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12 March 2010

Excellency,

The Committee on the Elimination of Racial Discrimination wishes to thank the State party for its letter dated 4 January 2010 on the final report of the Special Commission to investigate events occurred in Bagua, and to inform the State party that, during its 76<sup>th</sup> session, it considered under its early warning and urgent action procedure, information received by the Committee on the situation of Achuar indigenous people

The Committee also wishes to inform the State party that during its 76<sup>th</sup> session, it considered, under its early warning and urgent action procedure, on a preliminary basis, information received on the situation of Awajun and Wampis in relation to the mining activities in their traditional lands.

The Committee wishes to recall that in its concluding observations adopted on 24 August 2009 (CERD/C/PER/CO/14-17; par. 21), it encouraged the State party to make every possible effort to ensure that the Dorissa Agreement concerning the Achuar people affected by oil-drilling in the Rio Corrientes area is implemented without delay and to prevent similar cases from occurring in future oil-drilling projects. The Committee wishes also to recall that in its concluding observations (par 14 and 15), it reiterated its concern about the considerable tension due to the exploitation of subsoil resources of the traditional territories of the indigenous peoples who, in some cases, have not been consulted or given their prior, free and informed consent to mining activities.

In particular, the Committee expressed its deep concern about the violence triggered by conflicts between projects of exploitation of natural resources and the rights of indigenous people, such as which occurred in Bagua on 5 and 6 June 2009. Finally, the Committee expressed its concern at the negative impact on health and the environment of extractive activities conducted at the expense of the right to land and the cultural rights of indigenous people concerned.

According to information received by the Committee, the Dorissa Agreement has yet not been implemented and the situation of Achuar indigenous people has worsened. In particular, the Committee is deeply concerned at reports about the persistent problematic environmental situation, the continuous contamination of rivers and streams used by Achuar indigenous people for fishing, hunting, bathing and drinking; the presence of toxic and dangerous chemicals in some sites, and the lack of adequate consultation of Achuar indigenous people to seeking their prior, free and informed consent to mining activities. In addition, it appears that the State party has refused to place a moratorium of additional mining activities in Achuar lands in lots 101, 102, 104, 106, 123, 127 and 146, as requested by local organizations until the health of Achuar people is restored, as well as until the prior, free and informed consent is given by the people.

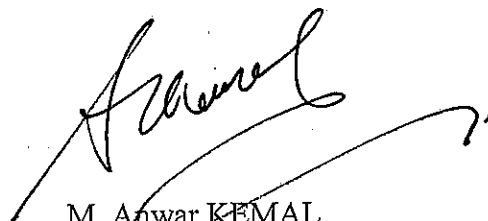
According to information received on the situation of Awajun and Wampis indigenous people, the Committee is concerned at the fact that numerous mining concessions are approved without the prior, free and informed consent of indigenous people and without consultations held in conformity with the legislative requirements. In addition, it is reported that the government failed to comply with a prior good faith agreement already reached by local organizations aimed at protecting the biodiversity and the right to health of neighbouring communities. It appears that the ownership of surface land of indigenous people is denied by some mining companies, and that the real negative impacts on biodiversity and water, as well as on cultural and social life of indigenous people are ignored by the Environmental Impact Statements presented by one mining company. The Committee is finally concerned at the fact that the conflict between Government and indigenous communities has escalated at an alarming rate.

The Committee urges the State party to implement the recommendations adopted in its concluding observations in 2009 on the situation of Achuar indigenous people, in particular concerning the Dorissa Agreement and to inform the Committee on measures taken. It also urges the State party to take measures in order to ensure that the prior, free and informed consent of Achuar indigenous people is sought and given prior to all mining activities; that the Achuar indigenous people are fully informed on the negative impacts of mining activities on their health and the environment. The Committee requests the State party to take measures aimed at accepting the moratorium proposed by local organizations and to comply with international standards, as well as with its own legislation.

On the situation of Awajun and Wampis indigenous people, the Committee urges the State party to provide information on the measures taken to implement the recommendations contained in paragraph 15 of its concluding observations referred to above. The State party is also requested to provide the Committee on information on the implementation of the good faith agreement reached with local indigenous organizations; and how it ensures that Environmental Impact Statements of mining companies comply with the existing mining legislation and international standards.

Rest assured, Excellency, that the Committee looks forward to engaging in a constructive dialogue with the Government of Peru, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anwar Kemal', with a long, sweeping underline that extends to the right.

M. Anwar KEMAL  
Chairperson of the Committee on the  
Elimination of Racial Discrimination

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