

**STATUTE OF THE AUTONOMOUS TERRITORIAL GOVERNMENT  
OF THE WAMPIS NATION**

**In memory of our ancestors and for our right to self-determination as a people and  
nation**

**DEBATED AND APPROVED IN THE FIRST MEETING OF THE WAMPIS NATION**

**HELD IN IRUTKAMU SOLEDAD, NOVEMBER 29, 2015**

## PREAMBLE

The representatives of the communities of the Wampis Nation who, gathered in a Statutory Assembly to define the autonomous government of their territory, in accordance with the rights recognised by the United Nations Declaration on the Rights of Indigenous Peoples in the year 2007,

*Welcoming* the recognition by the General Assembly of the United Nations of the right of indigenous Peoples and nations to self-determination, under whose protection they may freely determine their political status, on equal terms with other peoples and nations of the world.

*Taking into consideration* that current Wampis are the descendants of the millennial Wampis Nation, that has always existed in these same lands, bathed by the Rivers Kanús (Santiago) and Kankaim (Morona), since before the colony and before the existence of the Peruvian State; that we maintain the language, culture and territory that our ancestors left us and that with our lives and all our efforts we have defended and will defend with the support of all the Wampis of each living generation,

*Understanding* that self-determination includes, among others, the right to autonomy and the self-government of our people, according to our own worldview,

*Considering* that the Wampis Nation must determine its destiny of its own accord and define its own cultural, social, economic and political development, the Peruvian State must fulfil its role in supporting this determination by eliminating the obstacles that are opposed to it and taking all the necessary measures to do so, including legislative measures when necessary,

Reinforced by the memory of Wajuyat, Kuja, Juwau, Piruch, Shimpu, Tsamarain, Sharián and many others who fought to defend our territory against the Spanish invaders and seekers of minerals from our lands in past centuries, as history recalls; guided by the memory of our hero Sharian who fought bravely until we achieved a definitive peace with our neighbours in order to live a good life in our own land,

Strengthened by the anen chants of our women who, to feed our families, cultivated our lands under the advice of Nunkui and who, in those most difficult moments, knew how to support our warriors confronting those who attempted to remove us from our ancestral lands, Iña Nunke.

Inspired by the wisdom of Etsa, master guide of life, of Nunkui, mother of agriculture, Mikut, spiritual and moral counselor, and commemorating the advice of the great Wampis visionaries (Imaru-waimaku), enlightened and strengthened by the Arutam,

In homage and perpetual respect for our ancestors and for the mountains and rivers that make up our sacred land.

## **WE RESOLVE:**

1. To self-recognize the permanent existence of the Wampis Nation as a people with the right to self-determination and equality with the other peoples and nations of the world;
2. To recognise and self-recognise our traditional territory, the area between the Kanús (Santiago) and Kankaim (Morona) river basins and the headwaters of the river Cenepa (Sinit), which includes both titled lands and other areas, as of yet not titled by the State, but owned by the Wampis Nation by right of occupation and traditional and ancestral use in accordance with treaties and international jurisprudence.
3. To assume the commitments and responsibilities incumbent upon the present generation of Wampis for the generations to come, especially: to govern our territory in the general interest, protect it from external aggressions, maintain a healthy environment, claim collective rights when required, as well as define the structures of government, participation and external representation, in accordance with the right to autonomy and the customary law of the Wampis Nation.

In order to implement these resolutions, recognising the importance of the present act, which solemnly expresses the self-determination of the Wampis Nation, and fully aware of its implications for the future of those generations to come, those here present sign, of their own free will and with full use of their faculties, the present Statute of the Autonomous Territorial Government of the Wampis Nation.

Irutkamu Soledad, 29 November, 2016.

**TITLE I**  
**OF THE WAMPIS NATION AND ITS FREE DETERMINATION**  
**CHAPTER I**  
**OF THE WAMPIS NATION AND ITS FREE DETERMINATION**

**Article 1. Denomination and Identity.** - Our people, the self-proclaimed Wampis Nation, are one of the original Amazonian Nations of Peru. We, its members, are descendants of the great Wampis Nation, whose history goes back many centuries before the colony, being descendants of the original inhabitants of the lands where we have ancestrally lived, our Iña Nunke.

The Wampis Nation is conformed of communities, local groups and annexes, families and settlements who are direct descendants of the Wampis ancestors who inhabited, used and developed identity, spiritual and cultural bonds with their territory in the Kanús and Kankaim rivers and the upper Sinit and its tributaries, and whose desire is to perpetuate themselves as a people in their territory for the pride and well-being of their future generations.

Our name celebrates our abilities as great warriors, recalling the vivacity and agility of the Wampis fish.

We are directly related to the Shuar people and closely linked to the Awajun and Achuar Peoples and / or Nations, maintaining with them cultural relations and common objectives to mutually support each other, after having overcome our historical differences to achieve among all a good life in our respective ancestral territories.

**Article 2. Spiritual Connection with the Territory.** - Our territory, Iña Wampisti Nunke, is indivisible and integral, and its government will be called "The Autonomous Territorial Government of the Wampis Nation".

The signs of our identity are our language, our culture, our territory and our own ways of governing our affairs.

Our teachers and role-models are Etsa, the great hunter, Nayap, our fisherman teacher, Nunkui, our farmer mother, potter and teacher in caring for the earth. We promote among our children the memory of the ideology of our ancestors, mainly the respect between men and women, the love of our lands, the waters that bathe our territory and the sacred mountains of Kampankiasa Murari (Cordillera Kampankis), Tuntanain and Winchinkim Nain (that the Awajun denominate Ichigkat Muja), of the sacred waterfalls where we look for the vision of the arutam, our songs and dances, anen and namper, and of our history and the guidance given to us by our myths and the wisdom of our visionaries, Imaru-waimaku.

**Article 3. Language.** - Our official language is the Wampis language. The Wampis language is the fundamental cultural heritage of our people. Men and women must protect and respect its conservation and development, ensuring that their children receive an education in the language that reproduces their culture.

The Spanish language is also an official language, as we are Peruvians, and we must also guarantee that our children learn it as a second language and as a language for communicating with the rest of the national society.

