Cc:

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Matter.- We request the setup of a Multisectoral Roundtable to work on immediate actions to protect Amazonian environmental defenders and address the problems related to land titling.

The indigenous land situation in the Peruvian Amazon deserves decisive and urgent action by the Peruvian Government. The violent acts that have been occurring, such as the murders of the Kakataibo Indians Herasmo García Grau of the Sinchi Roca native community and Yenes Ríos Bonsano of the Puerto Nuevo native community, are unacceptable, and are additional to the deaths of other environmental defenders in the Amazon, such as the recent murder of Estela Casanto, leader and founder of the native community of Shankivironi, located in the Perené valley, Junin region.

Seven indigenous people have been murdered over the past few years in the Ucayali region, including the Kakataibo leader Arbildo Meléndez, who died less than a year ago, after denouncing before the United Nations rapporteur the problems of land titling, land trafficking mafias, the drug trafficking growth and the regional governments' inattention to address their urgent and just demands.

The investment balance of the millionaire budgets that have been allocated in recent years for titling indigenous lands in the country is deficient and the real progress in the titling of native communities is very limited. In spite of the declarations and speeches, the reality is that the Ministry of Agriculture, particularly the General Directorate of Agrarian Property Sanitation and Rural Cadastre (DIGESPACR) and its counterparts in Regional Agrarian Directorates, do not comply with the policies and commitments assumed by the Peruvian Government before the indigenous population and the international community.

The acknowledgement and titling of indigenous lands in our country depends on the participation of at least three ministries (Agriculture, Environment and Culture) as well as the Presidency of the Council of Ministers. Although they have apparently begun to coordinate and dialogue, they have not yet reached the level of coordination necessary to meet the urgent field requirements.

Despite the investments, the lack of specific budgets allocated to indigenous territories, the difficulties of coordination between state entities and the absence of the situation's sense of urgency, which leads to the death of indigenous citizens, as well as the incessant advance of illegality in the forest, are some of the causes of the poor results achieved in the acknowledgement of the territorial rights of the Amazonian indigenous population.

While the titling of native communities continues to be at the bottom of the priorities of Regional Agrarian Directorates, the titling of private land is advancing smoothly. The titling of private land is clearly the priority of the agrarian entities, even of some state programs such as those implemented by the National Commission for Development and Life without Drugs (DEVIDA), which uses international cooperation funds for its activities. In fact, rural land titling actions, which begin with the issuance of possession certificates, are actions that conceal mafia land trafficking activities in the Amazon region.

In many cases, agrarian officials issue possession certificates and initiate land titling procedures on areas that are already part of land titling requests by native communities, who then lose their territories due to unequal treatment by the Government. This does not only affect native communities in the process of titling, similar cases occur in titled native communities, which, having old demarcation plans that have not been adapted to the verified coordinate system with satellite technology (they do not have georeferencing), are a constant prey to land trafficking mafias, whose first ally is the complicit action of agricultural officials. A very clear example of mafia-like actions that stain the agricultural sector is the case of the former regional director of agriculture Isaac Huamán, from the Ucayali region.

The illegal occupation of indigenous lands in Masisea by members of the Mennonite sect, as well as the settlements founded on Shipiba communities' lands at Imiría lagoon, in complicity with former officials of the Agrarian Directorate of Ucayali, is another scandalous case. For years the Imiría communities have been asking for their demarcation, and now that they have finally been able to carry out the field work with the support of the international cooperation, they have been waiting for months for the Regional Directorate of Agriculture Ucayali (DRAU) to at least give them official information on the results.

The case of the native community Unipacuyacu, to which the murdered defender Arbildo Meléndez belonged, is one of dozens of others, where native communities have been invaded by mestizos who, before the silence of agrarian authorities and local governments or, even more serious, with their support, occupy indigenous lands without any scruples to convert them in short or medium term in drug trafficking expansion areas.

The invasions of indigenous lands, either for titling or already titled, have been one of the main consequences of drug trafficking expansion in the Amazon for several years. This is an evident fact that, after years of advocacy and denunciations, has only recently been recognized by the Regional Government of Ucayali.

