

**The area assigned to mining interests constitutes the ancestral land of the Awajún and Wampís peoples, who were neither consulted, nor from whom consent was obtained**

The Awajún and Wampís population in Peru is composed of approximately 45,137 and 12,000 inhabitants, respectively, who occupy registered and unregistered land, thus constituting the largest indigenous people in the Peruvian Amazon. The Awajún and Wampís peoples of the border District of El Cenepa have an estimated population of 9,626 inhabitants, who live in the only district, where no settlements of outsiders exist; therefore, almost all the communities that have settled in this area pertain to the aforementioned peoples.

The Awajún and Wampís peoples of the Cenepa River are currently witnessing the assignment of their ancestral land to metal ore mining companies, particularly engaged in extracting gold and, to a lesser extent, hydrocarbon companies. The Geological, Mining, and Metallurgical Institute (INGEMMET) of the Ministry of Energy and Mines (hereinafter, referred to as MEM) has registered at least 150 concessions and mining claims (which is increasing) to date, none of which have complied or plan to comply with any of the **prior** consultation processes, which objective is to obtain free, prior and informed consent from the indigenous peoples, in whose territories the metal ore extraction activity is intended to be carried out<sup>1</sup> (**see Exhibit 14**).

According to MEM<sup>2</sup>, mining sub-sector legislation neither considers prior consultation mechanisms, nor grants special guarantees to indigenous land. In this regard, Supreme Executive Order (Decreto Supremo) 028-2008-EM, "Regulations for Citizen Participation in the Mining Sub-Sector" allegedly regulates the consultation procedure, but reduces it to "citizen participation", without contemplating the peculiarities of the indigenous peoples' rights, considering such participation, even with serious limitations, only after the mining concession has been granted", thus completely changing the nature of its content (**see Exhibits 13 and 20**).

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<sup>1</sup> Mining rights information issued by the Mining Cadastre Bureau of INGEMMET, dated February 29, 2009, quadrants 08-G y 09-G.

<sup>2</sup> Report 010-2009-INGEMMET-OAJ/AI, dated March 4, 2009, issued by the Office of Legal Counsel of MEM, indicating that, "...in accordance with the General Mining Act and its corresponding regulations, the consultation or participation process, insofar as indigenous organizations and public entity representatives are concerned, is not regulated in the mining concession granting process" (Emphasis has been added by us).