We, the Wampis people, are committed to officially recovering the toponymy and the ancestral names of our communities, rivers, streams and mountains, and we are committed to promoting the conservation of the names and surnames borne by our ancestors.

The Wampis Nation, gathering the precepts of the ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples, the Peruvian Constitution and Law 29735, which regulates the use, preservation, development, recovery, promotion and dissemination of the indigenous languages of Peru, will encourage, with the support of the Peruvian State, that local media promotes programs in our language, that at all levels of our schools there exist educational materials, both in the Wampis language and bilingual, that important documents be translated and disseminated and that the official consultations carried out by the State have translators recognised by our people.

No local or regional authority may reject documentation due to the fact that it is written in the Wampis language. Public servants in the river basins where we comprise the majority of the population, the districts of Morona and Rio Santiago, must know our language and be progressively promoted among our fellow citizens, as indicated in ILO Convention 169.

All Wampis, men and women, have the right to express themselves in their own language before any public and private entity and not face discrimination on this basis. In trials and in all court proceedings, one may always make recourse to the use of translators, independent of the knowledge that one may have of the Spanish language.

**Article 4. Vision.** - That the Wampis Nation perpetuates itself for centuries, conserving its ideology and its ancestral wisdom with the contributions that each generation incorporates; that other peoples and nations respect it and recognise it as equal; that it will never submit to the will of others or harm the freedom of other peoples; that our territory will always be healthy, respected and guaranteed, never sold nor put at risk by ambitious decisions; that our youth, men and women, learn to love it and make use of it without harming others or damaging it, so that no Wampis family is deprived of their means of subsistence and so that we all recognise our land as the nurturing mother and creator of life.

**Article 5. Location.** - The following are the limits of the traditionally occupied territory of the Wampis:

- a) To the north, the territory of the Wampis Nation borders with Ecuador, where our brothers the Shuar people live.
- b) To the south, until the mouth of the Santiago river (the river mouth of the Marañon), with the territories of the Awajun communities of the rivers Domingusa and Marañon, to the town of Borja, the Awajun community of Ajachim, up until the Colpa Unidos hamlet in the Lower Morona.
- c) To the west, with the Awajun communities of the Cenepa River, in whose headwaters are the Wampis Nation communities of Putuim and Wichim, and the Cordillera del Cóndor bordering the frontier with Ecuador.
- d) To the east, with the lower basin of the Morona River until reaching the territories of the Chapra and Achuar Peoples or Nations and the riverside hamlets.

**Article 6. Religions and Respects.** - Religion is a personal and intimate matter that is respected by all. We must all respect the spirits and other forces of nature as we were taught to respect them by our ancestors. The search for the arutam is a principle that everyone must respect and promote among their children, in accordance with the will of each person. The Wampis Nation will respect those who practice different religions, as long as they do not intervene in political matters and decisions, their practice does not promote division or discrimination, they are not against public order, their practice does not generate physical

harm and they always abstain from prohibiting or disparaging the foods and beverages that have been, and are, the basis of our traditional subsistence. The condemnation of masato, which has nourished and strengthened our people for centuries, constitutes discrimination against our culture and seriously affects our customs, our social relations and our health.

**Article 7. Cultural Training.** - The educational system of the Wampis Nation is based on ancestral knowledge, wisdom, practices and customs. The education of our children arises and has its fundamental basis with parents and the immediate family, while also being the responsibility of the entire Wampis people. It has, as its fundamental principle, the transmission of our culture and the knowledge needed in order to live well within our territory, to love it, take care of it, conserve it and enjoy it; likewise, education must serve us to progressively strengthen our culture with the valuable cultural and technological contributions of other peoples and nations. The arts, crafts, techniques, subsistence practices, myths, history, songs and dances, poetry, ceremonial rites and other cultural expressions are the cultural heritage of the Wampis Nation and form the fundamental core of the teachings that our children and youth, of both genders, should receive. The Wampis Nation, and each of its members, are responsible for the defence, conservation and development of this cultural heritage.

The Wampis Nation recognises and values the high quality of the education received by our ancestors and parents and defends traditional discipline in the formation of its people; likewise, repudiating the corruption of the authorities, be it our leaders or public servants, is considered an objective of our education.

The integrity of the family, respect for women, care and protection of children and support for the elderly and those who suffer limitations to their ability to function and subsist for themselves, are values that the educational system of the Wampis Nation must spread.

The educational system of the Wampis Nation, greatly values the lands, territories, forests, streams, rivers, spiritual centres, biodiversity and ancestral knowledge, wisdom and practices. Our teachings, practices, techniques and innovations are based upon and originate from them. Consequently, and unavoidably, the teaching and learning systems incorporate and put into practice the four principles of the wise man and philosopher, Mikut: Kasa aipa, Naki aipa, Wait aipa and Takamin aipa.

**Article 8. Intercultural Training.** - Official education must be imparted in the Wampis language, at the very least, as compulsory during all the cycles of initial, primary and secondary education and, progressively, in other educational levels, taking Spanish as a second language. The learning of Spanish is also a primary objective for the maintenance of our relations with the national society.

The Wampis Nation must periodically and progressively evaluate the official education imparted during the last years, its programs, its schedules, its calendar, its curriculum, its facilities, the modes of participation of parents and all of the circumstances surrounding it, to determine the extent to which it has, or has not, contributed to the improvement of our youth and to propose to the State the changes that are necessary and pertinent.

The implementation of our own educational institutions, with support from the national budget, as indicated in ILO Convention 169, will be a national objective of the Wampis people.

**Article 9. Health System.** - The Wampis Nation recognises the importance of fasting and special dietary regimes, hygiene, natural medicines and other traditionally-used preventive and healing practices. Experts or those knowledgeable of the curative practices of our traditional medicine cannot be persecuted or sanctioned, provided that their knowledge is applied for the good of society. A relevant protocol, approved by the general assembly, will be

developed to detail the healthy practice of traditional knowledge related to physical and mental health.

To recover and re-establish the reproductive health of the Wampis Nation, according to the knowledge of ancestral family planning.

