

From: [AIDSEP](#)
To: [ICIM](#)
Subject: Consultation and Compliance Review Request
Date: Thursday, 27 August 2015 5:06:46 PM
Attachments: Acreditación.pdf
Solicitud de Consulta.pdf

Dear Ms. Victoria Marquez-Mees:

We are pleased to be able to send you our greetings and submit herewith our Consultation and Compliance Review Request for the Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3) (PE-L1026) together with our Letter of Accreditation, in view of the fact that this project affects indigenous peoples of the Peruvian Amazon in a direct, negative, and substantial way.

I would be grateful if you would confirm that you have received this e-mail.

Sincerely,

Henderson Rengifo Hualinga
President of AIDSEP



AIDESEP

ASOCIACION INTERETNICA DE DESARROLLO DE LA SELVA PERUANA

ARPI

CENTRAL JUNGLE

CONAVAN-SAT
FECONABAP
CECONSEC
KANUJA
ODPK
OCAR
ANAP
CARE
OARA
UNAY

CORPI

SAN LORENZO

CHAPI SHIWAG
FECONACADIP
FEDECOHASI
FECONACHA
FECONADIC
FEDECOCA
OPINUPAN
FECONAJE
FEDIQUEP
OSHEDEM
ONAPAA
FESHAM
FECIDIB
ORACH
OKAN
ATI

FENAMAD

COHAR MIMA
COINBAMAD

ORPIO (ORAI)

ACODECOSPAT
FECONAFROPU
FECONAMCUA
FECONARINA
FECONACO
FECOTYBA
ORKIWAN
FECONAT
FEPYROA
AIDECOS
CURCHA
ADECOP
FECONA
OISPE

ORAU

ACONADIYSH
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FECONADIP
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OIDIT

3 August 2015

Ms. Victoria Marquez-Mees

Director

Independent Consultation and Investigation Mechanism

Inter-American Development Bank (IDB)

1300 New York Avenue, N.W.

Washington, D.C. 20577

E-mail mecanismo@iadb.org

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Re: Consultation and Compliance Review Request for the Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3) (PE-L1026)

Dear Ms. Márquez,

1. The Asociación Interétnica de la Amazonia Peruana [Interethnic Association of the Peruvian Amazon] (**AIDESEP**), comprising its nine regional organizations, 96 local federations, representatives of 64 indigenous peoples, and 1,809 native communities possessing and owning lands in the Peruvian Amazon, is writing to you as Director of the Independent Consultation and Investigation Mechanism (**ICIM**) in order to submit this **Consultation and Compliance Review Request** regarding the “Rural Land Cadastre, Titling, and Registration Project In Peru – Third Phase” (**PTRT3**), identified by operation number PE-L1026, partially financed by the Inter-American Development Bank (IDB). Our request is based on the fact that this project has a direct, negative, and substantial effect on the indigenous peoples of the Peruvian Amazon, that we meet the eligibility criteria, and that this request is not subject to any of the exclusions established in the **ICIM’s** policies.

I. ELIGIBILITY

2. This Request meets the eligibility criteria set forth in sections 40, 56 et seq. of the Policy Establishing the Mechanism, as set out below.

REQUESTERS AND REPRESENTATIVES

3. The signatories of this **ICIM Consultation and Compliance Review Request** are: **AIDESEP**-Asociación Interétnica de Desarrollo de la Selva Peruana (Interethnic Association for the Development of the Peruvian Jungle); **ORPIO**-Organización Regional de los Pueblos Indígenas del Oriente (Regional Organization of the Eastern Indigenous Peoples); **CORPI SL**-Coordinadora Regional de los Pueblos Indígenas de San Lorenzo (Regional Coordinator for the Indigenous Peoples of San Lorenzo); **ORAU**-Organización Regional AIDESEP Ucayali (AIDESEP Ucayali Regional Organization); **ORPIAN-P** Organización Regional de Pueblos Indígenas de la Amazonía Norte (Regional Organization of the Indigenous Peoples of the Northern Amazon); **CODEPISAM**-Consejo de

Desarrollo de los Pueblos Indígenas de la región San Martín (Council for the Development of the Indigenous Peoples of the San Martín region); **ARPI SC**-Asociación Regional de Pueblos Indígenas de la Selva Central (Regional Association of Indigenous Peoples of the Central Jungle); **CORPIAA**-Coordinadora Regional de los Pueblos Indígenas de AIDSESEP Atalaya (AIDSESEP Atalaya Regional Coordinator of Indigenous Peoples); **COMARU**-Consejo Machiguenga del Río Urubamba (River Urubamba Machiguenga Council); **FENAMAD**-Federación Nativa de Madre de Dios (Madre de Dios Native Federation), and we represent local indigenous peoples' organizations at the national and regional level.

4. We declare that all the communities we represent are located in the area targeted by **PTRT3**, a project financed by the **IDB** with the purpose of: *"improving the legal security of rural land tenure as the essential basis for the development of private investments, and the consolidation of the rural land market so that it operates in a flexible and transparent way and promotes the efficient use of land."*¹
5. **PTRT3** is identified by operation code **PE-L1026**. Its proposer and executing agency is the Ministry of Agriculture and Irrigation (MINAGRI), through the Rural-Agricultural Productive Development Program (AGRO RURAL). The borrowing operation for **PTRT3** was approved by the Peruvian Government on 26 December 2014 through Supreme Decree 365-2014-EF and its financing was approved with loan contract 3370/OC-PE signed on 13 February 2015 by the Republic of Peru and the **IDB**. **PTRT3** belongs to the agriculture and rural development sector and was classified as a category "B" operation in terms of its social and environmental impact.
6. The indigenous peoples representing the local organizations have appointed Mr. Henderson Rengifo Hualinga as their representative in the proceedings before the Mechanism, all in accordance with the accompanying document of authorization (**Annex 01 Letter of Accreditation of the Expanded Coordination Council**). For these purposes please note the following contact details:

Mr. Henderson Rengifo Hualinga

President of AIDSESEP

Asociación Interétnica de Desarrollo de la Selva Peruana



7. Our names and contact details are also attached (**Annex 02_List of requesters**), together with evidence of the delegation of authority to represent the applicants named here (**Annex 03_AIDSESEP By-laws**).
8. The indigenous peoples submitting this request do not ask for confidentiality regarding their identity.

¹ Page 02 of the "Rural Land Cadastre, Titling, and Registration Project" project profile, at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39045138>.

II. OPERATIONAL POLICIES BREACHED BY THE IDB

1. The requesters declare that they will probably suffer harm as a consequence of the IDB's failing to comply with its operational policies. The possible impacts identified by the requester communities in section III relate to omissions by the IDB during both the design and implementation of the project and determine the IDB's responsibility, without prejudice to other omissions and/or actions attributable to the Bank, such as the breach of other Operational Policies that the ICIM may identify in due course.
2. The requesters wish to lodge a complaint regarding the breach of the following operational policies:

OP-703 – ENVIRONMENT AND SAFEGUARDS COMPLIANCE POLICY

a. (OP-703 Directive B.3 – Screening and classification)

The project has a category “B” risk classification as the environmental impacts were considered to be temporary and that known, standard mitigation measures were available. (ESMR, page 16). However, **we consider the environmental and social risk classification to be underestimated and incorrect.**

PTRT3's design rightly aims to address the insecurity of land tenure in the Amazon. However, its design is incorrect, setting the wrong priorities (awarding en masse new rights and title on 441,093 individual properties that may be occupying indigenous land and granting title to a further 353,255 colonists) and pursuing the wrong strategy (addressing first the granting of new rights and postponing the recognition of indigenous people's ownership). These two errors increase the project's risk exponentially and undermine the project's initial objective as they increase the legal uncertainty as to native communities' land tenure, a fact that was not envisaged or addressed in the ESMP.

Given the context of conflict, institutional weakness, and the risk and significance of the potential direct and indirect impacts arising from project PTRT3 and its stimulation of the colonization and expansion of the agricultural frontier, causing environmental degradation and harm to the indigenous population, we consider the risk classification to be category “A.”

b. (OP-703 Directive B.5 – Environmental assessment requirements and quality)

The methodology and quality of the analysis of the environmental and social impacts are inadequate. This is as a result of the incorrect risk classification and failure to explore the scale, intensity, and likelihood of various direct and indirect impacts. The possible risks were identified, but were not analyzed in terms of their scale, intensity/frequency, and likelihood as the basis of the rationale under the ESMP.

For example, the ESMR mentions (page 10) that the overlapping of native communities' lands is the most significant bottleneck, but the mitigation measure is limited to a proposal for operational guidelines, an action whose effectiveness is questionable. There is no analysis of the scale of the risk involved to justify the adequacy of this mitigation measure. The need for changes to public policies is mentioned, but there is no guarantee whatsoever that these changes will take place. Consequently, the design of the ESMP, including the proposal for several envisaged activities is inadequate to ensure that harm to native communities and their lands is prevented.

