



## **Alto Tamaya – Saweto Indigenous Community**

### **A summary of illegal logging, land titling and violence in the Peruvian Amazon**

According to the official report prepared by the Ucayali regional government's Agriculture Office (DRSAU) in 2013<sup>1</sup>, the Ashéninka Indigenous Community of Alto Tamaya - Saweto (henceforth, "Saweto") began its efforts to gain legal recognition of their homelands in 2002. Since then, the community has delivered hundreds of formal letters, requests, reports and complaints to the regional and national authorities to protect their forests and people while recognizing their land rights. Unfortunately, the government ignored their pleas and in September 2014, four of Ashéninka leaders, two from Saweto, were murdered by illegal loggers while walking in the forest along the Peru – Brazil border.

A result of intense international pressure resulting from the murders, in December the Peru government passed a resolution to title nearly 80,000 hectares for Saweto. Authorities from Lima have promised to travel by helicopter to Saweto in early February to present the title to the community.

This document is mean to serve as a brief synopsis of the history of Saweto and its efforts for human rights and land recognition over the last 12 years. Research of technical reports, government resolutions, interviews, and other document provide a summary of issues related to Saweto, particularly illegal logging, struggle for land title, and the collaborative efforts of Brazilian and Peruvian Ashéninka to protect the forests and traditional communities along the remote Amazonian borderlands.

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<sup>1</sup> Dirección Regional Sectorial Agricultura Ucayali. Informe No. 0018-2013-GRu-P-DRSAU-DSFL-CC.NN./MADP. Ucayali, 03 de abril del 2013.

## **History of Saweto**

Research indicates that the parents and grandparents of the current Ashéninka were forcibly taken during the rubber boom to the forests of the Peru – Brazil borderlands that they currently occupy. Therefore, borderland communities like Saweto on the Tamaya River trace their arrival in the region to the 1940s. When the rubber boom ended, the Ashéninkas stayed in the region and developed permanent communities. Those living on the Tamaya have close relationships with relatives across the border in Brazil, particularly with the Ashéninka inhabiting the Indígena Kampa do Rio Amônia indigenous lands. During the socioeconomic study conducted by DRSAU as part of Saweto's land titling process, a villager from Saweto explained:

*"I came to my community with my son, he was three or five years old, I do not remember very well and my other siblings were younger. We have come from the Sheshea River. I came with my mother because we were fleeing the raids. Here my father died. He told me that my uncle, his brother, got shot with a shotgun. We came here more than fifty years ago."*

Historically, the Ashéninka of the Tamaya lived in a dispersed way. However, the need to protect its territory against the constant threat of illegal logging in the late twentieth century and early twenty-first century led them to join together into centralized communities. Once organized, they began their struggle for legal recognition of their communal lands, protection of their forests from loggers and drug traffickers, better education and health services, and protection from dangerous outsiders.

## **Titling in Peruvian Law**

Peruvian law recognizes the legal rights and status of its native communities (Article 7 of Legislative Decree No. 22175). Additionally, Convention 169 of the International Labor Organization, ratified by the Peruvian Congress in 1993, contains a number of economic, social, territorial, and cultural rights of indigenous groups. The Peruvian government "guarantees the integrity of land property of these communities" (Article 10 of DL 22175) and is obligated to demarcate community lands and deliver title. For the demarcation of the territories, the government must take into account those lands the inhabitants use for agriculture, collecting forest resources, hunting and fishing. Therefore, the state must title the communal territories in its entirety, including not only the areas of habitation, but also surrounding areas used for subsistence activities (Article 10 of DL 22175).

## **Land Recognition and Titling**

This section is based on Ucayali's titling agency, DRSAU's, Socioeconomic and Population Report of the Native Community Alto Tamaya - Saweto (No. 0018-2013-GRU-P-DRSAU-DSFL-NPP / MADP) published on April 3, 2013. Saweto's titling efforts began on July 16, 2002 when

community leaders asked the Ucayali regional government to begin the process of recognizing and titling their lands. At that time, the community had 118 inhabitants and Saweto leaders applied for legal recognition from both the regional and provincial governments. On April 3, 2003 Saweto was formally recognized as a native community<sup>2</sup>; however the actual titling process ended when the government illegally created and activated two forestry concessions overlapping with Saweto's lands. Community leaders worked tirelessly to prove their legal rights to the lands and justification for cancelling the concessions. However, the agency in charge of titling in 2003, the Legal Restructuring of the Special Project for Rural Land Titling (PETT), claimed it did not have the budget or staff to continue working on Saweto's title request.

Between 2003 and 2013, Saweto repeatedly traveled the several days from the community to the city of Pucallpa to push for legal recognition of their territory by meeting with the following government agencies to: the Regional Government of Ucayali, Ucayali's Agency of Agriculture, Peru's Ministry of Agriculture, the Executive Director of Forestry and Wildlife of Ucayali (DEFFSU), the Agency for Supervision of Forest Resources and Wildlife (OSINFOR), the National Institute of Natural Resources (INRENA), the National Institute of the Development of Andean, Amazonian and Afro Peoples (INDEPA), PETT, the Agency for the Formalization of Informal Property (COFOPRI), the Ministry of Culture, the Ministry of Foreign Affairs, the Ministry of Energy and Mines, and the Council of Ministers, among others.