As a priority of its Autonomous Government, the Wampis Nation protects the health of families, food sovereignty and security based on our own natural resources, recognising that for this purpose it is necessary to keep our environment, our waters, the environment, the air we breathe and the mountains and forests that purify it, healthy and free from contamination.

The Autonomous Territorial Government of the Wampis Nation will establish the necessary coordination with the Peruvian State to achieve the best level of physical and mental health for Wampis men and women, based on complementary health services imparted with an intercultural focus, while also being respectful of our customs. The planning and evaluation of state health services will always be carried out in a shared and periodic way between the State and the Autonomous Government of the Wampis Nation. The Peruvian State must prioritise the hiring of personnel from our own nation when it comes to assigning positions for health centres and posts installed within our territory.

**Article 10. Citizenship.** - The men and women of the Wampis Nation are in turn also Peruvian citizens and enjoy, with equality, all the rights and duties of the rest of the Peruvian citizenry. Respect for the Peruvian State and its representatives, and with mutual correspondence with our authorities, are recognised as the basis for a peaceful and productive coexistence with Peruvian society. The Peruvian Constitution and the International Human Rights Treaties that complement it constitute a framework that, together with the present Statute, our people recognise and respect.

**Article 11. Headquarters** - The temporary headquarters of the Autonomous Territorial Government of the Wampis Nation will be located in the offices of the indigenous organisations of the Kanús River (Santiago) in the community of Soledad, headquarters of FECOHRSA, and in the Kankaim River (Morona), in the headquarters of OSHDEM.

## TITLE II

### RIGHTS AND DUTIES

#### CHAPTER I

#### RIGHTS OF THE WAMPIS NATION, COMMUNITIES AND PERSONS

**Article 12. Rights of the Wampis Nation.** - The rights of the Wampis Nation, recognised by the agreements, commitments and international human rights treaties acceded to or ratified by Peru, are the following:

- A) The right to self-determination, by which they freely determine their political status.
- B) The right to claim their identity and belong to an indigenous people.
- C) The right to autonomy and self-government within their territories.
- D) The right to conserve, reinforce and control their own political, legal, economic, social and cultural institutions.
- E) The right to speak their own language, that is officially recognised and respected.
- F) The right to belong to an indigenous community or people, in accordance with the traditions and customs of the community or people in question.
- G) The right to territory, which guarantees the rights emanating from their traditional occupation.
- H) The right to determine, together with the State, their territory and to effective measures for the resolution of their territorial claims.
- I) The right to reparation and / or restitution for lands and resources that have been confiscated, occupied, used or damaged without their free, prior and informed consent.
- J) The right to authorise or prohibit outside incursions into their territory.
- K) The right to determine their own development priorities.
- L) The right to participate in public affairs and in all initiatives that may affect them, including participation in the benefits of any activity that takes place in their territories.
- M) The right to free, prior and informed consultation and, where appropriate, consent in any State initiative that may directly affect their rights. The Autonomous Territorial Government of the Wampis Nation is the representative organisation called to accept, promote, organise and direct, in conjunction with the competent authorities of the State, any process of consultation relating to the exploitation of subsoil resources or projects that, by their magnitude or impact, could affect the integral territory of our people. The governments of both the Kanus and Kankaim basins will receive a priority call, according to the specific case. The consultation process must be carried out taking into account our own decision-making forms and the norms of this Statute.
- N) The right to coordinated and systematic action by the State for the effective implementation of their rights.
- O) The right to create programs and technical bodies according to the needs of the Autonomous Government.
- P) The right to direct their own educational institutions and to jointly administer health services with the State.
- Q) The right to determine the responsibilities of their members towards their people.
- R) The right that the State adopts the necessary measures that facilitate the continued contact of trans-border indigenous peoples with other members of their own people or with peoples or nations related to the Wampis Nation, that include activities of a spiritual, cultural, political, economic and social nature.
- S) The right that treaties, accords and agreements between a people and the State, including treaties of a historical nature, be complied with.
- T) The right to turn to international institutions, as a people or nation, for the protection of their rights.

- U) The right to technical and financial cooperation for the implementation of their collective rights and the right that the State contributes resources to the autonomous initiatives of the Wampis Nation in the cases provided by law and treaties.
- V) All other rights that emanate from international human rights treaties and those that may arise in the future as a result of the evolution of this international framework.

The rights of the Wampis Nation also correspond to the Wampis communities and to all the men and women who comprise our people, all of whom may claim these rights by the means that correspond to them.

**Article 13. Rights of Communities of the Wampis Nation.** - The communities of the Wampis Nation have the right to:

- a. Incorporate into the integral territory of the Wampis Nation in equal rights with the rest of the communities.
- b. Exercise and implement the autonomies recognised by the Political Constitution of Peru (administrative, economic, territorial, labour-related, jurisdictional and governmental) in all internal affairs, provided that their decisions are not within the competence of supra-communal bodies, in accordance with this Statute.
- c. With the limitations indicated in the previous paragraph, the communities express their autonomy in accordance with the following rights:
  - c.1. The right to establish their own system of government, participation and internal administration.
  - c.2. The right to issue norms and mechanisms of an obligatory character, within the communal territory, regarding economic and administrative affairs, communal work, land and resource use, so as to apply and enforce customary law.
  - c.3. The right to resolve disputes between community-members, or between these and non-community-members when they occur within the territorial scope of the Community, in accordance with Article 149 of the Constitution, as well as allowing our decisions to prevail and maintaining order within the Community, with the support of the surveillance units that are established.
- d. The right to participate in the elections of the Autonomous Territorial Government of the Wampis Nation and present their own candidates to exercise statutory positions.
- e. To utilise, in an autonomous manner, the resources of its jurisdiction and to define the internal regime of the distribution of lands respecting the principles, duties and general norms established by the present Statute, which are oriented to protect our integral territory in the common interest of our peoples and to guarantee the subsistence of future Wampis generations. Community autonomy can never take precedence over the objectives of our people, nor harm the security, health, peace, unity, integrity and freedom of our integral territory.
- f. To be beneficiaries on equal terms with other Wampis communities and settlements of any project, program or financial investment policy that the Autonomous Territorial Government of the Wampis Nation may develop, by itself or in cooperation with public or private entities.
- g. To receive the necessary support from the Autonomous Territorial Government of the Wampis Nation and its various institutions and technical units for the protection and integrity of their territorial rights against any external aggression. This support includes mobilisation, legal advice, political and administrative management as well as judicial defence, including appeals to international judicial bodies in cases considered to be of strategic importance, while considering the means and economic resources available.
- h. To receive fair and impartial treatment from the Autonomous Territorial Government of the Wampis Nation, when resolving conflicts with other communities or in disputes arising from the use of resources from common use areas.