The ESA did not consider an analysis of the indirect and cumulative effects on a wider area of influence (wider than the land to be titled in isolation) that could result from a change in the incentives to migrate, pressure on the use of land, conflict between opposing uses. It lacks an adequate justification for not applying a methodology and instrument to analyze the synergies between various risks.

c. (OP-703 Directive B.5 – Deficiencies in the design of the ESMP)

The design of the project, including the environmental and social management plan (ESMP), is inconsistent with the risks and potential direct and indirect impacts associated with PTRT3's activities. The prioritization and sequence of investment in titling does not adequately consider the risks of conflict between the effect of consolidating colonists' plots and the incentives for more migration to the edge of the jungle and pressure on indigenous lands.

The ESMP does not prevent or correct the consequences of the fact that PTRT3:

- Continues to postpone addressing the issue of indigenous land claims and land debt.
- Makes titling conditional and limits it to just 228 native communities while, on the other hand, awarding title en masse to over seven million colonists.
- Exceeds the expectations that it lead to an increase in migration and colonization in the Amazon.
- Fuels conflicts due to its failure to grant title to indigenous lands in year one of the project, while granting title to 82,000 colonists, with possible overlapping of rights on traditional indigenous land.
- The convergence in time (2015, 2016) of the incentives for colonization by PTRT3, together with the "granting" of money to these colonists, by front men for investments by Malaysia, to fell virgin forest, and "justify" the approval of oil palm plantations by alleging that "deforested areas" are being used.
- The design of PTRT3 and the ESMP does not take into account or respond to the IDB's assessment of the lessons learned and implementation problems of PTRT1 and PTRT2 as regards individual titling, together with corruption and trafficking in land.

d. (OP-703 Directive B.4 – Other risk factors)

The institutional capacity assessment was inadequate. The institutional capacity aspects of **MINAGRI** and the **regional governments** were not analyzed adequately, and the institutional strengthening components lacked a timetable and sufficient scope to ensure effective implementation of the activities. Programming of institutional strengthening activities prior to titling activities was necessary. The capacity of organizations such as AIDSEP to carry out PTRT3 activities was not considered (as was envisaged in the DGM and FIP) without justification.

The project undertook a weak analysis of the risk factors, potential impacts, and appropriate measures to manage them. This is not justifiable in practice or by experience when various legal obstacles have been identified that are outside the scope of the project. Even the ESMP recognizes that this type of conflict arose in PTRT 1 and 2 (ESMP, page 60).

A conflict resolution mechanism is proposed to mitigate the impacts (ESMP, page 82) but this does not constitute a guarantee when there is a much more effective alternative: titling the communities first. Moreover, the budget allocated (US\$25,000 or 2.5% of the ESMP's budget) for the mechanism that is supposedly going to resolve the problems of overlapping that will arise out of titling over 700,000 properties.

It only considers that there will be a temporary direct adverse effect on the lands when they are titled. It fails to understand that once incorrectly titled in a context where there are hundreds of communities whose traditional rights are not recognized and where there are no effective mechanisms for resolving positions as identified in the project (ESMP, pages 25-27).

It considers that various negative impacts could arise, including: conflict, reduction of communal areas, parceling up of communal lands (ESMP, page 18), but that these risks will disappear "if titling takes place in accordance with the law" (ESMP, page 19). This is inconsistent considering that the same project backs a change in the legislation on community titling to overcome the various bottlenecks that exist for native communities to obtain property title and that they will only be addressed when the titling of individual properties is already under way. Moreover, at present, there is no effective mechanism to identify indigenous lands on which third parties are being granted title, as evidenced by the conflicts currently arising.

Risk of increasing deforestation as a result of the incentives for colonization mentioned (1.15 project summary). However, the measures and budget proposed (training for colonists, implementation of zoning programs (ESMP Box 8.4a, pages 77-84)) are not proportional to the risk and do not offer sufficient guarantees.

It assumes that the titling of individual properties is consistent with environmental and climate goals (project summary 1.15) and that they necessarily increase the sustainability of the use of resources without offering evidence to support this position. In this regard we consider that through PTRT3 the IDB:

- Is promoting policies that are contrary to deforestation-reduction objectives. The errors in the design of PTRT3 backed by the IDB contradict and are contrary to other agreements signed by the IDB, such as the Forest Investment Program (FIP) agreement in Peru. The analysis in the latter concluded that the highest deforestation rates were on individual properties and that the vast majority of deforestation derives from migration to the Amazon, two factors being promoted with PTRT3. The project will also increase deforestation exponentially by colonization and its overflow, which completely undermines the hypotheses of the FIP-Peru deforestation diagnostic assessment, and renders its deforestation-reduction strategies ineffective.
- The clash with the deforestation-reduction objectives of the US\$50 million to be invested in the FIP, half of which is also external debt. The IDB (together with the World Bank) is part of FIP Peru's Steering Committee, which in 2012-2013 designed and approved this project, stating that titling indigenous peoples' traditional lands and control or regulation of the migratory colonization of the Amazon were "enabling conditions for reducing deforestation."
- Causes harm to Peruvian citizens as a whole by committing them to external debt with both projects to safeguard the natural heritage without any socioenvironmental benefit whatsoever, rather, to the contrary, increasing deforestation of the Amazon.

- Causes harm to the World Bank due to the ineffectiveness or inefficiency of its role as the administrator of the Climate Investment Fund (CIF) which will channel US\$50 million for FIP-Peru, which is doomed to fail to achieve its objectives.
- Causes harm to the governments of Norway and Germany, which plan to invest US\$300 million with the objective of reducing deforestation, which the PTR3's strategy will cause to fail.
- Causes harm to the two governments above, which are also major contributors to the IDB, which will use their funds to execute PTR3, which is contrary to their policy and other deforestation reduction investments (FIP).
- Encourages a resurgence of the conflicts between Amazonian indigenous peoples and the FIP. The design errors of PTR3, if left unchanged, would lead to greater insecurity over indigenous people's land rights, particularly the achievements of the FIP in this respect, with US\$14.5 million for community titling (US\$7 million), resource management (US\$4.5 million), and community governance (US\$3 million). This achievement was the condition for the acceptance of FIP-Peru, and if it is lost, the opposition and conflict within FIP-Peru as a whole may resurface.

e. (OP-703 Directive B.19 – Critical natural habitats and cultural sites)

The lack of effective land-use planning in most of the jungle, reflected in various recent studies, suggests that the indirect impact of titling colonists could give rise to new risks to the protection of the integrity of critical habitats.

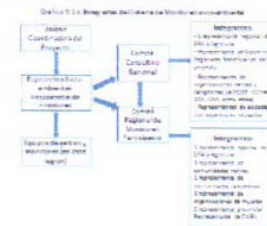
The lack of analysis of these risks represents another shortcoming of the ESA, resulting in the lack of adequate measures to mitigate the risk of degradation or conversion of critical habitats and cultural sites in the ESMP.

f. (OP-703 Directive B.7 – Supervision and compliance). Mechanisms for participation in project execution lack details to ensure their effective operation

Peru's experience with participatory monitoring is relatively short, particularly in the forestry sector. Despite the good intentions behind proposing a participatory monitoring mechanism (ESMR VII. D, Figures 9.1 b, 9.1 c), the project lacks the necessary details to ensure that this mechanism has the independence, resources, and access to relevant and timely information necessary to ensure adequate feedback to the project implementation process.

Detailed terms of reference are needed that include aspects such as the decision-making procedures, accountability mechanisms, frequency and transparency of the activities, to analyze the consistency of the proposal with the likely project execution risks.

En los gráficos 9.1 b se presenta los integrantes del sistema de monitoreo socio-ambiental tanto a nivel nacional como regional.



Elaboración: NIP Consultores

g. (OP-703 Directive B.5 – Shortcomings in the design of the ESMP-conflict resolution mechanism)

The ESMP (Section D) includes elements for receiving complaints and mediating and resolving various conflicts that may arise during project implementation. However, sufficient detail is needed to judge whether this mechanism's design, budget, and governance is adequate for the anticipated risks and impacts. The US\$25,000 budget earmarked for the civil society participation program and the management of titling conflicts is inadequate and highlights a lack of experience and clarity with respect to the challenges of ensuring the expected performance.

En el gráfico 9.1 se definen las tareas, responsabilidades y/o funciones de cada actor institucional involucrado en el sistema de monitoreo socio-ambiental.



Elaboración: TSP Consultores

The ESMP does not envisage prior mechanisms to resolve the following problems:

- On the position of communities in permanent production forests (BPP) and protected natural areas (ANP),
- Discriminatory classification of land constituting an obstacle for titling.
- Officials failing to enforce the law, as they exclude traditional lands or land of cultural significance from native communities' titles.

The proposed actions to overcome these problems: such as improvements to operational guidelines, dialogue with the State to change the law, and greater participation by indigenous peoples do not constitute a guarantee or in some cases are classed as being outside the scope of the project (ESMR, Paragraph 8, page 10).

