

II. The Peruvian Government has impeded and hindered the registration of land of the Awajún and Wampís peoples.

The Peruvian Government has failed to fully comply with its obligation to acknowledge the ancestral ownership of the Awajún and Wampís peoples of their traditional territories, even though they have been requesting such recognition since at least 1977. The State has failed to comply with such requirements, either by unjustifiably delaying the delivery of the respective “assignment” agreements to the indigenous peoples for thirty years (agreements that legalize their ownership) or by claiming a lack of financial resources to proceed with demarcation and land registration (without properly planning to obtain the resources either¹).

It is worth mentioning that we are dealing with the expansion, demarcation and legal registration of the area of nine native communities (Ajuntai Entsa, Kusu Numptkeim, Pagki, Sawientsa, Tagkegip, Tunas, Tunim, Uchi Numptkaim and Wee, totalling 67,185.4563 hectares). The Commission for the Official Registration of Informal Property (COFOPRI) requested the indigenous peoples to pay the sum of S/.385,588.74 (which in US Dollars would approximately amount to USD\$ 128,000.00), an amount that is extremely overvalued in relation to market costs, is practically prohibitive and should be paid for by state social programs² (***see Exhibit 19***).

In view of the fact that it is impossible for the Awajún and Wampís peoples to make such payments, their respective title deeds have not been issued in order to finish formalizing their ownership; nevertheless, the State has admitted the following in different official reports:

“The Cordillera del Cóndor (Condor Mountain Range) which slopes extend into both Peru and Ecuador, constitutes ancestral land of the Jíbaro nation, represented by the Awajún, Wampis and Shuar ethnic groups.”

“Before the war in 1941, native inhabitants from both sides of the border formed extensive families or clans to whom this land belonged.”³
(Emphasis has been added by us.)

Government obstacles impeding the registration of indigenous land is motivated by the interest to grant them in concession to extractive companies from the hydrocarbon, forestry and mining sectors, under the unconstitutional thesis that unregistered land would be free and, therefore, accessible to the State.

¹ The 2008 goal programming for COFOPRI has not considered including any economic budget item in order to comply with the registration of land of the Awajún and Wampís communities.

² Pursuant to the “Diagnostic Budget for the Expansion and Cadastral Inscription of new Native Communities located in the Cenepa River Basin, District of El Cenepa, Province of Condorcanqui, Department of Amazonas”, attached to Official Letter 606-2008-COFOPRI/DFINT, dated June 12, 2008, issued by COFOPRI to the Institute of Common Good (IBC), a private institution that cooperates with indigenous peoples to register their land.

³ Draft Supreme Executive Order classifying the Ichigkat Muja National Park, Page 47.