- i. To be adequately represented by the Autonomous Territorial Government of the Wampis Nation before any external institution in the cases indicated in the present Statute, and to be invited, as appropriate, to participate in any occasion that requires the participation, opinion and / or decision of the community.
- j. To receive accurate and timely information about the activities that are currently being implemented or planned, or of the problems or opportunities that arise in the entire territory of the Wampis Nation.
- k. To control and supervise all actions taken by the Autonomous Territorial Government authorities through the mechanisms established by this Statute. The principle of sparing no effort to combat corruption requires the timely denunciation of any act of corruption detected, provided that it is based upon evidence with accusatory merit, proceeds exclusively through the official channels and is not disseminated arbitrarily before the corresponding verification procedure has been followed. Gossip of any kind and origin is a practice to be banished by the Wampis Nation, especially when it comes to matters that may interfere in the political unity of our people or the honor of our representatives, our women or our leaders. Corruption as well as gossip and unjustified accusations deserve the attention, denunciation and sanction of our people.
- l. To receive an equitable share of any benefit from the initiatives and collective projects approved in accordance with this Statute.

**Article 14. Rights of the Members of the Wampis Nation.** - Wampis men and women have the right:

- a. To receive from the Autonomous Territorial Government of the Wampis Nation and from the government of their community, protection against the violation of their rights.
- b. To receive the fair and impartial treatment of indigenous justice.
- c. To form a family and not be denied a space to make their home and land suitable for the subsistence and development worthy of their families.
- d. That the fallows worked by them be respected, to always ensure there is sufficient land in adequate conditions for the subsistence of all families, including young couples.
- e. To use the natural resources of the territory in accordance with the norms of the present Statute and in equal conditions with the rest of the members of the Wampis Nation.
- f. To be safe, he / she and his / her family, from gossip and arbitrary and unproven accusations, and to have investigated and sanctioned the people who accuse irresponsibly.
- g. To education and to be in the best state of both physical and mental health for him / her and their family with equal opportunities for all the members of his / her community and of the Wampis Nation.
- h. To educate their children in the traditional customs and disciplines without discrimination. To demand from the teaching staff that they provide an adequate education for a good life in our own territory. To directly participate in the education provided by the school.
- i. To denounce all corruption of the authorities by the appropriate means.
- j. To develop economic initiatives and to receive support to promote said initiatives, in those cases that merit it and provided that it is not to the detriment of the other members of the Wampis Nation.

**Article 15. Rights of the Wampis Woman.** - The woman of the Wampis Nation, as a mother, administrator of the family home, carer and healer of our children, agricultural teacher and giver of life has the respect of our people and especially:

- a) The Wampis Nation guarantees the active participation of women in all areas of political decision-making and administration; the promotion of Wampis women to positions in municipal and regional governments must be a progressive goal of the Wampis Nation;
- b) The Wampis Nation guarantees an equitable, respectful and duly informed participation in any event or workshop that is carried out for the knowledge of rights, or related to

leadership and especially in matters that relate to the territory with which we are linked in a special manner. The Autonomous Territorial Government of the Wampis Nation and all institutions of internal government will also promote exclusive training spaces for women in those topics of their interest, according to their own requests.

- c) The Autonomous Territorial Government of the Wampis Nation will promote the necessary steps for the creation of a Cultural School, with a recognised academic degree, so that traditional knowledge about culture, arts, crafts, agriculture, health and others related to the cultural heritage of Wampis women may be promoted in schools or other training centres through women graduates of the School, with budgetary support from the State.
- d) The Wampis Nation is committed to achieving true gender equity. The Autonomous Territorial Government of the Wampis Nation and all institutions of internal government will promote a national campaign to eradicate physical and mental violence against Wampis women. The mistreatment of women violates the dignity of the entire Wampis family and must be rejected and duly controlled by the authorities of our people. Schools must deliver messages with this content. The Wampis Nation is committed to focusing special attention on the changes produced in the Wampis family, in order to analyse the causes and consequences of new problems that have arisen and to regulate the behaviours that are harmful to the family, especially the system of marital unions and separations, care and responsibility for children, control of the mistreatment of children or others. Respect for women, family unity and tranquility are above cultural considerations which developed under other historical circumstances and that today could become socially conflictive, specifically polygamy.
- e) Women will have a fixed participation quota of 20% in exercising the position of IRUNIN in the UUN IRÚNTRAMU CENTRAL and the IRÚNTRAMU DE CUENCAS respectively. The competent body of the electoral process will regulate the access mechanism in line with the quota established in the present Statute.
- f) The Autonomous Territorial Government of the Wampis Nation will prioritise, for reasons of historical compensation, the higher level academic training of Wampis women in the different higher education centres of the country.

**Article 16. Right of the Wampis Boy and Girl.** - The Autonomous Territorial Government guarantees the well-being of the Wampis child according to the customary principles of upbringing and discipline for personal formation and, in the context of which, it is important to protect the best interests of the child in accordance with the Political Constitution of the State. These rights are minimally translated into:

- a) The right to life, to health, physical, spiritual and psychological well-being.
- b) The right to grow well nourished, in a healthy and pollution-free environment.
- c) The right to education in their own language.
- d) To receive, through oral or written sources, ancestral knowledge, the Wampis culture, history and values that parents, elders and schools must transmit.
- e) The guarantee of nourishment, education and health for orphaned children.
- f) The protection and shelter of widows with orphaned children.
- g) The protection and shelter of abandoned women with sons and daughters.
- h) To be adopted by any Wampis member when the child is found to be in a situation of neglect.