The ESMP lacks suitable indicators. The indicators (ESMP, page 94) reflect the project's economic priorities and not the principal risks (invasion of indigenous lands by colonists) nor does it include any measurement of compliance with a number of the key commitments, such as:

- Changes in the law to exclude soil analysis in native community titling,
- Lack of a mechanism to allow modification of ANPs overlapping with indigenous land (ESMP, page 145)
- Lack of a mechanism for modification of BPPs to avoid overlapping with communities' land (ESMP, page 26)
- Lack of a mechanism to expropriate untitled colonists' land overlapping with untitled community lands (ESMP, page 150)
- Comprehensive titling of indigenous people's lands according to traditional uses and as a people.

The ESMP's analysis of the mitigation measures and appropriate indicators was inadequate. It should first show that the operational guidelines are functioning and that the other legislative weaknesses and other obstacles, etc. for native communities' titling have been resolved, while as a precautionary measure it should postpone the granting of property rights until these problems have been overcome and the indigenous lands titled.

There is a lack of an adequate analysis in the ESMP and a “framework for the monitoring of social and environmental impacts and risks throughout the execution of the operation, including clearly defined indicators” (B5, 4.19).

Without properly defined indicators there can be no adequate supervision of the principal risks of the project or of the commitments to overcome the obstacles in the titling of communities in Peru.

In this regard, we consider that the indicators should be constructed through a process of consultation with indigenous peoples' representatives. Among other things, the indicators could measure:

1. The number of conflicts between communities and migrants over land
2. Modification of the concept of concessions for use in the legislation
3. The existence of an effective mechanism to modify ANPs
4. The existence of an effective mechanism to modify BPPs
5. A mechanism to expropriate land from a colonist impinging on unrecognized indigenous land
6. The proportion/number of native communities recognizing that their traditional lands have been titled according to their traditional uses and in a way contiguous with their people

h. OP-703 Directive B.2 – Compliance with country laws and regulations

Noncompliance with the prior consultation (Law 29785) by MINAGRI, despite the possible impacts of PTRT3 on indigenous peoples and the resulting violation of rights having been identified.

Refusal by MINAGRI of the request for prior consultation by AIDSEP, alleging that the request had been submitted after the deadline.

Breach of other standards of international law, such as Convention 169 and the case law of the Inter-American System for the Protection of Human Rights, which are part of the applicable rules regarding indigenous peoples and compliance with which is obligatory for the IDB and the Government of Peru.

i. OP-703 Directive B.6 – Public consultation

The requesting indigenous peoples declare that we have not taken part in a public consultation. We have only held information meetings at which our main concerns have been raised but not resolved. These concerns may be summarized as: titling all the indigenous land claimed and the granting of rural properties subsequent to the titling of indigenous lands, this being the sole guarantee of avoiding conflicts due to overlapping rights that may paralyze the recognition of our rights and/or divest us of our lands. We have also stated that the project should be subject to free and informed prior consultation, pursuant to Law 29785.

j. OP-765 – Operational Policy on Indigenous Peoples

There is a profound violation of Operational Policy OP-765 deriving from the incorrect classification of the project's risk, thereby avoiding the established requirement to achieve the explicit written support of native communities for the project as a condition for its approval.

Violation of indigenous peoples' rights, particularly to land and resources.

*"Indigenous rights include the rights of indigenous peoples and individuals, whether originating in indigenous legislation issued by States, in other relevant national legislation, in applicable international norms in force for each country."*²

In its case law the international system of indigenous rights has recognized States' inescapable obligations during processes of regularization of property of indigenous peoples that imply that the State does not dispose of or turn over land to third parties until the titling process has concluded.³

Along these same lines the IACHR has established that until the indigenous or tribal lands have been demarcated, delimited, and titled, States are to abstain from *"any acts that may lead the agents of the State itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the property located in the geographic area occupied and used by indigenous peoples."*⁴ In this regard, States should not design, or carry out development or investment plans or projects that may affect indigenous communities, such as PTRT3, until the latter's communal property rights have been fully identified through titling, delimitation, and demarcation. Nevertheless, PTRT3 finances the violation of indigenous peoples' right to the determination and ownership of land.

The definition of "applicable rules" is very broad and specifically includes case law of the Inter-American Court and consequently the following may be cited on the land rights of indigenous peoples. The most important of these include:

- The lack of titling constitutes a violation of property rights.⁵
- Property titles must respect indigenous peoples' customary lands and territories.⁶
- The full and effective participation, prior consultation, and consent of the indigenous peoples is necessary during processes of land titling and before

² International legislation includes, as in force in each country,... as well as the corresponding international jurisprudence of the Inter-American Court of Human Rights or similar bodies whose jurisdiction has been accepted by the relevant country.

³ Ruling of the IACHR – Awas Tingni Case. *"until that delimitation, demarcation or titling has been done, it must abstain from any acts that might lead the agents of the State itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the property located in the geographic area where the members of the community live and carry out their activities."*

⁴ IACHR, Report 40/04, Case 12,053, Mayan Indigenous Communities in the Toledo District (Belize), 12 October 2004. Paragraph 197, Recommendation 2.

⁵ The issue of land titling constituted a central pillar of the Awas Tingni case, in which the Inter-American Court explicitly held that recognition of communal indigenous property rights must be guaranteed by granting a formal property title or other similar recognition by the State that gives legal security to the indigenous land tenure against the action of third parties, or in the case of Awas Tingni, agents of the State itself. The Court found that the reiterated lack of response to Awas Tingni's requests for titling constituted a violation of the Community's property rights under Article 21 of the American Convention, in connection with Articles 1 and 2. Inter-American Court of Human Rights, Case of Mayagna (Sumo) Community Awas Tingni vs. Nicaragua. Basis, remediation and costs. Ruling of 31 August 2001. Series C, number 79, paragraphs 152-154.

⁶ Since the Awas Tingni case, the Inter-American Court described the material scope over which the community's property rights extended, and that the State was obliged to protect through the delimitation, demarcation, and titling as the "geographic region in which the members of the Awas Tingni Community live and carry out their activities." IACHR. Case of Mayagna (Sumo) Community Awas Tingni vs. Nicaragua. Basis, remediation and costs. Ruling of 31 August 2001. Series C, number 79, paragraph 153.2.

any State measure that may legal affect, modify, reduce, or extinguish indigenous property rights.⁷

- The State must give priority to the titling of indigenous lands and grant special protection until it is completed. Provisional protection must be given to indigenous lands over which the process of land titling has not been completed.⁸

III. REGARDING THE IMPACTS ON THE REQUESTERS

9. The core objective of **PTRT3** is the formalization of rural property in the jungle (Selva) and targeted areas of the highlands (Sierra), its scope being to give priority to 10 departments, of which eight are part of the Peruvian Amazon, where the native communities of 36 indigenous peoples recognized in the Environmental and Social Management Plan live.
10. List of indigenous peoples and representative regional organizations identified in **PTRT3's** Environmental and Social Management Plan (**ESMP**).⁹

| Department | Indigenous Peoples | Regional Organization |
|------------|---|--|
| Amazonas | Awajun and Wampis | ORPIAN-P Regional Organization of the Indigenous Peoples of the Northern Amazon |
| Cajamarca | Awajun | ORPIAN-P Regional Organization of the Indigenous Peoples of the Northern Amazon |
| Cuzco | Ashaninka, Kakinte, Matsiguenga Yine Kakinte | COMARU River Urubamba Machiguenga Council |
| Huánuco | Ashaninka, Kakataibo, Shipibo-Konibo Yanesha | ARPI SC Regional Association of Indigenous Peoples of the Central Jungle |
| Junin | Ashaninka, Kakinte, Nomatsigenga Yanesha | ARPI SC: Regional Association of Indigenous Peoples of the Central Jungle |
| Loreto | Achuar, Arabela, Awajun, Bora, Capanahua, Charnicuro, Iquitu, Jíbaro, Kandozi, Kukama Kukamiria, Maijuna, Matses, Murui-Muinani, Ocaína, Resigaro, Secoya, Shawi, Shipibo-Konibo, Urarina, Wampis, Shiwilu, Tikuna, Wampis, Yagua, Yine | CORPI SL: Regional Coordinator for the Indigenous Peoples of San Lorenzo ORPIO: Regional Organization of the Eastern Indigenous Peoples |

⁷ "Articles XVIII and XXIII of the American Declaration specially oblige a member state to ensure that any determination of the extent to which indigenous claimants maintain interests in the lands to which they have traditionally held title and have occupied and used is based upon a process of fully informed consent on the part of the indigenous community as a whole." IACHR, Report 40/04, Case 12,053, Toledo District Mayan Indigenous Communities (Belize), 12 October 2004, paragraph 142.

⁸ To ensure the protection of indigenous lands while titling procedures are ongoing, the Court has stated that (in the Awas Tingni and subsequent cases) States may not design or carry out development or investment plans or projects or grant concessions to exploit natural resources that may affect indigenous communities until their communal property rights have been fully identified and guaranteed through their titling, delimitation, and demarcation. IACHR, Case of Mayagna (Sumo) Community Awas Tingni vs. Nicaragua. Basis, remediation, and costs. Ruling of 31 August 2001. Series C, number 79, paragraphs 153, 164, 174.4 ([the State] "must abstain from acts which might may lead the agents of the State itself, or third parties acting with its acquiescence or tolerance, to affect the existence, value, use or enjoyment of the property located in the geographic area where the members of the Awas Tingni Community live and carry out their activities.")

