

Declaration of Imiria

Junin Pablo, 30.8.2012

The Shipibo-Conibo people and local communities of Lakes Imiria, Chauya and the river Tamaya in the District of Masisea who came together in the '*First meeting of Indigenous leaders of Masisea*' convened by the Organisation of indigenous peoples of the District of Masisea (ORDIM) and the 'Indigenous and local community committee for the defence of Lakes Imiria, Chauya and river Tamaya' in order to address the problem of the Regional Conservation Area of Imiria (ACR-Imiria) in the meeting hall of the village of Junin Pablo from the 29-30th August 2012.

We indigenous and local communities alongside the indigenous organisations of ORDIM, ORAU and AIDSESEP and the municipality of Masisea have signed this declaration after having analysed the ACR and the policies and projects of the Regional Government of Ucayali (GOREU) and having discussed it in working groups. We wish to communicate the following conclusions to the Regional Government of Ucayali, the National System of Protected Areas. (SERNANP) our communities, national and regional authorities and those national and international institutions involved in the management of Protected Areas and the defence of indigenous peoples' rights.

1. **We reject and do not recognise** the supposed process of consultation that resulted in documents signed by members of our communities supposedly approving the creation of the ACR-Imiria which was described in the official '*Technical report for the Establishment of the regional conservation area of Imiria*'. Although there were meetings and workshops with some of the communities and their authorities these were only informative in nature and at no time have the indigenous peoples of this area given their consent to the creation of the ACR. A genuine process of consultation based on our right to Free, prior and informed consent (FPIC - as recognised in various international norms including ILO 169 and the decisions and jurisprudence of the Inter American human Rights System) would first consist in a profound analysis of an ACR including its costs and benefits and the alternatives for our people. Only later would we proceed to take a decision, a process that would be based on our own internal regulations and traditional means for decision-making.
2. **We are alarmed to note** that the ACR overlaps 7 indigenous communities whose land titles are inscribed in the National Registry (Junin Pablo, Caimito, Nuevo Egypto, Nueva Yarina, Buenos Aires, Nuevo Loreto and Puerto Purin) as well as 12 local communities some of which were previously recognised through local Resolutions and others whose recognition remains pending but who have been occupying the land for many years (Doce de Mayo, Bella Flor, Perla de Imiria, Nueva Generación, Santa Rosa de Chauya, Unión Vecinal, Santa Clara, Pacifico, 23 de Diciembre, Flor de Imiria, Puerto Alegre and Vinoncuro). We consider that this constitutes a violation of the property rights of indigenous peoples and Peruvian citizens. Furthermore, our land titles only represent a small portion of our traditional territory which is also included within the ACR and therefore affects our fundamental rights as indigenous peoples that recognise the inviolability of our **traditional** territories. While the Supreme Decree (006-2010-MINAM) that established the ACR indicates that it 'respects any prior rights that have been established' we note that this only contemplates recognition of our titled lands but not our traditional territories.
3. **With express our grave concern** that the ACR-Imiria will be managed and controlled by the Regional Government of Ucayali (GOREU) with only the participation of the 'benefiting populations'. We indigenous peoples' are rights holders and not just a 'population' with only rights to participation. We are the traditional owners of this area and it is unacceptable that the GOREU should assume exclusive management of this area without recognising our rights as indigenous peoples nor the role

that our indigenous organisations play in defending our rights. We make this point in the light of our experience to date with the various projects implemented by the GOREU in the Lake Imiria area which amongst them include projects for the production of Paiche, cacao and camu camu as well as for reforestation. These projects have not benefited us indigenous peoples despite their stated objectives and we denounce the fact that we are still waiting an auditing process that clarifies the use of funds for these projects that we note always provide most benefit to those who are implementing the Project but least of all to us indigenous peoples and local communities.

4. **We express our grave concern** that the creation of the ACR may result in restrictions of our use of, and access to, our territories given the experience of other ACR in Peru (Eg ACR-Sierra Escalera- San Martin) where charges are being pressed against community members for the legitimate use of their forests. We note for example that the Text of DS-006-2010 indicates that 'the direct use of renewable resources are only permitted with management plans or specific plans' which could be interpreted to control our subsistence activities. Since time immemorial we have organised the protection of our lakes based on our traditional knowledge as indigenous peoples. More recently and since the start of the 1990s we confronted the commercial fishing industry which has resulted in the recovery of fish stocks. For this reason we consider ourselves to be the original protectors of this area and therefore key actors in any conservation initiative. For this reason we demand that our contribution must be recognised and supported instead of being treated as potential threats.
5. **We highlight** that the *Technical Report for the creation of the ACR* suffers from key legal and technical deficiencies which include amongst them; the failure to recognise the right of Indigenous peoples to our territories and to Free Prior and Informed consent with which the Peruvian state must comply given its international obligations, the failure to recognise our traditional knowledge of biodiversity as a principal element in any conservation project, the failure to include indigenous peoples or local communities in the Management committee for the ACR which includes 6 representatives of the State and only one from our regional federation, ORAU resulting in disproportionate advantage for the State in any decision making process, the failure to analyse any alternatives to the ACR which must be an essential component of any cost-benefit analysis that is recommending the dispersal of public funds.
6. **We challenge** the process that has resulted in the conversion of the *Imiria Communal Reserve* (created with Regional Directive No 610 on the 30/11/1991) to an ACR and the reduction of its extension of 218,000ha to 135,737,520ha despite the fact that at no point in the Technical Report nor in the SD 006-2010 do they **justify** this modification in status or size.

We agree and resolve that:

1. The implementation plan for DS 006-2010 including the Master plan for the ACR-Imiria must be suspended until our right to our territories and to Free, prior and informed consent are respected.
2. We demand that GOREU facilitate a new process of genuine consultation. This process must be designed and implemented by our own organisations and communities in our own language and according to our own customs and traditional decision making processes. The decisions that emerge from this process must be respected by the Regional Government of Ucayali.
3. GOREU must provide documents presented in public forums to our communities and organisations that justify the conversion of a Communal Reserve (RD 610 of 30th November 1991) to the ACR-Imiria .
4. GOREU must proceed with the process of resolving pending territorial issues (recognition, demarcation and titling) in the area earmarked for the ACR. This process must include the due recognition of the traditional territories of indigenous peoples as well as of those local communities who still await their recognition.

5. GOREU must organise a public meeting in order to present all information regarding the budgets spent on, and results of, the multiple projects implemented by GOREU and various NGOs in the area of Lakes Imiria, Chauya and the Tamaya River. This process must be directed towards the native communities and local communities in the District of Masisea and involved in the ACR as well as to the Imiria Defence committee, ORDIM, ORAU and AIDSESEP; the Municipality of Masisea, SERNANP and the human rights ombudsman must be invited as observers. This audit must be carried out within 60 days and must also include the submission of a report to the communities written in accessible language and must be considered as a prior step before initiating the new consultation process, This process must at a minimum include the following projects:
 - a. The Paiche project
 - b. The Paiche Preservation project
 - c. The BloCan project
6. A comprehensive process must be initiated by SERNANP in coordination with ORDIM, the Imiria defence committee, ORAU and AIDSESEP to investigate the supposed consultation process that resulted in documents signed by community authorities approving the creation of the ACR-Imiria. This process must be conducted in the shortest possible time frame and must be considered as a prior requirement before initiating a new consultation process.