

111TH CONGRESS
1ST SESSION

H. RES. 574

Expressing the sense of the House of Representatives that Peru should immediately cease any hostile activity against its indigenous peoples and instead engage in dialogue to address ongoing political conflict between state authorities and indigenous peoples.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2009

Mr. FALEOMAVAEGA (for himself, Mr. MEEKS of New York, Mr. HONDA, Mr. KILDEE, Mr. PAYNE, Mrs. CHRISTENSEN, and Ms. BORDALLO) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that Peru should immediately cease any hostile activity against its indigenous peoples and instead engage in dialogue to address ongoing political conflict between state authorities and indigenous peoples.

Whereas, on February 2, 1994, Peru ratified International Labor Organization Convention 169, which grants indigenous peoples the right to consultation on issues pertaining to them;

Whereas, on September 13, 2007, the Chairman of the U.N. Human Rights Council, Luis Enrique Chavez Basagoita,

introduced the text of the Declaration on the Rights of Indigenous Peoples to the U.N. General Assembly;

Whereas that Declaration called upon governments and corporations to seek the “informed consent” of those indigenous peoples before engaging in commercial activities on the land of the affected indigenous peoples;

Whereas Chairman Basagoita, in introducing the Declaration on the Rights of Indigenous Peoples at the U.N. General Assembly, noted that indigenous peoples were among the most vulnerable; that the process of developing that Declaration had begun in 1982; that representatives of indigenous peoples had taken part in working on the text, thus giving legitimacy to the text; that many efforts had been made to meet the concerns expressed by various Member States of the U.N. on the draft; that as a result of such efforts, several changes were made to the text which had been duly communicated to U.N. Member States and representatives of indigenous peoples; and that the changes to the text, which had not undermined the protection of indigenous peoples, would help ensure the Declaration’s adoption;

Whereas, on September 13, 2007, the United Nations General Assembly adopted the landmark Declaration, bringing to an end nearly 25 years of contentious negotiations over the rights of native people to protect their lands and resources, and to maintain their unique cultures and traditions;

Whereas, on June 28, 2008, the National Congress of Peru enacted Legislative Decree 1090, which significantly diminished the size of Peru’s Forestry Heritage protection system;

Whereas, on June 28, 2008, the National Congress of Peru also enacted Legislative Decree 1064, which allowed companies with forestry concessions to change their zoning permits through Peru's central government rather than the relevant local government;

Whereas, on May 9, 2009, Peruvian President Alan Garcia declared a 60-day state of emergency in certain regions of the country, placed those regions under martial law and suspended the constitutional rights of the people in the region;

Whereas, on June 5, 2009, in response to Decrees 1064 and 1090, indigenous peoples in the northern province of Bagua, located in Peru's region of Amazon, protested the anticipated exploitation of their ancestral homelands by the Peruvian government and foreign and domestic firms;

Whereas dozens of people were killed when police officers intervened in the protests;

Whereas, on June 15, 2009, a coalition of 15 organizations delivered a letter to Members of Congress as well as high-level Obama Administration officials, including Secretary of State Hillary Clinton, National Security Advisor General James L. Jones, and U.S. Trade Representative Ronald Kirk, calling for the United States "to take immediate, concrete and public action" concerning the ongoing political conflict in Peru between state authorities and indigenous peoples;

Whereas the Constitutional Commission of the Peruvian Congress deemed Legislative Decrees 1090 and 1064 unconstitutional;

Whereas Peru's revocation of Legislative Decrees 1090 and 1064 on June 18, 2009, was a welcome development; and

Whereas the government of Peru as failed to comply with its obligations under both the U.N. Declaration on the Right of Indigenous Peoples and International Labor Organization Convention 169: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) Peru should immediately cease any hostile
4 activity against its indigenous peoples and instead
5 engage in dialogue to address ongoing political con-
6 flict between state authorities and indigenous peo-
7 ples; and

8 (2) Peru should comply with the U.N. declara-
9 tion on the rights of Indigenous Peoples and with
10 ILO Convention 169.

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