⁹ ESMP-MINAGRI, page 41.

| | | |
|------------|---|---|
| San Martín | Awajun, Capanahua | CODEPISAM: Council for the Development of the Indigenous Peoples of the San Martín region |
| Ucayali | Amahuaca, Ashaninka, Cashinahua, Isconahua, Kakataibo, Marínahua, Sharanahua, Shipibo-Konibo, Yaminahua, Yine | ARPI SC: Regional Association of Indigenous Peoples of the Central Jungle CORPIAA: AIDESEP Atalaya Regional Coordinator of Indigenous Peoples ORAU: AIDESEP Ucayali Regional Organization |

3. PTRT3 envisages the financing of large-scale integrated cadastre sweep campaigns with the titling and registration of 441,093 rural properties and the registration of title to a further 353,255 rural properties in the public registers. This large-scale granting of individual rural properties in the Amazon prior¹⁰ to the recognition and titling of indigenous lands places the collective rights of at least 1,166 native communities in an extremely vulnerable situation, as they now find themselves in a state of legal uncertainty as they do not have a determined, delimited, and physically demarcated territory. This situation also affects an indeterminate number of native communities that have not yet registered their land claims.
4. The IDB's consulting assignment to support preparation of the project "Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3),"¹¹ conducting the study on the target population and demand for the project located in zones prioritized for the titling of individual properties and native communities, makes it possible to deduce that PTRT3 planned to title individual rural properties for colonists on areas subject to land claims by Amazonian indigenous peoples.
5. The map shows alarming intentions to illegally superimpose the granting of new rights to new owners on indigenous lands with financing from PTRT3. Some cases that may be mentioned include:

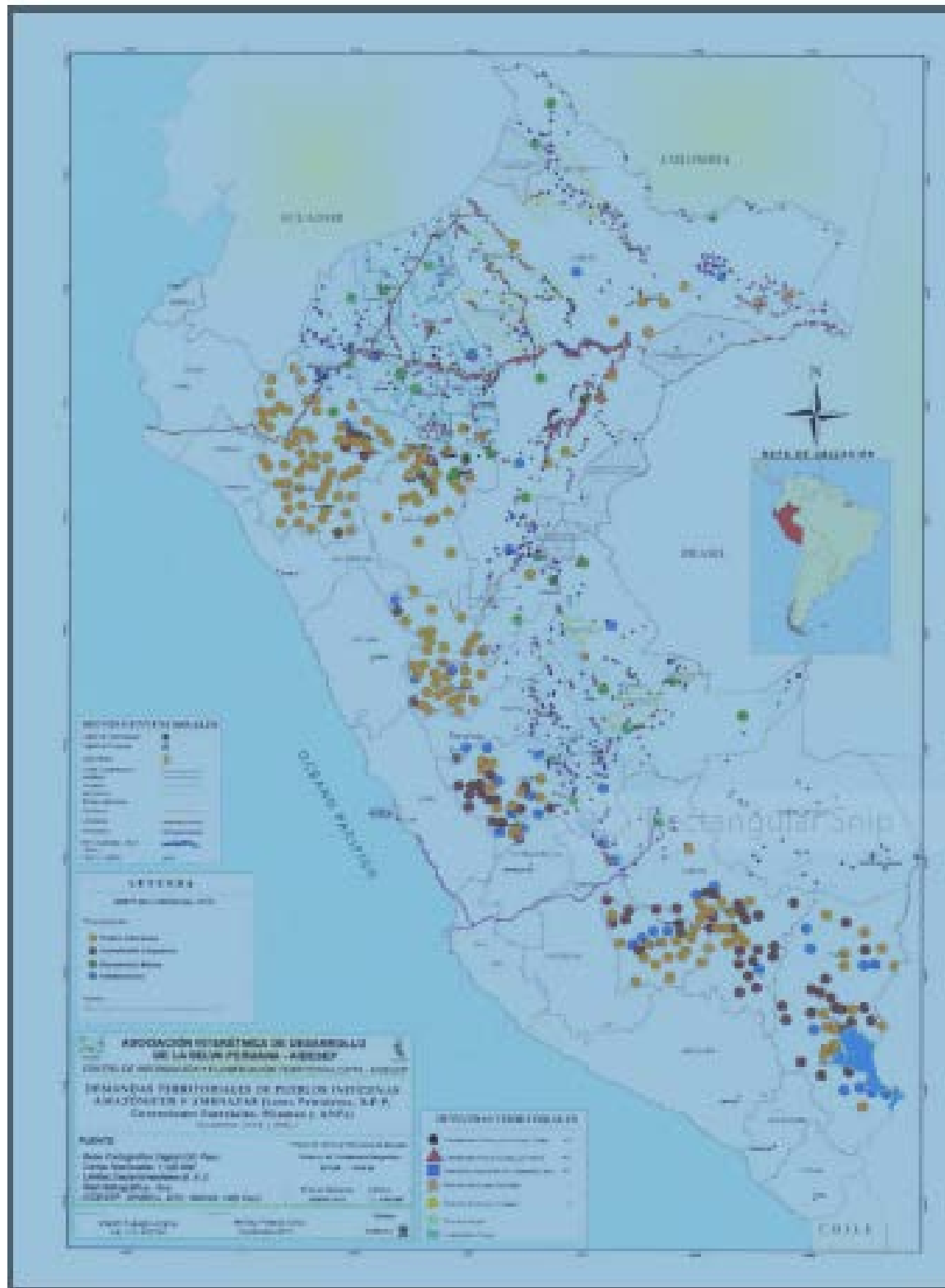
Land titling within the indigenous lands occupied and managed since ancestral times by the Kandoshi People in the Pastaza River basin.

Land titling within the indigenous lands occupied and managed since ancestral times by the Kukama Kukamiria people in the Marañón River basin.

Land titling within the indigenous lands occupied and managed since ancestral times by the Kichwa People of the Tigre River, among others.
6. Map 01: Target areas for individual land titling for colonists financed by PTRT3 superimposed on Amazonian indigenous peoples' lands.

¹⁰ Timetable of physical components of Project PTRT3. Item 5.2 of the record of Public Investment Project PTRT3. Ministry of Economy and Finance project database, code SNIP 26756 <http://ofi4.mef.gob.pe/bp/ConsultarPIP/frmConsultarPIP.asp?&accion=consultar&txtCodigo=26756>.

¹¹ IDB consulting to support preparation of the project "Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3)." Study of target population and project demand by consultant: Ricardo Adolfo Fort Meyer with the support of Mauricio Espinoza. 25 April 2014.



7. **MINAGRI** and the **IDB** have identified the possible negative impacts of **PTRT3** and the resulting infringement of Amazonian indigenous peoples' rights in the Environmental and Social Analysis (ESA), Environmental and Social Management Plan (ESMP), and other consulting documents prepared for the project's design. However, application of special measures enabling effective protection of the indigenous peoples' property and possession rights were not envisaged. These acts and omissions constitute a potential risk of impacts and violations of rights recognized at national and international levels, as we shall set out in more detail below:

VIOLATION OF THE RIGHT TO PROPERTY AND LAND

8. **PTRT3's ESMP** indicates as a factor in the occurrence of direct negative social impacts the condition of maintaining the problems found in the diagnostic assessment of the titling of campesino and native communities' lands¹² and identifies the following negative social impacts:

"Uncertainty as to land ownership. When plans showing title do not match reality uncertainty arises as to who owns the land. This situation is compounded if lands overlap one another.

Reduction of land areas. In cases where title is given without travelling the land and without proper reconnaissance of the land used and of the different uses given to it, or in which a number of hectares are allocated based on the current size of the population, the land area is reduced."

Obstacles to the registration of other titles. When a title leads to duplication on the register, and its plans do not match reality, the registration of other titles is halted due to the overlapping of areas and boundaries that may exist or because the documents describing the boundaries cannot be signed, as recognizing a badly registered plan would imply acceptance of a reduction in land area.¹³

DISPOSSESSION AND USURPATION OF INDIGENOUS TERRITORIES DUE TO THE INCREASE IN THE PRESSURE OF COLONISTS

9. Based on research studies, the **ESMP** projects the potential impact of the increased pressure of third parties on indigenous lands, stating that: *"the aspiration to own land may become another major factor mobilizing colonists, insofar as the expectation of titling is realized and the market value of rural and urban land rises, as has been happening over the last decade. In parallel with the increase in land values, the invasive occupation by formal or informal means continues in Peru—in some instances encouraged by the authorities—not only on lands*

¹² JGP consulting for the IDB "Diagnóstico y Propuesta de Procedimientos y Modelos de Formalización de Tierras de Comunidades Campesinas y Nativas" [Diagnostic Assessment and Proposal for Procedures and Models of Land Formalization of Campesino and Native Communities], April 2014.

