

DIALOGUE PROCESS BETWEEN THE AMAZONIAN COMMUNITIES AND THE GOVERNMENT OF PERU

On June 10th 2009, the Government of Peru created the "*National Coordinating Group for the Development of Amazon Communities*" (NCGDAC) with the objective of preparing a comprehensive plan for the sustainable development of the Amazon region. The NCGDAC was given 120 days to submit a draft plan to the Presidency of the Council of Ministers.

The NCGDAC includes 8 representatives of the Executive Branch (Ministers or their representatives), 11 representatives of Regional Governments, and 2 organizations representing the Amazon indigenous organizations (AIDSEP and CONAP). NCGDAC is chaired by the Minister of Agriculture or his representative. The Minister of Agriculture also has the role of Technical Secretary.

To facilitate the dialogue process, NCGDAC has 04 Working Groups. The progress achieved so far in each can be summarized as follows:

1) Inquiry commission of the Bagua events

- A special commission to thoroughly investigate and analyze the events of Bagua has been created by consensus. It comprises 3 representatives of the indigenous communities, 3 representatives of the Executive Branch and 1 representing the regional governments. It is expected that the commission can provide the results of its investigation before December 26th 2009. The work of the commission will build on the various reports already available, including from the United Nation Special Rapporteur, the Ombudsman Office, and other public and non-profit organizations.

2) Evaluation of Legislative Decrees

- The evaluation of legislative decrees is being developed under the coordination of the Ministry of Agriculture, taking into account the Forestry Law and Regulations Wildlife and its Bylaws as reference documents.
- On September 2nd 2009, the Bureau of Flora and Wildlife of the Ministry of Agriculture submitted to the NCGDAC a document with technical inputs to improve the forestry law, in order to contribute to finding consensus on this issue with representatives of regional governments and indigenous communities.
- It is expected that each of the remaining stakeholders-regional governments and native communities- will submit their proposals later on.
- The evaluation process of the various proposals is being facilitated by presentations and workshops.

3) Consultation Mechanisms (in order to accomplish the ILO Convention 169)

- An international Seminar on the "Law of Indigenous Peoples Consultation, Policy Framework and Implementation Experiences" has already taken place as well as many meetings at a grass root level.

- Both the Ombudsman and the Sub Regional Office of the International Labor Organization (ILO) have made presentations on the Convention 169.
- The working group has also gathered information on the methods of consultation: the Convention 169 itself and its handbook, the United Nations Declaration on Indigenous Peoples Rights, the draft proposal of law in Congress concerning the right of consultation, the report of the Ombudsman on the Bagua issue, and a case review related the Saramaka population of Suriname.
- On September 17th., this working group is expected to arrive at a consensus proposal of how best to adhere to the 169 Convention.
- Meanwhile, all activities of the *NCGDAC* since its inception have maintained an open dialogue with the representatives of the Amazon communities.

4) National Development Plan of the Amazon Region

- As a first step, this working group has been revising and updating the "Action Plan for Priority Issues of the Special Multisectoral Commission for Indigenous Communities" (Action Plan 2001), issued during the transition government of the former President Valentín Paniagua.
 - The above-mentioned Action Plan 2001 included proposals on 8 key issues: land property rights and security for the Amazonian native communities; intercultural bilingual education to all native communities at school levels; the creation of a system of intercultural health; the establishment of peace and security conditions for the native communities of the central jungle; ensuring the participation of indigenous peoples in the management and the benefits of protected natural areas and their natural resources and preventing environmental damage and social impacts; protecting indigenous peoples in voluntary isolation; and the respect and protection of the collective knowledge of the indigenous peoples.
 - The 2001 plan was never implemented by the Toledo Administration, but the main issues it had addressed have served as the basis for the ongoing discussions.
 - As of September 9, 2009, agreement in principle has been reached on issues concerning land property rights, legal stability, bilingual education, increasing the coverage of public health, and the conditions of peace and security for native communities. There are 18 issues still left to be discussed.
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