The tireless efforts of Saweto's leaders, especially its chief Edwin Chota, eventually led to Ucayali's decision to travel to Saweto in April 2013 to conduct the fieldwork needed to inform a formal title application. Logistical, financial, legal, and technical support was provided by the North American organization, Upper Amazon Conservancy (UAC), and its Peruvian sister organization, ProPurús. UAC / ProPurús and Saweto worked together to ensure that the government agencies upheld the law in regards to Saweto's land rights. Later in 2013, DRSAU, with the help of UAC / ProPurús and Saweto leaders, completed all the fieldwork and technical documents required for the titling applications. However, the government refused to title Saweto due to the two overlapping forestry concessions.

### **Illegal logging**

The socioeconomic survey conducted by DRSAU concluded that:

*"The lack of territorial recognition and failure by the Peruvian state to grant land title has seriously harmed the native community of Alto Tamaya - Saweto in their struggle to defend their territory against the constant pressure of illegal loggers in the region" (p 22).*

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<sup>2</sup> Resolución Directoral Regional No. 075-2003-GRU-P-DRAU. 10 de junio del 2003.

The first titling applications submitted by Saweto in 2002 included requests to solve the problem of illegal logging in the area because it affected the economic, social, and cultural welfare of the community. Over the past 12 years, Saweto has documented and reported illegal logging in the Alto Tamaya watershed numerous times to various government agencies. Saweto leaders have formally complained about individual illegal loggers with the appropriate authorities in both Peru and Brazil. The near constant complaints led the Peruvian authorities to investigate the illegal activities multiple times over the years; however, the loggers were never punished and the logging continues to this day.

In addition to formal complaints filed by the community, the residents of Saweto have requested to be formally recognized as volunteer forestry guards of the Tamaya region. Saweto also proposed the creation of a Saweto community forestry concession to be protected and managed by the community. However, a private conservation area is not possible for a community that does not have title. In sum, over the last decade Saweto has proposed an integrated land management and protection plan based on community participation, sustainable socio-economic development, and cooperation between communities, government agencies, and non-governmental organizations

### **Forestry Concessions**

From 2003 to 2014, the Ucayali government, particularly the Forestry and Wildlife Agency (DEFFSU), refused to exclude the two overlapping forest concessions, despite unequivocal proof that they were illegal. Not only were the concessions illegally superimposed over Saweto's territory, but concessionaires were utilizing them in an entirely illegal manner by cutting wood without proper management plans and permits. The two concessions belonged to Edwin Barrios Ramiro Galván and the timber company ECOFUSAC, which owe the national government fees of \$57,504 and \$ 118,260, respectively. After multiple requests to the authorities, Saweto filed a formal request to cancel the concessions in April 2013, which was rejected by the Forestry Agency a few months later<sup>3</sup>. Saweto submitted an appeal in March 2014, which was also rejected by DEFFSU in March 2014.

Saweto and UAC/ProPurús continued working to cancel the concessions, producing GIS and photographic evidence of multiple examples of illegal logging occurring within the concessions. It was only after the murders of four Asheninka leaders by loggers in September 2014, including

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<sup>3</sup> Comunidad Nativa Alto Tamaya - Saweto. Oficio No. 001-2013-CC.NN.AT-S. 05 de abril del 2013.

two from Saweto (see below), that the Ucayali government finally canceled the two concessions<sup>4</sup>, removing the final obstacle to titling Saweto.

### **Violence in the Borderlands**

In September 2014, the four Ashéninka leaders Edwin Chota Valera, Jorge Ríos Pérez, Leoncio Quinticima, and Francisco Pinedo were murdered near the Peru – Brazil border as they walked through the forest to attend a meeting with their family and friends in the Apiwtxa indigenous community. Edwin Chota and Jorge Rios were Saweto’s primary leaders and had given numerous interviews and appeared in various newspaper and magazine articles over the years denouncing the illegal activities occurring in Saweto and publicizing the multiple death threats they had received from illegal loggers and drug traffickers. The news of the assassinations spread around the world, and Peru was condemned for failing to protect its indigenous leaders and environmental defenders. The four surviving widows and their families demanded that Peru finally uphold the law and grant title to Saweto’s lands, and also that it protect Tamaya River inhabitants from its enemies still working in the region.

Since the murders, Saweto’s newly elected leaders, supported by non-governmental and other human rights organizations, have held several meetings with Peruvian authorities to demand a full investigation into the murders, protection for Saweto’s inhabitants, and title to their lands. In November 2014, Diana Rios, daughter of Jorge Rios, received an award for environmental activism on behalf of Saweto from the Alexander Soros Foundation. In her speech in New York City, Diana vowed to continue her father’s fight for Saweto’s land recognition and for protection of the Ashéninka people.

In December, as a result of intense international pressure, Peru finally rejected the influence of the powerful logging mafia and publicly promised to title nearly 80,000 hectares for Saweto. The struggle took more than a dozen years and cost the lives of four courageous leaders. In February, after a 30-day public comment period, authorities from Pucallpa and Lima will travel by helicopter to Saweto to formally present title to the community.

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<sup>4</sup> Resoluciones Directorales Ejecutivas No. 442-2014-GRU-P-GGR-GRDE-DEFFS-U y No. 439-2014-GRU-P-GGR-GRDE-DEFFS-U del Gobierno Regional de Ucayali.