The Autonomous Territorial Government establishes policies that avoid the neglect of children and punishes those fathers or mothers who abandon their children, adopting measures that ensure that parents assume the responsibility of guaranteeing the well-being and integral development of the child.

**Article 17. Right of the Wampis Youth.** – Wampis youth enjoy the following rights:

- a) To grow up knowing and learning the cultural values and history of their people. The Autonomous Territorial Government will establish policies for learning the culture of the national society in a progressive manner, through sufficient and appropriate management of the educational curriculum within the framework of intercultural dialogue and intercultural bilingual education.
- b) The right to receive a formation according to the worldview of Tarimat Pujut of the Wampis Nation. The Autonomous Territorial Government will establish cultural schools for learning ancestral norms, knowledge and technologies of the Wampis Nation.
- c) To participate in communal debates and decisions and assume positions which involve communal work.
- d) The youth will have a fixed participation quota of 20% in exercising the position of IRUNIN in the UUN IRÚNTRAMU CENTRAL and the IRÚNTRAMU DE CUENCAS respectively. The competent body of the electoral process will regulate the access mechanism in line with the quota established in the present Statute.
- e) The right not to be forced or obligated to participate in military service.

## CHAPTER II

### DUTIES OF THE WAMPIS NATION, COMMUNITIES AND PERSONS

**Article 18. Guarantees.** - The Autonomous Territorial Government of the Wampis Nation will guarantee the exercise of the rights recognised in the previous chapter and will establish policies, programs and projects to make them effective, in accordance with its competencies and the relations it maintains with the financial entities of the public sector and with international cooperation and solidarity entities.

**Article 19. Duties of the Communities of the Wampis Nation.** - The duties of the communities are as follows:

- a) To strengthen the developmental policies established by the Territorial Government.
- b) To contribute to the total amount of the Territorial Government's annual budget.
- c) To strengthen the policies established by the Territorial Government on the environment, land use and the rational use of natural resources.
- d) To promote policies on good relationships between neighbouring and adjoining communities.
- e) To respect the communal boundaries of neighbouring communities.
- f) To actively participate in the implementation of collective decisions emanating from the central Territorial Government and watersheds.
- g) Loyalty to the Autonomous Territorial Government of the Wampis Nation.
- h) To help neighbouring communities when they require greater force to solve their problems, especially when dealing with territorial conflicts that threaten their integrity.
- i) To respect the democratically-elected authorities of the Autonomous Territorial Government.
- j) To delegate community-members to attend to requests by the Autonomous Territorial Government in matters that require the development of projects of collective interest or any special mission to protect the integrity of the territory of the Wampis Nation.

**Article 20. Duties of Men and Women.** - Wampis men and women fulfill their obligations under conditions of gender equality. The duties of Wampis men and women are:

- a) The conjugal duty to protect one another in the home and in the responsible care of children, ensuring adequate nourishment, education and health.

- b) The communal duty to submit to the mandates of the community, provided that said mandates do not violate the fundamental rights of individuals.
- c) To be direct spokespersons for the promotion of the Wampis culture and to act as a primary source of the conservation and development of their own cultural institutions, such as reciprocity and solidarity.
- d) To provide the cultural, social, economic and political support of the Wampis Nation and contribute with their knowledge to the protection and conservation of territories, forests, natural resources and biodiversity.
- e) To defend territories and natural resources when said means and resources are at risk of suffering any alteration not consented to by the collective of the Wampis Nation.
- f) Economic contribution for the functioning of the Territorial Government.
- g) Protection and conservation of lands, territories, forests, natural resources and biodiversity.
- h) To contribute to the maintenance of internal order and the community.
- i) To actively participate in community life and in decision-making, without gender discrimination.
- j) To know and practice taking ayahwasca, natem, tsaan and the waterfalls to achieve our vision, according to the principles and teachings of Etsa, Mikut and Nunkui, and transmit this knowledge to their sons and daughters and the new generation.
- k) To actively participate in the development and strengthening of the Territorial Government.
- l) To avoid practices that harm the health and well-being of the spouse.
- m) To avoid practices that harm the welfare of people or families for any reason or pretext.
- n) To provide an education to children in their own values, cultural elements, language and cultural skills.
- o) To provide protection to children, ensuring food security, health and adequate education.
- p) To actively participate in the formal education of their children at all levels.

## TITLE III

### THE TERRITORY OF THE WAMPIS NATION

#### CHAPTER I

#### DEFINITIONS

**Article 21. Cultural Definition of Wampis Territory.** - The territory of the Wampis Nation integrates diverse spaces whose inhabitants are related to each other. *Entsa*, the aquatic space, where the *Tsunki Shuar* live. *Nunka*, the space of the earth where the living beings with whom we are permanently related reside, the human persons, the animals and their owners, *iwanch* and *tijae*, the plants of nature and their mothers, especially *Nunkui*, who lives in the earth, as well as the rivers, streams, mountains and sacred waterfalls. *Nayaim*, the air, the space of the sky that is not separated from the earth, where *Etsa* (sun), our guide, *Yaa* (stars) and *Nantu* (moon), as well as *Ujuumak* and many other beings who give us their spiritual power all live; this is where our dead and the ancestors of our people arrive. All these spaces are alive and depend upon each other. Our people and their people are part of this territory and its components.

**Article 22. Official Spatial Conformation of the Integral Territory of the Wampis Nation.-** The integral territory of the Wampis Nation, *Iña Wampisti Nunke*, according to the occupation and traditional use maintained to date by the generation of living Wampis includes an extension of one million, three hundred and twenty-six thousand, one hundred and five hectares (1,326,105.6313 ha.), of which officially demarcated are: four hundred and forty-eight thousand, six hundred and twenty-seven hectares; titled: two hundred and ninety-two thousand, one hundred and thirteen hectares; with usufruct contract: one hundred and fifty-six thousand, two hundred and thirteen hectares; and pending recognition and titling by the State in accordance with Article 14, paragraph 1 of ILO Convention 169 (Legislative Resolution No. 26253) and Articles 25 - 26, subsection 3 of the United Nations Declaration on the Rights of Indigenous Peoples: eight hundred and seventy-nine thousand, one hundred and thirty-two hectares pending recognition and titling. The map of the integral territory of the Wampis Nation, the toponyms and cartography form part of the present Statute.