¹³ Pages 68-69 of MINAG ESMP.

adjacent to the coastal cities, but in areas near urban zones in towns in the highlands and in the Amazon. Colonists and new occupants obtain insecure title and settle, with the expectation that one day they will be granted title anyway. In fact, the impact evaluation of PTTR2 finds a certain “positive relationship between titling and the capacity to generate more frequent and longer lasting temporary migration processes” (GRADE 2007), although the patterns of migration may be variable.¹⁴

10. On the subject of the execution of land titling projects, the IDB itself recommends that *“Indigenous lands should be titled first. On many occasions there has been harm to the security of indigenous lands when titling programs have attended to nonindigenous colonists first. It is therefore recommended that any Bank project including a land titling component should give priority to the demarcation and titling of indigenous areas before dealing with individual properties of nonindigenous elements. As a minimum condition, the Bank’s land titling projects covering areas used or claimed by indigenous peoples must always address this in the initial stages of project execution.”*¹⁵
11. In view of the financing of this colonizing incursion onto our lands without guarantees of land protection while the processes of delimitation, demarcation, and titling of our lands remain pending, we consider that PTTR3 would be responsible for promoting and financing the disposal of native communities by enabling the titling of indigenous lands to rural colonists with the resulting violation of our right to ownership and land.

DEGRADATION, DEFORESTATION, LOSS OF PRODUCTIVE CAPACITY OF INDIGENOUS LANDS, AND LOSS OF ECOSYSTEM SERVICES OF THE AMAZONIAN FOREST

12. In the ESMP the Ministry of Agriculture states that *“despite the fact that the rights of native communities predate those of the colonists, they are at risk of their territory being reduced by the influx of colonists into the Amazon whose main purpose is crop growing. This social problem also has an environmental dimension, as Peru’s regulatory framework does not consider the need to require land classifications from individual plot holders or campesino communities in the Amazon. The result is a **dual violation of the rights of native peoples**, one of a legal nature, recognizing the totality of their lands, and the other socioeconomic, as it increases the pressure on and/or predation of forests and other natural resources found there, and is jeopardizing the livelihoods of these peoples.”*¹⁶
13. The changes financed by PTTR3 in the traditional forms of land tenure in the Amazon, promoting titling by colonists, is incentivizing and accelerating changes in land use. The motivation to obtain land titles in

¹⁴ Page 56 of MINAG ESMP.

¹⁵ Page 82, Technical Report by the IDB’s Sustainable Development Department – Land titling and indigenous peoples. Roger Plant and Soren Hvalkof, page 82.

¹⁶ Page 149 of MINAG ESMP.

the Amazon will generate a wave of migration with possible consequences for the occupation of environmentally fragile areas protected by the control of indigenous peoples. PTRT3 also creates incentives for the subdivision of properties and the concentration of properties with the promotion of policies to encourage large oil palm estates.

14. In the ESMP the Ministry of Agriculture recognizes the serious impacts PTRT3 might have, which are, moreover, incompatible with the guidelines of the IDB's policy on indigenous peoples and inconsistent with national policies for zero net deforestation by 2021. Some of the potential impacts identified are:

Increased deforestation due to the potential increase in pressure of colonization on the forest, as titling creates incentives for migrants to arrive and occupy lands without secure tenure, with the expectation that they will be formalized and that they will acquire ownership one day. Forest regions are already suffering an increase in demographic pressure and have been attracting migration which is growing in proportion to the increase in road infrastructure and urban investments.

Concurrently, it could increase pressure for the overextraction of natural resources, particularly timber, to the extent that title may lead to unrestricted use of the property, whether private or communal. If intangible areas of environmental protection are not delimited, including river banks, ravines, wetlands, heads of river basins, hills and steep slopes and special habitats for flora and fauna, there is a risk that titled areas will be converted to farming uses. All this will contribute to deforestation.¹⁷

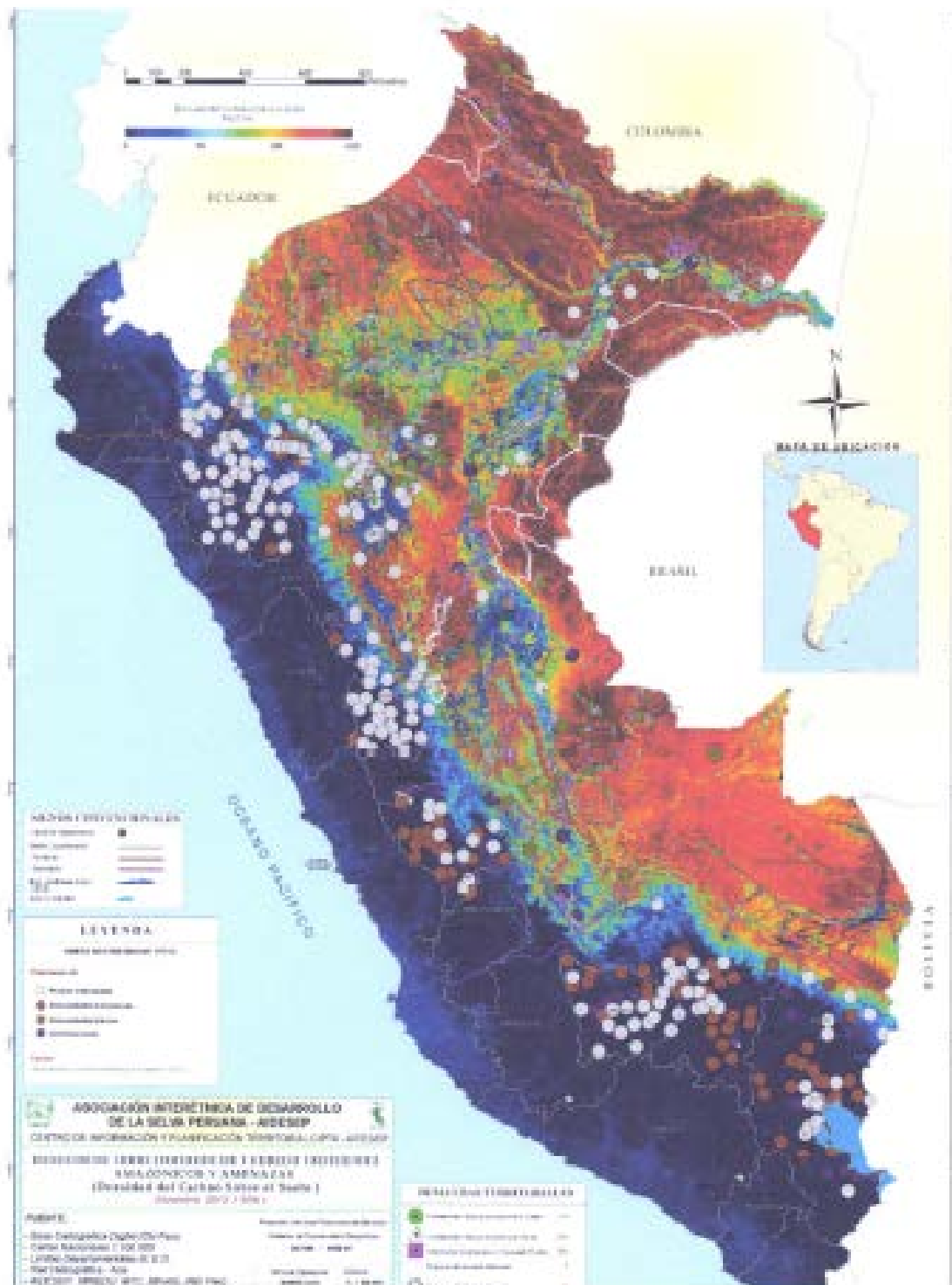
15. According to certain studies, ***the effects of deforestation in native communities' lands*** may arise four to six years after titling, as appears to have happened with the titling of native communities in the Peruvian Amazon over the last 15 years. ***During this period the rate of deforestation has not slowed, but by contrast appears to have accelerated by 40% to 60%.***¹⁸ A contributing factor is the effect of titling properties in deforested areas to be farmed by individual campesinos who subsequently seek ownership. In some cases they may seek the approval of the native communities who may allow the use of land through some or other mechanism (sale, lease, or shared profits). Moreover, few native communities have transfer contracts in use, given the difficulties involved in completing this procedure with the DGFFS, as this function has not been fully transferred to regional governments. This situation favors the colonists and timber traders, who sometimes make informal agreements with communities to access the forest, while the lack of resources makes it difficult to monitor and control these activities.

¹⁷ Pages 71 and 72 of MINAG ESMP.

¹⁸ Allen Blackman, Greg Asner, Erivelthon Santos, "Does Land Titling Stem Forest Cover Change? Native Communities in the Peruvian Amazon", Draft: February 2013.

