

STATEMENT OF THE ASHANINKA COMMUNITIES OF THE ENE RIVER VALLEY REGARDING THE PROJECT FOR THE HYDROELECTRIC DAM IN THE *PAKITZAPANGO* CANYON

The Ashaninka communities of the valley of the Ene River in the Province of Satipo, Region of Junín, Peru, during our XIVth Ordinary Congress of the Central Ashaninka de Rio Ene (CARE) in the Native Community of Pamakiari, annex of Cutivireni (District of Rio Tambo), held on the 7th and 8th of may 2010, the principal objective of which was to discuss the proposed construction of the hydroelectric dam named 'Pakitzapango', declare the following.

Considering that

Our history is a series of constant abuses: we were enslaved during the rubber era, robbed of our territories, and subjected to cruel atrocities during the social violence since the 1980s. The Truth and Reconciliation Commission estimates that around 6,000 Ashaninka were murdered or disappeared during that time, while 10,000 Ashaninka were forcibly displaced from our territory. Organised in Self-defence Committees, we contributed with our blood and lives to the pacification of the country. Now that we have returned to our lands, we hope to live in peace and tranquillity here.

The Ene River is the soul of our territories: it feeds our forests, animals, plants, seeds, and most importantly, our children.

For the Ashaninka People, Pakitzapango (House of the Eagle) is sacred and an important part of our cultural and spiritual heritage, as it is there that our roots are sown.

We, the Ene River Ashaninka, participated in the creation of the Otishi National Park and Ashaninka Communal Reserve, and our communities form the buffer zone; these are all areas that contain some of the highest levels of biodiversity on the planet.

Despite all of this, the government continues to generate new threats: the concession of our territory to build a hydroelectric dam in the sacred place of *Pakitzapango*, a project that will cause forcible displacement and grave impacts on our territory as well as on the adjacent protected areas.

We consider these violations of our territory yet another violence that attacks directly our lives and our existence as a People.

Our Ashaninka indigenous people enjoy human rights that are enshrined in the ILO Convention 169 and in the United Nation Declaration on the Rights of Indigenous Peoples, as well as in the American Convention on Human Rights. All of these provide that states will undertake a process of free, prior and informed consultation in order to obtain the consent (or not) of the indigenous peoples and communities that are potentially affected by development programmes and investment projects that are implemented in their territories. This right was recalled during the 138th session of the Interamerican Commission of Human Rights, at which the CARE presented a petition regarding the vulnerable state of the Ashaninka people of the Ene River.

In spite of this, the government persists in refusing to recognise and violating our rights. This fact is evident in the ***Ministerial Resolution N°546-2008-MEM/DM*** in which the Minister of Energy and Mines granted the temporary concession to the company "Pakitzapango Energía SAC" for the realisation of feasibility studies for the construction of the Hydroelectric Dam in the *Pakitzapango* canyon.

This concession superposes the territories of 10 of our native communities as well as the Ene River valley and was granted without informing or consulting us, without establishing measures to protect our ancestral territories, without permitting us to decide our own priorities for development, and without inviting us to participate in the formulation, application and evaluation of our plans and programmes for

development. This has placed us in a situation of extreme vulnerability and demonstrated, once again, the lack of respect on behalf of the Peruvian Government towards our ways of live and our rights.

Furthermore, it is shocking that the construction of this hydroelectric dam at *Pakitzapango* is being negotiated, amongst others, under the aegis of an energy agreement between Peru and Brazil, and without any information regarding the socio-economic and environmental conditions of the zone in question. Moreover, this agreement is being discussed without reference to a National Energy Plan, but rather with the singular objective to construct dams that are of interest to Brazil.

Taking into account the preceding, the Ashaninka communities of the Ene River:

1. Ratify the statement of the Native Communities of the Ene pronounced in April 2009, which rejects both the **Resolution N°546-2008-MEM/DM** and the hydroelectric dam construction project in the sacred place of *Pakitzapango*, because it was neither informed nor consulted with the Ashaninka communities of the Ene River;
2. Reject the use of the Ashaninka word *Pakitzapango* as the name of the project as it holds important *spiritual* and *cultural* significance for Ashaninka people in Peru;
3. Demand that the Peruvian Government unconditionally respect and obey our human rights enshrined within the ILO Convention 169, and the United Nations Declaration and American Convention on the Rights of Indigenous Peoples;
4. Demand that a Framework Law on the Right to Free, Prior and Informed Consultation be implemented in consultation with, and with the participation of, indigenous peoples. This law should ensure the minimum standards of the ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous peoples;
5. Request that the draft law that modifies article 8 of the Law on Internal Displacement in Peru be archived, as it is contrary to the objective of the right to consultation expressed in international norms and jurisprudence;
6. Require that the Peruvian State develop an Energy Matrix for Peru in the frame of a concerted energy strategy where energy self-sufficiency is guaranteed for Peruvians. As long as that does not take place, we categorically reject a possible electricity sales agreement between Peru and Brazil, and any other hydroelectric project that affects our cultures and lands;
7. Alert and question the Brazilian State that they are negotiation and seriously compromising indigenous territories of the Ene River Ashaninka in Peru, and we will defend our right to live in peace.

Pamakiari, 8th of May 2010

Native Communities of the Ene River Valley that participated in the Congress and subscribe to the statement:

Samaniato
Unión Puerto Ashaninka
Potsoteni
Caperucia
Saniveni
Meteni (annexes of Chikireni, Pichikia, Kipashiari, Centro Meteni, Nuevo Repoblamiento)
Quiteni (annexes of Pamoreni and Cachingari)
Cutivireni (annexes of Tsyapo and Pamakiari)
Parijaro
Camantavishi
Quempiri (annexes of Puerto Unión Quempiri, Pampa Hermosa)
Quimaropitari (annex of Quimaropitari Centro)
Shimpenshariato
Centro Tsomaveni (annexes of Boca Toncabeni, Boca Anapate, Yaviro, Coriri)
Paveni
Catungo Quempiri