



Do we wait for another "Super El Niño" before we act?

Alternatives to the national and global climate crisis

June 30, 2019

As representative organizations of indigenous peoples in the Andes and the Amazon, we outline our position to the state on the prior consultation process of the proposed regulation on the Legal Framework for Climate Change, **Law 30754**, which does not respect the international standards protecting the rights of indigenous peoples. In the current context where there is a pressing need to address the **climate catastrophe**, we note:

Glaciers melted away; The *El Niño* phenomena striking with greater intensity and frequency; water deposits drying out; forests burnt down, desertification or floods; new, and more resilient, pests and diseases; flooded communities, climate-induced migration; the impacts of climate change in Peru have deepened generating social and environmental disasters that especially affect vulnerable populations, such as Indigenous Peoples. These phenomena turn into disasters because the Government continues to follow an extractivist development model, promoting the overexploitation of our resources through agribusiness, mining, and hydrocarbon extraction. The little attention given to risk prevention and management in the context of climate change, compounds the situation. Laws, such as the "Green" standards and projects, are insufficient, because they are not accompanied by a paradigm shift in the country's development model.

Climate change impacts us today and tackling it is of urgent need. Public opinion demands action in the face of tackling this reality. Peruvian lives are at stake. Indigenous and native peoples act within our territories contributing to climate mitigation and adaptation. That is why we call on the rest of the country to react. Additionally, we call on **President Martín Vizcarra and Minister of the Environment, Lucía Ruiz**, to respect our own models of development; and also guarantee our right to participation, consultation and to free, prior and informed consent on issues that affect us, such as the laws and rules related to climate mitigation and adaptation. For this reason, we call upon the MINAM (The Peruvian Ministry of Environment) and all Executive Authorities to adapt their procedures in accordance with the international regulatory framework protecting the indigenous peoples' rights. We request that our contributions, delivered to the MINAM on the 21st of June 2019, are incorporated into the **Climate Change Law 30754** proposal. Its implementation has been summarised in the following:

An urgent creation of standards to address indigenous and native peoples' proposals and demands of within the prior consultation framework:

- Creation of an Indigenous Climate Platform, with decision making-power, self-organization and recruitment, which is counterparty to the Government during the fundamental processes of climate change management.
- Creation of a High-Level Commission on Climate Change where indigenous peoples, through their representative national organizations, have effective participation and decision-making power. This



will allow our proposals to be incorporated into the development of [Peru's] Nationally Determined Contributions (NDCs) under the 2015 Paris Agreement.

- Increased "climate ambition" with the incorporation of Minga's NDC proposals which seek to increase the reduction of greenhouse gas emissions than those established by the Peruvian Government.
- Implementation of Amazonian Indigenous REDD+ initiatives, which are part of Minga's NDC proposals. These are provided in the Supreme Decree 0072016-MINAM on climate resilience in millions of hectares of land encompassing forest and communities.
- Acceleration and reorientation of current projects using international climate financing sources to fulfil proposals put forward by indigenous peoples, so that funding truly reaches communities and recognises their ancestral role in forest protection. No more intermediaries and high administration costs.

Changes to the proposed legal framework on Climate Change Law 30754 (referenced articles in parentheses):

- **Effective indigenous participation**, with decision-making power, in the High-Level Commission on Climate Change and legalise the creation of an Indigenous Climate Platform as a national counterpart to the State during the fundamental processes of climate change management. (arts. 5, 6, 7, 9, 12 and others).
- **Climate funding sources that reach jungles, the Andes mountains and valleys.** Apply the "Guarantee Fund" (Law 30754, 52 Final Provision) for indigenous peoples; Law 27811 (Title IX), "Dedicated Specific Mechanism (MDE/GDM), Indigenous Mechanisms of the Green Climate Fund, and include indigenous peoples in the instruments of planning and management under public and private financing. (arts. 9, 10, 26, 27, 63, 152 Final Provision, and others).
- **Participation, consultation and consent in good faith, in accordance with the international regulatory framework protecting indigenous peoples' rights** in the climate planning sector, regional and local governments, and joint planning construction with legitimate, representative indigenous organizations (arts. 10, 11, 15, 16, 21 and others).
- **Guarantee the legal protection of indigenous peoples' territories and implementation of our priorities** set out in our communal planning and prioritization. These priorities are also acknowledged as "enabling conditions" and key instruments in implementing comprehensive climate change management (arts.8, 10, 21, 25, 132 Final provision and others)
- **Amazonian Indigenous Redd+ initiatives and "carbon market" monitoring to achieve equality**, with an appropriate mechanism for complaints, supervision and sanction of Redd+ operators. These will also avoid further socio-environmental conflicts over forests (arts. 7, 14, 16, 23, 59, 132 Final provision)



- **Implement the Gender Equality Policy** (Supreme Decree 008-MIMP-2018) in processes, plans, funds, and climate reports with our organizations – without intermediaries (arts. 6,8,10, 11,12,13 and others)
- **Avoid extractivist invasion in terms of climate**, limiting MEF's overreaching (Ministry of Economy and Finance) functions to only its budget, where programme and technical functions are maintained within the MINAM, especially when dealing with "risks and climate in investments" (arts. 24, 25, 27).
- **The sense of climatic urgency**, replacing the insecure word "promote" to an obligation and "guarantee" in various processes. Shorten the long and slow Governmental deadlines regarding the development of additional rules and management instruments to the legal framework (arts. 6, 8, 9, 10, 15.16 and others)
- **Dialogue of knowledge**, strengthening and compensating the contribution of indigenous or original peoples' ancestral wisdom, as well as the food sovereignty of the peoples (arts. 5.14, 8, 9, 10, 27, 4 Final provision and others).

We request an urgent meeting with the PCM (Prime Minister's Office), MEF and MINAGRI (Ministry of Agriculture and Irrigation). We also request meetings with the National Ombudsman's Office, ILO (International Labour Organisation, regional and local governments, parliamentary benches, as well as with international climate actors (donor countries, United Nations agencies and others); to support the proposals outlined.

Finally, we reiterate our request for various NGOs, consultants, universities, analysts, etc. working with indigenous peoples to issue a statement. In the name of reciprocity, we look forward to your reaction and solidarity to our proposals.

The Indigenous and Native Peoples demand true climate protection ambition to curb the destruction of Peru and the world's natural and social foundation.

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