Once again, the passivity and inaction of national and regional authorities have only resulted in indigenous people's deaths as well as illegal dispossession of their lands, which by law and by right are theirs.

At present, many problems persist that require, not only the participation of specialists in land registry and titling, but also the firm political decision of the Peruvian Government to solve them:

1. The Permanent Production Forests (BPP), under SERFOR administration, were established decades ago in a top-down structure, lacking adequate field work and consultation with indigenous organizations. It is urgent to finally complete the redimensioning of the BPPs, based on fair and realistic criteria, without favoring once again the land trafficking mafias. The former director of agriculture of Ucayali, now candidate to the Congress of the Republic offers land titling within the BPP, supporting illegal invasions to the detriment of the forestry sector of the country.
2. The National Superintendence of Public Registries (SUNARP) continues to be a rigid entity that turns its back on the reality of native communities, with no intercultural criteria nor any notion of indigenous peoples' reality. The registration of new communities is extremely slow, especially if the BPP registry entries are to be updated.
3. Approximately 60 new native communities are waiting to be titled in Ucayali, however, it should be noted that this number is not static. There are problems in this diagnoses since they are either incomplete or, on the contrary, they may include information on land titling requests from ghost communities, which hide land trafficking business. This occurs, for example, when new settlements invade forest concessions, as is the case at Sepahua river basin.
4. The gap of native communities per titleholder is very significant in the country, especially in titled communities whose cadastral plans are still in an old system, not in accordance with the satellite technology that governs the titling and subsequent entry in public registries. These outdated plans have major flaws that are exploited by improper officials who "recommend" land invaders to settle there, quickly handing them possession certificates thus initiating an illegal chain of action. It is urgent to carry out a national effort to update the communities' property titles, bringing the old plans and titles to an updated and modern base, which will effectively serve to provide legal guarantees to indigenous people.
5. The titling and georeferencing gap is being addressed through government actions, but mainly through the implementation of projects financed by international cooperation. In addition, there are various individual efforts by NGOs and native federations and communities themselves, who are trying hard to manage the titling or georeferencing of their communities. It would be convenient to have a single entity that manages this process and ensures that there are no further delays or flaws.
6. At each step of the land acknowledgement and titling processes, the obstacles imposed by the regional agricultural authorities have been documented in dozens of consulting reports, journalistic reports, denunciations by indigenous organizations and are part of the project justifications managed by the government, projects that are supposed to be in favor of the indigenous peoples but that, in reality, help very little to solve the problem. A thorough review of the processes and evaluation of the non-compliance of the government's goals in relation to regularization of indigenous property is required.
7. On the other hand, the interventions of regional and local governments, at different levels, have always gone against the territorial security of the native communities. Georeferencing requests from native communities already titled in Ucayali await for months, long before the pandemic, to be addressed. The causes are the same as always: officials requesting "per diem" and travel expenses, even when the Regional Directorate of Agriculture covers these amounts under fees established by the institution. If the community cannot afford

to pay the Regional Directorate of Agriculture to do the work, which should be carried out ex officio, the work is not done and lack of security continues. These acts must be exposed and penalized.