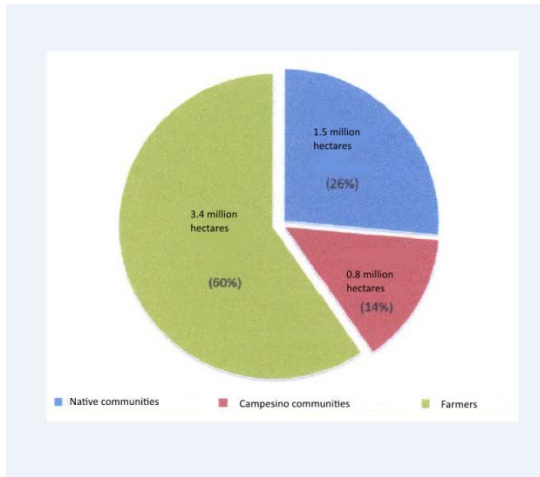
16. As medium and long-term impacts, PTRT3's Environmental Management Plan has identified that: *"The titling of rural properties may also drive the trend towards intensive and extensive farming, replacing communities' traditional rotation and subsistence farming, with consequences for deforestation. Some assessments attribute 80% of deforestation in the jungle to the expansion of the agricultural frontier, which should not lead to an underestimation of the impact of timber extraction. In conjunction with this is over-farming and over-grazing, which impoverish the soil and facilitate inappropriate drainage of irrigation water, encouraging phenomena of desertification observable in various forest margin areas. **One of the negative technological impacts observed in PTRT2 was the expansion of the use of agricultural chemicals, which can have an even greater impact in jungle areas, due to the fragility of the high and low jungle ecosystems.**"*
17. Considering that the forest is indigenous peoples' habitat, deforestation and the use of agricultural chemicals on their lands or adjacent areas are lifestyle changes that have the potential to directly affect indigenous peoples' health. In this regard, the obligation of the State and the IDB's operational policies should consider adopting the special measures necessary to safeguard persons, institutions, property, work, cultures, and the environment of the peoples concerned.¹⁹ However, the implementation of PTRT3 clearly demonstrates the breaches and violations of ILO Convention 169 by the Ministry of Agriculture and the breach of the safeguards policy.
18. Map 02, drawn up by AIDSESEP, shows the superimposition of land titling on the layer of carbon stocks in the Amazon, clearly showing how the priority areas for individual rural titling in project PTRT3, as well as being located on indigenous lands, are superimposed on areas with a high carbon stock and fragile ecosystems, such as the Ramsar wetlands in the Loreto region.
19. Map 02: Superimposition of titles to individual properties financed by PTRT3 on indigenous lands with a large carbon stock.

¹⁹ Article 4(1) ILO Convention 169



DISCRIMINATION AGAINST VULNERABLE INDIGENOUS POPULATIONS BY DENYING THEM
CONDITIONS EQUIVALENT TO THOSE ENJOYED BY OTHER POPULATION SEGMENTS UNDER
NATIONAL AGRICULTURAL PROGRAMS

20. The signatory States to Convention 169 have made a commitment that National agrarian programs shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population. Nevertheless, comparing the indicator of



hectares of rural properties titled, native and campesino communities, it is clear that **the intervention lacks balance** because 60% of the hectares titled by project PTRT3 (3.4 million hectares) will give new rights to colonists through the titling of rural properties. Meanwhile, only 26.3% of the area will be titled to Amazonian communities, despite the fact that PTRT1 and PTRT2 did not cater to land claims from Amazonian indigenous peoples, i.e. for every hectare awarded to indigenous communities 2.3 were awarded to colonists.

Source of figure: MINAG.²⁰

| Indicator of hectares of land secured | | |
|---------------------------------------|------------------|-------|
| Scope of titling | Million hectares | % |
| Farmers | 3.4 | 59.7% |
| Campesino communities | 0.8 | 14.0% |
| Native communities | 1.5 | 26.3% |
| Total | 5.7 | 100% |

21. If we make the same comparison in terms of the project's available budget, it can be verified that the activities of cartography and large-scale integrated cadastre sweep campaigns with the titling and registration of rural properties involve 53.49% of the budget compared with 5.56%²¹ of the budget earmarked for the titling of native communities. These differences between population sectors and models of ownership promoted by PTRT3 are accentuated when we consider that in the case of titling native communities, the intention is only to title communities that are in the process of recognition and/or titling, leaving without opportunity all those communities lacking the resources to register their land claim at regional MINAGRI offices. However, for rural populations' model of land ownership, financing for integrated cadastre, titling, and land registration sweeps is provided. PTRT3 therefore widens the gap excluding indigenous peoples from access to rights to their lands.

²⁰ Report on presentation of Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3), MINAGRI, INIA, 5 September 2014.

²¹ Investment timetable according to PTRT3 components Item 5.1, PTRT3 public investment project record. Ministry of Economy and Finance project database, code SNIP 26756. <http://ofi4.mef.gob.pe/bp/ConsultarPIP/frmConsultarPIP.asp?&accion=consultar&txtCodigo=26756>.

22. The IDB's consulting support for preparation of the project "Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3)"²² conducted the study on the target population and project demand for native communities, based on agricultural reform principles justifying the exclusion of indigenous peoples and maintaining indigenous lands in a state of informality. In this regard, the consulting project makes the financing of PTRT3 for the titling of native communities contingent on fulfillment of the following criteria, some of which might even be considered discretionary:

- Only native communities have to have recognition.
- Only native communities with more than 233 hectares of land.
- Only native communities that do not report land conflicts.
- Only native communities engaged in communal productive activities.

23. The native communities that can benefit from PTRT3 are therefore significantly curtailed compared to the individual properties that can obtain financing for recognition, titling, and registration.

24. Table prepared based on the study of target population and project demand by consultant: Ricardo Adolfo Fort Meyer with the support of Mauricio Espinoza to support the preparation of Project PTRT3 on 25 April 2014.

| Department | Individual properties | | Native Communities |
|-------------------|-----------------------|---------------|--------------------|
| | Districts | Plots | Criterion 1 to 4 |
| PUNO | 30 | 174,746 | 0 |
| CAJAMARCA | 56 | 97,262 | 0 |
| HUANUCO | 44 | 59,253 | 0 |
| HUANCAVELICA | 53 | 53,936 | 0 |
| AYACUCHO | 40 | 47,716 | 0 |
| LA LIBERTAD | 27 | 44,427 | 0 |
| PIURA | 8 | 32,332 | 0 |
| CUSCO | 23 | 30,332 | 3 |
| SAN MARTIN | 28 | 26,501 | 5 |
| APURIMAC | 25 | 23,275 | 0 |
| JUNIN | 23 | 23,100 | 9 |
| LORETO | 21 | 17,933 | 38 |
| AMAZONAS | 21 | 16,484 | 9 |
| ANCASH | 16 | 16,359 | 0 |
| PASCO | 12 | 12,541 | 0 |
| AREQUIPA | 10 | 10,721 | 0 |
| LIMA | 12 | 5,132 | 0 |
| TACNA | 2 | 1,993 | 0 |
| LAMBAYEQUE | 1 | 1,043 | 0 |
| UCAYALI | 3 | 1,006 | 14 |

²² IDB consulting support for preparation of the project "Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase (PTRT3). "Study of target population and project demand" by consultant: Ricardo Adolfo Fort Meyer with the support of Mauricio Espinoza. 25 April 2014.

| | | | |
|---------------|-----|---------|----|
| ICA | 2 | 651 | 0 |
| MADRE DE DIOS | 0 | 0 | 6 |
| MOQUEGUA | 0 | 0 | 0 |
| Total | 457 | 696,743 | 84 |

IV. PRIOR NOTIFICATION OF MANAGEMENT

25. The indigenous peoples have made our complaints known to the Management of the IDB and MINAGRI as the executing agency on various occasions. A timetable of the meetings, communications, and demonstrations held is given below.
26. On 4 June 2008 AIDSEP and various other Peruvian indigenous and campesino organizations staged a protest in front of the premises of the IDB,²³ presenting a petition to the IDB,²⁴ requesting that it refrain from financing the Government of Peru for PTRT3, as it undermined the rights of indigenous communities and was a catalyst for legislative decrees 1015 and draft bill 1770 and 1900,²⁵ that some months later caused regrettable events in Bagua.
27. On 24 July 2014 AIDSEP sent a brief²⁶ to the IDB's representatives, PCM, MINAGRI, MINAM, MINCU, and the World Bank, in which it requested their intervention for PTRT3 to address the nine components of the demand for land consolidation and security of tenure for indigenous peoples over 20 million hectares. The brief also asked for the Commission of Andean, Amazonian, Afro Peruvian peoples, Environment and Ecology of the Congress of the Republic to open an investigation into PTRT3 and the breach of indigenous Amazonian peoples' land claims.
28. On 4 September 2014 AIDSEP published a notice²⁷ in the national press demanding solutions and actions to resolve the problem of the omission of the titling of indigenous peoples. It denounced PTRT3 and proposed the following:
- PTRT3's US\$50 million to title 1,124 Amazonian communities and not just 16% of them (190). To stop wasting money on consulting and studies finding more of the same.
 - To stop the disaster of 700,000 more colonists in the Amazon with the backing of PTRT3, IDB, and MINAGRI. To stop the lie of calling subdivision into plots "community titling."
 - A complaint to the IDB's ICIM on account of the inconsistencies of PTRT3. To try to correct it, and if not, better to cancel it if it continues to encourage colonization.
29. On 5 September 2014, MINAGRI invited AIDSEP to the presentation of the Rural Land Cadastre, Titling, and Registration Project in Peru – Third Phase at the offices of INIA. In this connection, AIDSEP stated that PTRT3 is a project with the potential to violate the rights of indigenous peoples and that it should be subject to prior

²³ <http://servindi.org/actualidad/4137>.