**Article 23. Unity and Integrity of the Wampis Territory.** - The territory of the Wampis Nation is one and comprises the totality of the habitat which our people have occupied and used ancestrally, in accordance with our own customs, our own systems of land tenure and the sustainable use of resources that we continue to use .

This integral and unified vision of our territory is the one that corresponds adequately to the traditional ways of life and is the only one that adequately respects the proper functioning of the different elements that make up our territory: rivers, lakes, diverse ecosystems and ecological niches, soils, mountains, caves, forests, fauna, air, landscapes, subsoil and others, as well as all the cultural contributions our people have made towards their conservation and appropriate use during centuries of coexistence with this territory. This integral vision is the only territorial structure capable of guaranteeing the *buen vivir*<sup>1</sup> for our people, understood as a dignified subsistence, appropriate, autonomous, self-determined development, and food sovereignty and security for Wampis families by allowing us to develop the social, economic, political and cultural relations that guarantee the protection and appropriate use of nature and the environment.

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<sup>1</sup> An indigenous concept close to 'living well'/'good living'.

**Article 24. Obligations and Guarantees of the Peruvian State.-** The Peruvian State, upon ratifying and committing to specialised International Treaties, and upon ratifying its commitments in the first United Nations World Conference on Indigenous Peoples in 2014, has assumed the commitment of respecting the special importance that our culture and our spiritual values have on our relationship with our lands and especially on the collective nature of this relationship (Article 13, ILO Convention 169); the duty to officially recognise our rights of property and possession (Article 14, paragraph 1, ILO Convention 169); the duty to respect our rights to the natural resources existing on our lands and to participate in their use, administration and conservation (Article 15, ILO Convention 169); the obligation not to create circumstances that obligate us to abandon our traditional lands (Article 16, ILO Convention 169); the obligation to respect our own forms of decision-making on territorial matters without forcing or promoting campaigns in favour of the alienation or transmission of our territorial rights (Article 17, paragraphs 1 and 2, ILO Convention 169); the obligation to prevent strangers from taking advantage of ignorance or outdated legal knowledge to claim ownership or possession of our territories (Article 17, paragraph 3 of ILO Convention 169); the obligation to prevent and punish any unauthorised intrusion into our territory (Article 18, ILO Convention 169); the obligation to consult in the manner specified in Convention 169, Articles 6, 15 and others, whenever an initiative is being planned that could affect our territory or its integrity, until consent is obtained, if it can be proven that such measures will have a decisive effect on our life and the health of our territory; the obligation to respect our decisions regarding the priorities for the development of the Wampis Nation (Article 7, ILO Convention 169); the obligation to support the conservation of the environment in which our people live and not damage the productive capacity of our lands (Article 29 of the Declaration).

**Article 25. Inviolability of Territorial Property.** - The Peruvian State, by assuming the obligations indicated in the preceding article, is responsible for guaranteeing the inviolability of our traditional, titled or ancestral property, and for not granting territorial rights of ownership or possession superimposed on our integral territory without our knowledge and our consent. The Wampis Nation, through its governing bodies, must ensure that the Peruvian State complies with these acquired commitments before the community of nations of the world.

The State has committed to respecting and officially recognising the territorial configuration that responds to the spiritual vision, customs, traditions and systems of territorial occupation of our people and to jointly conduct, with our government institutions, the due procedures so that this configuration finally be recognised (Declaration, Articles 25, 26 and 27). In the absence of adequate legislation to comply with this obligation, the Peruvian State has pledged to take the necessary measures to resolve the problem, including the enactment of new laws (Articles 14, 3 and 33 of ILO Convention 169).

**Article 26. Rights and Obligations of the Wampis Nation.-** The Wampis Nation, in accordance with the provisions of the International Conventions and Treaties assumed by Peru (Declaration, Article 25), is obliged to assume the commitments and responsibilities incumbent upon the present Wampis generation for future generations, especially: to govern their territory in the general interest, protect it from external aggressions, maintain a healthy environment, claim collective rights when required, including restitution for those lands or resources that they have traditionally occupied or used and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent (Declaration, Article 28, Clause 1), as well as to define the structures of government, participation and external representation in accordance with the right to autonomy and customary law of the Wampis Nation.

**Article 27. Respect for the Territorial Unity of Peru.** - The Wampis Nation is one of the original nations that make up the ethnic and cultural plurality of the Peruvian people. The Wampis Nation respects the unity and indivisibility of the Peruvian State and respects and

defends the integrity of the territory of Peru and assumes in this respect the provisions of the International Agreements and Treaties ratified by Peru.

The Wampis Nation respects the patriotic symbols. In the same way, it respects its own internal symbols, both those already created by the Wampis Nation and those yet to be created.

## CHAPTER II

### TERRITORIAL STRUCTURE OF THE WAMPIS NATION

**Article 28. Territorial Organisation of the Wampis Nation.** - The territory of the Wampis Nation, *Iña Wampisti Nunke*, is a unified whole, whose ownership corresponds to the Wampis Nation and is governed in a unified manner through the institutions of the Autonomous Territorial Government.

For operational purposes, the Autonomous Territorial Government maintains two basin sub-governments, corresponding to the Kanús river basin (Santiago) and the Kankaim river basin (Morona). These governments represent, in a unified manner, the communities of their basin within the Autonomous Territorial Government, and are under the authority of the unified Territorial Government.

**Article 29. Sub-basins and Communities.**- The Wampis Nation recognises watersheds, sub-basins and communities as organisational components of its territorial structure, and will respect their autonomy with regards to any form of internal restructuring that may be determined, in so far as it does not affect the equal rights of the rest of the Wampis communities and families, and provided that their decisions are not contrary to this Statute, nor affect or harm the health and integrity of the Wampis Nation territory, or put at risk the freedom, social peace and unity of our people.

**Article 30. Territorial Ordering and Land Use Planning with Self-Determined Vision.** - The Wampis Nation as a collective whole will plan the use of their integral territory according to their knowledge, cultural practices and traditional resource management systems.

