



THE NEW PERUVIAN CONSTITUTION AND INDIGENOUS COMMUNITIES

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Government policy under successive Peruvian administrations has consistently denied Indigenous communities the right to participate in the political processes governing their lives and their environment. In Peru, like its neighboring states, the Amazonas has perennially stood as the cushion for external problems and it, as well as the Indigenous peoples that inhabit the forest, have traditionally been subordinate to and utilized by outside interests. The politics of intervention practiced by previous administrations have been taken a step further by the Fujimori regime as reflected in his proposed Constitution for Peru.

While the declarations of ethnic pluralism and the recognition of the right to Indigenous identity in the draft version of the new Constitution superficially represent progressive changes, their character is for the most part symbolic and offset by the more concrete terms applied to Indigenous territories. The principal changes are summarized in the following points:

A) Indigenous land holdings which have been protected under constitutional law since 1933, are to be declared open to land markets. This modification, coupled with the lack of access of Indigenous peoples to civil justice, government corruption, and the twelve years of persecution and displacement of Amazonian

peoples by the installation of terrorism in the region, could escalate the violence that already exists.

B) Under the new text, Indigenous lands are subject to seizure. This measure, proposed to facilitate access to credit, puts at risk communities that might be persuaded to follow the government's promotional campaigns and



seek credits offering their land as collateral. C) Most importantly, Indigenous lands classified as abandoned can be taken over by the state and sold to individual investors. This point is of grave consequence since the classification is carried out by government functionaries working under questionable assumptions: After two years without cultivation, lands are declared abandoned. This criterion undermines the swidden/fallow (slash and burn) agricultural practices of many commu-

nities which make use of long rotation cycles. Under these systems, the forest is left to rest for years before it is once again cultivated. Under the new Constitution, fallows are erroneously considered abandoned lands.

D) The criteria applied to the demarcation of lands represents another threat to the territorial integrity of Indigenous peoples. By dividing communal land holdings into independent agricultural plots, the communities will become extremely vulnerable.

With this constitutional project, the edifice of the once pioneer Indigenous legislation of Peru is in danger of crumbling. Coupled with the promotion of agrarian investment in the Amazon region, the privatization and alienation of indigenous territories represent a detrimental blow to the Indigenous peoples of Peru. Under the Fujimori regime, we are not taken into account, or at least not as different peoples. The forest's communities and their economic, cultural and social practices are at best, considered an obstacle to the government's development priorities for the rainforest. The purpose seems clear: To impose on Amazonian and other original communities an agrarian vision along with the extractive one that has, in the last few years, devoured more than 10 million hectares.

Source: AIDSEP