8. Central government programs also contribute to this state of abuse. The actions carried out in recent years by the National Commission for Development and Life without Drugs (DEVIDA) with funds granted by international cooperation agencies are an example of this. The dirt tracks and local roads created and promoted by this project have only served as a means of entry and to consolidate the agriculture practiced by land invaders in the area known as " Codo del Pozuzo". As the indigenous people have pointed out since their planning, these roads have become the main logistical support for the agricultural activity that now even serves for drug trafficking.
9. The Project of Cadastre, Titling and Registration of Rural Land in Peru (PTRT3) of the agriculture portfolio has been in a state of indefiniteness for months. The government must make a decision regarding its effective intervention, whether to continue or not. This project has an extensive list of communities that should be attended by this project and are not considered by other projects and public or private initiatives since they were waiting for their activities to begin. This lack of definition only slows down the application of illegality control measures and reflects the bureaucratic burden that must be overcome to achieve the recognition of indigenous territorial rights.
10. The government, through the General Directorate of Agrarian Property Sanitation and Rural Cadastre (DIGESPACR) of the Ministry of Agrarian Development and Irrigation (MIDAGRI) and the Regional Agrarian Directorates (DRAS), must guard indigenous territories until their physical legal regulation is achieved. The titling in Peru takes years and this delay is one of the structural causes that generates violence and threats to indigenous territories and local livelihoods. Even more so when this delay goes hand in hand with the irregular granting of rights to third parties. This guarding should be done through preventive annotations in public registries, or with amendments to some ministerial resolutions at the MIDAGRI level that could make these transitional protection safeguards operative. This could be a practical way to avoid overlaps that later lead to conflicts and deaths, as we have already witnessed in recent years with Saweto, Unipacuyacu, Nuevo Amanecer Hawaii and others. All of this, while the government expedites the pending titling projects and goals.
11. Regarding human rights defenders, the Peruvian government is showing a total incapacity to protect and repair, much less to develop preventive policies that address the fundamental causes that put defenders at risk. In 2019, a Protocol was approved and its implementation was entrusted to a small team within the Vice Ministry of Human Rights; these same officials recognized that a greater regulatory and institutional framework is required to provide effective support to defenders, who continue to die with impunity. We are aware of the proposed Supreme Decree prepared by the Ministry of Justice and Human Rights (MINJUSDH) to create a multisectoral protection system for human rights defenders, its approval would be a step forward, but the participation of indigenous organizations in the design and implementation of the policies to be approved within this new institutional scheme must be guaranteed.

But beyond these defects known to all of us who work with native communities in the country, the most harmful of all is the evident lack of political will on the part of regional agricultural officials to attend to the requests made by the indigenous population, which are more than fair.

The scandals involving officials such as the infamous Isaac Huamán, former regional director of agriculture of Ucayali, now on trial for land trafficking and other crimes, are the consequence

of a modus operandi within many of the country's agrarian directorates. In Huanuco, local governments continue to create towns and villages on indigenous territories, ignoring the titling demands of the communities. As stated by Kakataibo leader Herlin Odicio, the process of recognition and titling of a community can take decades, but a forestry concession is granted or a rural property titled in no more than a year. The paradox is that these rights are granted to third parties, foreigners who come to extract resources without any sustainability, and often end up engaging in drug trafficking.

Regardless of the amount of information and denunciations, the mentality of plundering the indigenous people in the public administration does not change, causing the terrible results that continue to mourn the Amazon today. We recognize the shortcomings faced by the public administration, but that does not excuse the attitude of officials who turn the government into an inoperative entity, infested with corruption.

Finally, we join the rightful claim of the indigenous organizations, as reflected in Letter N° 024-2021-AIDSESEP, presented on March 1, 2021 by the Interethnic Association for the Development of the Peruvian Rainforest (AIDSESEP) to the President of the Council of Ministers, requesting immediate action to stop the murders of Amazonian defenders. We especially support the different demands that the Regional Organization AIDSESEP Ucayali - ORAU has been making. It is time for the government to fulfill its commitments and for the law enforcement agencies to take concrete actions to stop those who threaten the indigenous peoples and the mafias that stalk and attack them. For this reason, **we jointly request before your offices the setup of a Multisectoral Roundtable to immediately and effectively address the situation of threats and attacks against environmental defenders in the Amazon, considering it as one of the main underlying problems, related to territorial legal insecurity.**

It is essential that this space has effective participation of the indigenous organizations. We therefore urge the Ombudsman's Office to act as overseer of the process, and ensure that the participation of indigenous organizations is not reduced to mere spectators of a key issue on their agendas.

If the government does not take action now, it will only be contributing to distress, illegality, environmental degradation and the violation of the human rights of one of the most unprotected groups in the country.

Sincerely,

**Amazon Watch
Interethnic Association for the Development of the Peruvian Rainforest (AIDSESEP)
ProPurús Association
Amazonian Center for Anthropology and Practical Application (CAAAP)
Law, Environment and Natural Resources (DAR)
ECO REDD
Environmental Investigation Agency (EIA)
Legal Defense Institute (IDL)
Kené, Institute of Forestry and Environmental Studies
Regional Organization AIDSESEP Ucayali (ORAU))
Proética, Peruvian Chapter of Transparency International**

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