This territorial ordering and land use planning will be the baseline for the future plan of territorial resource management and must be respected each time the communities, sub-basins, basins or the Territorial Government foresee, coordinate or plan the management of territorial areas, or in determining economic activities based on the use of resources in the territory.

The Peruvian State, in the final Declaration of the First World Conference on Indigenous Peoples (2014), commits to respecting ecological territorial ordering by indigenous peoples and nations. The Wampis Nation will present the results of its territorial ordering and land use planning, with its cultural vision, to the provincial authorities so that it may be considered in the territorial planning of the jurisdiction.

**Article 31. Relations with Local, Regional and National Governments.** - The territory of the Wampis Nation maintains relations of mutual cooperation with the district and provincial municipalities of its jurisdiction, respecting their respective competences. The Autonomous Territorial Government of the Wampis Nation, through its corresponding internal institutions, will maintain a close coordination with the municipal structure for economic and social development purposes, participating in planning, management, budgeting, evaluation and auditing of public spending.

The Autonomous Territorial Government of the Wampis Nation will make the necessary efforts to organise, in a unified and independent way, the participation of Wampis voters in the district and provincial elections of its jurisdiction.

The vision of the Wampis Nation includes the struggle for a future constitutional consideration of the Wampis territory as a territorial entity with its own budget allocation, as is already the case in neighbouring countries.

With the same vigor, it maintains a positive relationship and mutual cooperation with the regional governments of the jurisdiction, as well as the national government.

### CHAPTER III

#### TERRITORIAL GOVERNANCE: EXTERNAL RELATIONS

**Article 32. Economic Initiatives of the Peruvian State.** - In accordance with the International Agreements and Treaties assumed by the Peruvian State and ratified at the First World Conference of Indigenous Peoples of the United Nations, 2014, the State respects the right of the Wampis Nation to self-determination and respects its decisions regarding the determination of its developmental priorities.

Extractive industries which affect the subsoil, energy dams or other large infrastructural projects likely to cause serious impacts on the ecosystems of our territory and on the tranquility and free development of our families definitely do not correspond to our priorities of development, life plan and well-being.

Whenever the State plans to carry out any of these initiatives or to grant concessions for resources from our territory, it must proceed with a free, prior, informed consultation process in accordance with the provisions of this Statute, as well as obtain our consent in those cases in which our survival may be seriously affected.

**Article 33. Free, Prior and Informed Consultation and Consent for Activities With Territorial Impact.** - The consultation processes provided for by the International Treaties are the consequence of the right to self-determination and the expression of mutual respect between the Peruvian State and the indigenous peoples and nations of Peru.

Prior consultation must comply with the provisions established in ILO Convention 169 (Legislative Resolution No. 26253), in the United Nations Declaration on the Rights of Indigenous Peoples, in the jurisprudence of the Constitutional Court of Peru and in the jurisprudence of the Inter-American Court of Human Rights, as well as in the national regulations that develop the adequate implementation of these principles and procedures. With respect to the aforementioned principles, consultations must be carried out in accordance with the consulted peoples' and nations' own forms of self-determination.

**Article 34. Minimum criteria for consultation.** - The Wampis Nation considers the following an obligation necessary in any free, prior and informed consultation process:

1. The territory of the Wampis Nation is one. The official processes of prior consultation for initiatives related to the extractive hydrocarbons industries, energy or other large-scale projects directly affect the entire territory of the Wampis Nation and are a matter that must always be addressed by the Wampis Nation as a collective, this being the entity that determines the effects of an initiative and which bodies must participate in the process. No one may take advantage of communal autonomy to justify decisions which should be taken by the Wampis Nation as a whole, in accordance with ILO Convention 169, and in

conformity with its own traditional and autonomous ways of resolving and making decisions, as defined in this Statute.

2. For the Wampis Nation, the decision on matters that entail a radical change in the life of our people and whose impact will persist for forty years, or potentially be permanent and irreversible, is a critical issue that cannot be taken lightly. Our people consider it a necessity that the timings and information prior to the organisation of any consultation process, are suited to the gravity of the decision, so that we can receive adequate professional advice and a realistic assessment of possible impacts, disadvantages and advantages of each alternative. Improvised processes, lacking transparency, secretive and executed under pressure do not correspond to our worldview and are contrary to our freedom and self-determination.
3. For the Wampis Nation, good faith does not signify resorting to practices of pressure, organisational division, the corruption of leaders, local consultations or confrontations, and requires that the information provided is sincere and responsible, such that the appropriate decisions can be made according to our interests as a people. The State is responsible for the damages to people and the environment generated by misinformation or misleading, partial or inadequate information, aimed at facilitating the execution of a planned initiative.
4. All previous relationships and those that are formed during consultation processes will correspond in total transparency and allow access of control to all the members of our people and the authorities of the Territorial Government of the Wampis Nation. It remains strictly forbidden to conduct individual deals and negotiations in private, if these concern decisions that may affect the course of the consultation process. These determining decisions must always be made within our territory, in a public manner and in the manner agreed upon by the Territorial Government authorities together with the pertinent authorities of the State. Decisions made outside the channels established by this Statute are worthless.

**Article 35. Relations With Extractive Companies.-** No legal or illegal extractive company, whether mining, oil, gas or other is allowed to enter the communities of the integral territory of the Wampis Nation without a prior and informed formal consultation process, carried out by the State, as provided for in ILO Convention 169 and the present Statute.

We consider invalid any and every agreement or consent achieved by separate or partial means in favour of the companies, before the official processes between our people and the Peruvian State have been completed. That type of agreement is considered illegal and does not commit us in any way or restrict any of our rights.

**Article 36.-** The following shall be considered as violations of the right to consultation:

1. In the event that companies enter before an official consultation process has been carried out by the competent authorities of the State, they will be considered to incur an unauthorised intrusion, as indicated in Article 18 of the ILO Convention 169, and will be subjected to sanctions and fines as determined by the application of Article 149 of the Constitution; In addition, their belongings will be preemptively immobilized, so as to prevent their continued illegal circulation through the communities and they will be commanded to leave immediately.
2. Clandestine or individual or separate deals with these extractors, as well as collaborating in campaigns to facilitate their entry before formalising the consultation process with the Peruvian State, is a crime against our people, considered seriously. It is considered an

aggravating circumstance when the one who makes the deal is a leader of any of our governing bodies.