²⁴ <http://redunitas.org/boletin/junio/04pronunciamientocontra1015.php>.

²⁵ These decrees sought to legalize the despoliation and privation of indigenous lands to create large estates.

²⁶ https://ia902300.us.archive.org/20/items/AIDSEPMemorial24.07.14/AIDSEP_Memorial24.07.14.pdf.

²⁷ http://www.aidesep.org.pe/wp-content/uploads/2014/09/SKMBT_C45014091302241.jpg.

consultation. Moreover, the titling of all indigenous land claims should be considered and the granting of individual properties postponed until the titling of indigenous lands had been completed in order to avoid conflicts from the overlapping of rights. These recommendations were partially set down in the document reporting on the meeting. However, MINAGRI did not respond to the proposed measures and/or offer alternative solutions to avoid the violations of the territorial rights of indigenous peoples on which AIDSESEP had made its statement.

30. On 2 October 2014, AIDSESEP held a meeting with the Management of the Bank on the IDB's premises. At this meeting AIDSESEP proposed the following: (a) titling the 1,164 remaining communities; (b) postponing titling of colonists until the third year of the project, while security of tenure is given to the Amazonian communities; (c) holding the prior consultation before implementing PTRT3. In this connection the IDB's response was to facilitate a future high-level meeting with MINAGRI to reach an agreement. The IDB did not arrange this meeting.
31. On 10 December 2014, AIDSESEP published a notice²⁸ in a broadly circulated media outlet in which it called for the assumption of emergency climate solutions, stating the following as regards PTRT3: *"b) cancellation of the project PTRT3 (US\$50 million, MINAGRI, IDB) if they insist on destroying the Amazon with 730,000 colonists; or its reorientation to solve the historical indigenous land debt that costs 60% of this project (US\$30 million)."*
32. On 26 January 2015, at a meeting with the deputy minister for Agriculture and Agricultural Policy, AIDSESEP warned that PTRT3: *"destabilizes the historical land claims of indigenous peoples, which total 20 million hectares."* The Ministry of Agriculture's response was to state its intention to recommend that PTRT3 begin with the titling of the native communities.²⁹ There is to date no official document guaranteeing that titling will begin with the native communities.
33. On 28 January 2015, AIDSESEP presented a document requesting a prior consultation before execution of the "Rural Land Cadastre, Titling, and Registration Project in Peru" (PTRT3) to the Ministry of Agriculture, the Ministry of Culture, and the Ombudsman.³⁰ On 25 February, MINAGRI, through Official letter 303-2015-MINAGRI/SG denied the request for consultation, alleging that AIDSESEP had presented its request for a consultation after the deadline established by Article 7.5 of Deputy Ministerial Resolution 010-2013-VMI-MC, which establishes that "The written request for a consultation must be submitted within 15 calendar days after the publication of the proposed measure in the Peruvian Official Journal." In this way MINAGRI failed to comply with the obligation to uphold the right to a consultation.
34. On 25 February 2015, AIDSESEP and the IDB reviewed PTRT3 to avoid infringing indigenous lands.³¹ The IDB's responses included the alternative of additional financing of US\$16 million, which would be used in full to title the 1,166 pending Amazonian indigenous communities. The decision on this alternative should be made by MINAGRI. The IDB agreed to arrange a three-party high-level meeting to address

²⁸ <http://www.aidesep.org.pe/pueblos-indigenas-exigen-solucion-climatica-en-esta-cop20/>.

²⁹ <http://www.aidesep.org.pe/proyecto-ptrt3-destruira-los-bosques-y-generara-conflictos-sociales-de-ejecutarse-sin-consulta/>.

³⁰ <http://www.aidesep.org.pe/aidesep-envia-documento-al-minagri-solicitando-consulta-previa-antes-de-iniciar-el-proyecto-ptrt3/>.

³¹ <http://www.aidesep.org.pe/aidesep-y-bid-revisan-ptrt3-para-no-vulnerar-territorios-indigenas/>.

solutions to the problems of PTRT3. However, once again, this meeting did not take place.

35. In April 2015, a meeting between AIDSESEP-SERFOR-PCM-IDB was held to address the problems of PTRT3. AIDSESEP stressed that the Amazonian communities should be titled first and only afterwards should titles be given on individual properties. No answer was given to AIDSESEP's requests at this meeting.
36. On 22 April 2015, AIDSESEP's Expanded Coordination Council sanctioned indigenous resolution 3³² referring to PTRT3, which was sent to IDB and MINAGRI, demanding the rectification of PTRT3 or, failing that, its cancellation.³³
37. On 29 April, the Ministry of Agriculture and the organizations AIDSESEP and CONAP resumed coordination activities³⁴ for the titling of indigenous communities and improvement of the "Rural Land Cadastre, Titling, and Registration Project (PTRT3)," which promotes the titling of these communities. MINAGRI undertook to make an effort to identify native communities, increase the number of native communities to be titled to 403 by means of **rectification of the SNIP form (Format 16)**, limiting to 70,000 the individual properties that would be titled in the Amazon, and to start a process of titling for native communities. AIDSESEP stated its intention not to resort to the ICIM if all the parties complied with the agreements expressed. More than three months after this meeting, the SNIP has not been presented, and there are no formal agreements in place guaranteeing that the individual properties to be titled do not result in overlapping on indigenous peoples' communal lands. After consultation with regional organizations, the need for fulfillment of the entirety of the indigenous territorial debt with PTRT3 before the granting of individual properties in the Amazon has been ratified.
38. On Friday, 29 May 2015, AIDSESEP and various regional groups held a meeting with MINAGRI to discuss the agenda for rectification of PTRT3 and AIDSESEP's position regarding the project. After regional and national leaders stated the need to rectify PTRT3 to avoid rights infringements, MINAGRI agreed to facilitate a meeting between the various indigenous organizations in order to update the information on indigenous land claims and reach feasible agreements enabling the risks entailed by PTRT3 to be overcome. This technical working meeting did not take place either.
39. On 15 July 2015, the AIDSESEP-CODEPISAM regional organization arrived in Lima to hold a meeting with the Deputy Minister for Agriculture, at which it requested that PTRT3 finance the land claims of communities in the Department of San Martín. Despite having coordinated AIDSESEP's participation in this meeting, MINAGRI officials refused to allow AIDSESEP's technical team into the meeting. CODEPISAM reported that it did not obtain satisfactory answers from MINAGRI at this meeting.
40. Over five months have passed since 25 February with no reply from the IDB's Management. Indeed, the Bank's officials have not yet sent our organization any documentation offering answers or alternatives to our demands, or that give signs of the will to **comply with the Bank's operational policies**. Nor have they facilitated the

³² RESOLUTION 03: RECTIFICATION OF PTRT3 OR, IF NOT, ITS CANCELLATION
<https://www.dropbox.com/s/o3mv10cvc1734a1/RESOL03.pdf?dl=0>.

³³ <http://www.aidesep.org.pe/aidesep-presenta-resoluciones-indigenas-respecto-a-las-penas-que-los-involucran/>.

³⁴ <http://www.andina.com.pe/agencia/noticia-evaluan-medidas-sobre-politica-titulacion-comunidades-indigenas-554096.aspx>.

opening up of high-level dialogue to find viable alternatives ensuring that indigenous people's rights are respected through the recognition and titling of their lands, or that allow the execution of PTRT3 while respecting the rights of indigenous peoples.

V. PETITION

41. On the basis of the foregoing, the indigenous peoples, through their representative organizations, ask the interim director, and through her intermediation, whoever it may concern in the ICIM, to begin a consultation and compliance review phase process.
42. Accept this request as submitted in due time and form by the indigenous organizations listed in Section I hereof.
43. For all purposes of this procedure with the ICIM, take as present the representatives appointed by the communities, as listed in Section I hereof.
44. Have the necessary administrative acts immediately adopted for prompt determination of the eligibility of this request in the consultation and compliance review phase.
45. Determine, in a timely manner, the breach of the operational policies mentioned in section II, and as a result thereof, determine the risks of social and environmental harm, and categorize the possible rights violations.
46. Urge the halting of all disbursements by the IDB to MINAGRI until the relevance of this request has been determined.
47. We ask that the ICIM respond to our Request.