3. Extractive companies and entrepreneurs who deal or negotiate individually or separately about matters that affect the entire territory of the Wampis Nation before concluding the process of prior consultation with the State, according to the seriousness of the consequences, will be declared unwelcome in the community and prohibited from doing any kind of work within our territory in the future. The authorities of the Autonomous Territorial Government of the Wampis Nation will reserve the right to make the corresponding criminal complaints.

**Article 37. Consultation as an Act Prior to Any Administrative or Legislative Action. -**

Once the consultation process has ended and having reached agreements or granted our consent to the Peruvian State, only then will it be possible to convene with the companies and establish negotiations. The Autonomous Territorial Government of the Wampis Nation will elaborate a regulation that develops the scopes and limits of these negotiations, as well as the mechanisms of surveillance, monitoring, indemnifications and participation in the benefits that the initiative may give rise to.

In the case that the Peruvian State decides to undertake high impact initiatives within our territory without consultation or without having obtained our consent in the event of consultation, the Autonomous Territorial Government of the Wampis Nation will be prepared to defend their rights in the international arena, in opposition to the State and those responsible for the decision, for any damage or impairment that is generated against the life and both physical and mental health of Wampis persons or the health of their territory and environment, as a result of the execution of the unaccepted initiative. This obligation is assumed by the Autonomous Territorial Government of the Wampis Nation and includes the management of the reparations and restitution, in agreement with any right at their disposition that accords with binding international treaties.

**Article 38. Areas with Special Regimes. -** The Natural Protected Areas that are inserted in our traditional territory maintain their status as traditional territory and in no way do we renounce the rights which pre-existed their creation, especially those of original property by traditional occupation and traditional uses, which have managed to maintain their adequate conservation for centuries.

No protected area can be created within our territory without our prior consent, as indicated in international treaties and jurisprudence and national legislation.

In those cases in which there are areas created without our consent, the Autonomous Territorial Government may evaluate the different courses of action, including the convenience of joint conservation work in conjunction with the Peruvian State, without renouncing any of its traditional rights over the area. In those cases in which the legal status of the Protected Area is used by politicians or public servants to weaken its effective conservation or introduce threats to the preservation of resources or to its traditional use by Wampis families, the Wampis Nation will reserve the right to manage their restitution, in the relevant forums, by virtue of Article 28, Clause 1 of the United Nations Declaration on the Rights of Indigenous Peoples.

**Article 39. Sacred Areas of the Territory of the Wampis People: the Mountains of Kampankis. -** Kampankiasa Murari is the spiritual centre of our territory, its spine and the territorial hinge that unites the Kanus and Kankaim basins where we live. It is a place of life where the spirits of our ancestors and nature dwell (nunkui, tsunki, tuna, panki, uun yawa, pinchu, sunka, chirip, payar, muukan, ikajnumach, ujukam, nantu, ujumak, pakip kiña, ukukui, amich, ampush, kurarep, yakakua, uu, wampan, wanip, week, amuntai, etsa, kuji, kaya,

wankanim) and where the streams that give life to our communities are born. It is in these mountains that the vital processes that allow for the reproduction of our fauna and flora are developed.

The mountains of Kampankis express the strong core of the spiritual bond the Wampis Nation has with its ancestral territory, as well as its territorial unity, and it has been conserved and stewarded with care for generations and generations of our ancestors residing in the two watersheds of the Kanús and Kankaim.

The state of conservation of these mountains, after centuries of use by our ancestors, has been internationally recognised and praised. The Wampis Nation assumes it as its own cultural and spiritual heritage and declares that for no reason will it relinquish its control and administration in the way it has been doing, nor will it allow any non-consensual impacts or interference.

The Wampis Nation will be able to negotiate agreements with the State to guarantee the protection of the mountains from any external intervention that may affect their conservation and to elaborate a management plan that enables them to recover, update, systematise and define the traditional governance model of the mountains and on both slopes of the mountain range.

The mountains of Tuntanain and Winchinkim Nain have the same condition and express the same spiritual bond between the Wampis Nation and its territory as do the mountains of Kampankis.

Other sacred areas of the Wampis territory, in accordance with the ethno-cultural map, are also the subject of special protection by our people.

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[TITLE III, CHAPTER IV, AND TITLES IV – V ARE NOT INCLUDED IN THIS ABRIDGED SELECTION FROM THE STATUTE]

## TITLE VI

### TARIMAT PUJUT - ECONOMY AND PRODUCTIVE DEVELOPMENT

#### CHAPTER I

### TARIMAT PUJUT - ECONOMY AND PRODUCTIVE DEVELOPMENT

**Article 81.-** The economic, productive and commercial development of the Wampis Nation, promoted by the Autonomous Territorial Government, will be based on the rational, appropriate and sustainable use of natural resources, emphasising and prioritising the creation of added value and the promotion of services in general. The Autonomous Government will prioritise the promotion of economic activities that are operating in the present, such as fish farms, agroforestry, services and other activities.

**Article 82. -** The Autonomous Government will establish relevant policies for economic development, different forms and levels of economy; with the aim of avoiding possible inequalities that may arise in the developmental process and which may affect the cultural, communal, family and collective systems.

**Article 83.-** The Autonomous Government will actively promote business, enterprise and economic training in keeping with its own vision; the solidarity economy, reciprocal and caring.

**Article 84.-** The economic system of the Wampis Nation will be oriented to the collective benefit, equitable in the application of Etsa's principle, "Amek Yumamawaipa", which consists in the expansion of well-being towards others and to the "tarimat pujut". Priority attention of the Wampis Nation's economy will be accorded to strengthening the cultural system, food sovereignty and security, education, health, the development of traditional medicine and other collective needs, as well as pure and applied research into all of the knowledge and needs of the Wampis Nation.

**Article 85.-** The Autonomous Territorial Government shall establish diversified economic development policies and establish strategic alliances with private and state institutions, universities and companies congenial and compatible with the Wampis Nation's approach.