With nothing further, I would like take this opportunity to express our highest consideration and esteem.

| | | |
|----------------------------|--|-------------|
| Henderson Rengifo Hualinga | President of AIDESEP, Achuar People | [Signature] |
| Jamner Manihuari Curitima | Vice President of AIDESEP, Kukama Kukamiria People | [Signature] |
| Bernabe Impi Ismiño | Secretary of AIDESEP, Awajun People | [Signature] |
| Sedequias Ancon Chavez | Treasurer of AIDESEP, Shipibo People | [Signature] |
| Esther Diquez Rojas | Representative I of AIDESEP, Asháninka People | [Signature] |
| Nery Zapata Fasabi | Representative II of AIDESEP, Yine People | [Signature] |
| Edwin Montenegro Dávila | President of ORPIAN-P, Regional Organization of the Indigenous Peoples of the Northern Peruvian Amazon | [Signature] |
| Lizardo Cauper Pezo | President of ORAU, AIDESEP Ucayali Regional Organization | [Signature] |
| Jaime Tapullima Pashanase | Vice President of CODEPISAM, Coordinator for Development and Defense of the Indigenous Peoples of the San Martin Region | [Signature] |
| José Alberto Kaibi Omenki | Vice President of COMARU Machiguenga Council of Urubamba River | [Signature] |

| | | |
|-------------------------|---|-------------|
| Jorge Perez Rubio | President of ORNO, Regional Organization of the Eastern Indigenous Peoples | [Signature] |
| Edwin José Jumanga Ruiz | Vice President of CORPIAA, Regional Coordinator of Indigenous Peoples AIDSEP Atalaya | [Signature] |
| Hector Martin Manchi | Deputy Coordinator of ARPI-SC, Regional Association of Indigenous Peoples of the Central Jungle | [Signature] |
| Yolo Navarro Vasquez | President of CORPI-SL, Regional Coordinator of Indigenous Peoples of San Lorenzo | [Signature] |
| Klaus Quicque Bolívar | President of FENAMAD Native Federation of Madre de Dios River and Tributaries | [Signature] |



AIDSESEP

ARPI

CENTRAL JUNGLE

CONAVAN-SAT
FECONABAP
CECONSEC
KANUJA
ODPK
OCAR
ANAP
CARE
OARA
UNAY

CORPI

SAN LORENZO

CHAPI SHIWAG
FECONACADIP
FEDECOCHASI
FECONACHA
FECONADIC
FEDECOCA
OPINUPAN
FECONAJE
FEDIQUEP
OSHDEM
ONAPAA
FESHAM
FECIDIB
ORACH
OKAN
ATI

FENAMAD

COHAR MIMA
COINBAMAD

ORPIO (ORAI)

ACODECOSPAT
FECONAFROPU
FECONAMCUA
FECONARINA
FECONACO
FECOTYBA
ORKIWAN
FECONAT
FEPYROA
AIDECOS
CURCHA
ADECOP
FECONA
OISPE

ORAU

ACONADIYSH
ACONAMAC
FECONADIP
FECONAPIA
FECONAPU
FECONBU
FECONAU
FECONAY
ORDIM
OAGP

CODEPISAM

FEPIKRESAM
FERISHAM
ORDISAM
CEPQA

ORPIAN-P

ODECOFROC
ORFAC
ORASI
CAH

CORPIAA

ORDECONADIT

ASOCIACION INTERETNICA DE DESARROLLO DE LA SELVA PERUANA

LETTER OF ACCREDITATION

The Organizations **ORPIO**-Organización Regional de los Pueblos Indígenas del Oriente [Regional Organization of the Eastern Indigenous Peoples]; **CORPI SL**-Coordinadora Regional de los Pueblos Indígenas de San Lorenzo [Regional Coordinator for the Indigenous Peoples of San Lorenzo]; **ORAU**-Organización Regional AIDSESEP Ucayali [AIDSESEP Ucayali Regional Organization]; **ORPIAN-P**, Organización Regional de Pueblos Indígenas de la Amazonía Norte [Regional Organization of the Indigenous Peoples of the Northern Amazon]; **CODEPISAM**-Consejo de Desarrollo de los Pueblos Indígenas de la región San Martín [Council for the Development of the Indigenous Peoples of the San Martín region]; **ARPI SC**-Asociación Regional de Pueblos Indígenas de la Selva Central [Regional Association of Indigenous Peoples of the Central Jungle]; **CORPIAA**-Coordinadora Regional de los Pueblos Indígenas de AIDSESEP Atalaya [AIDSESEP Atalaya Regional Coordinator of Indigenous Peoples]; **COMARU**-Consejo Machiguenga del Río Urubamba [Urubamba River Machiguenga Council]; **FENAMAD**-Federación Nativa de Madre de Dios-[Madre de Dios Native Federation]; regional representatives of the local organizations of the indigenous peoples that will be affected by the "Special Land Register and Titling Project PTRT3" (**PTRT3**) and requesters before the Independent Consultation and Investigation Mechanism (ICIM) in respect of the request for consultation and compliance review process regarding the Special Land Register and Titling Project PTRT3 (PE-L1026) have appointed Mr. Henderson Rengifo Hualinga, President of the Asociación Interétnica de Desarrollo de la Selva Peruana [Interethnic Association for the Development of the Peruvian Jungle] (AIDSESEP) as their representative to the Independent Consultation and Investigation Mechanism of the Inter-American Development Bank.

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**DIRECT
MEMBERS**
COMARU

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|---------------------------|---|-------------|
| Jamner Manihuari Curitima | Vice President of AIDSESEP, Kukama Kukamiria People, ----- | [Signature] |
| Bernabe Impi Ismiño | Secretary of AIDSESEP, Awajun People | [Signature] |
| Sedequias Ancon Chavez | Treasurer of AIDSESEP, Shipibo People | [Signature] |
| Esther Diquez Rojas | Representative I of AIDSESEP, Asháninka People | [Signature] |
| Nery Zapata Fasabi | Representative II of AIDSESEP, Yine People | [Signature] |
| Edwin Montenegro Dávila | President of ORPIAN-P, Regional Organization of the Indigenous Peoples of the Northern Peruvian Amazon | [Signature] |
| Lizardo Cauper Pezo | President of ORAU, AIDSESEP Ucayali Regional Organization | [Signature] |
| Jaime Tapullima Pashanase | Vice President of CODEPISAM, Coordinator for Development and Defense of the Indigenous Peoples of the San Martin Region | [Signature] |
| José Alberto Kaibi Omenki | Vice President of COMARU Machiguenga Council of Urubamba River | [Signature] |
| Jorge Perez Rubio | President of ORPIO, Regional Organization of the Eastern Indigenous Peoples | [Signature] |
| Edwin José Jurnanga Ruiz | Vice President of CORPIAA, Regional Coordinator of Indigenous Peoples AIDSESEP Atalaya | [Signature] |
| Hector Martin Manchi | Deputy Coordinator of ARPI- SC, Regional Association of Indigenous Peoples of the Central Jungle | [Signature] |
| Yolo Navarro Vasquez | President of CORPI-SL, Regional Coordinator of Indigenous Peoples of San Lorenzo | [Signature] |
| Klaus Quicque Bolívar | President of FENAMAD Native Federation of Madre de Dios River and Tributaries | [Signature] |



AIDSEP

ASOCIACION INTERETNICA DE DESARROLLO DE LA SELVA PERUANA

Letter 210-20 15—AIDSEP

Lima, 1 September 2015

ARPI CENTRAL JUNGLE

CONAVAN-SAT
FECONABAP
CECONSEC
KANUJA
ODPK
OCAR
ANAP
CARE
OARA
UNAY

CORPI

SAN LORENZO

CHAPI SHIWAG
FECONACADIP
FEDECOCHASI
FECONACHA
FECONADIC
FEDECOCA
OPINUPAN
FECONAJE
FEDIQUEP
OSHDEM
ONAPAA
FESHAM
FECIDIB
ORACH
OKAN
ATI

FENAMAD

COHAR MIMA
COINBAMAD

ORPIO (ORAI)

ACODECOSPAT
FECONAFROPU
FECONAMCUA
FECONARINA
FECONACO
FECOTYBA
ORKIWAN
FECONAT
FEPYROA
AIDECOS
CURCHA
ADECOP
FECONA
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ORAU

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FECONAU
FECONAY
ORDIM
OAGP

CODEPISAM

FEPKRESAM
FERISHAM
ORDISAM
CEPQA

ORPIAN-P

ODECOFROC
ORFAC
ORASI
CAH

CORPIAA

ORDECONADIT

Ms. Victoria Marquez
Director of the ICIM

Please find herewith the information requested regarding the name, address, and other contact details of the requesters.

| Organization | Representative and title | Address and contact details (telephone and e-mail) |
|--------------|---|---|
| ORPIAN-P | Edwin Montenegro Dávila, President | [REDACTED] |
| ORAU | Lizardo Cauper Pezo, President | [REDACTED] |
| CODEPISAM | Jaime Tapullima Pashanase, Vice President | [REDACTED] |
| COMARU | José Alberto Kaibi Omenki, Vice President | [REDACTED] |
| ORPIO | Jorge Perez Rubio, President | [REDACTED] |
| CORPIAA | Edwin José Jumanga Ruiz, Vice President | [REDACTED] |
| ARPI-SC | Hector Martin Manchi, Deputy Coordinator | [REDACTED] |
| CORPI-SL | Yolo Navarro Vasquez, Vice President | [REDACTED] |
| FENAMAD | Klaus Quicque Bolivar, President | [REDACTED] |

We are grateful to the IDB's ICIM for their being willing to meet with us during our visit to Washington. We will write soon to Rebeca García to finalize the details of the date and time of the meeting.

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FARU
FABU

**DIRECT
MEMBERS**

COMARU

Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely,

[Signature]

Henderson Rengifo Hualinga
President of AIDSESP