**PERU**

**Indigenous autonomies:**

**Routes to indigenous autonomy: the case of the Wampis Nation and its Autonomous Territorial Government (GTANW)**

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**The people gathered here are all experts in autonomy, although my expertise is based on practical experience gained over many years of dealing with socio-territorial land claims. The consequence of this is that we are now in the process of formally rebuilding the autonomy of my people, within a clear national framework and set against the backdrop of a changing and globalising world. This process raises an unquestionable challenge for both the Wampis nation and the national state: the need for mutual respect and understanding. Through tireless effort, we will open up a path through the dense undergrowth of hurdles and obstacles. And, in this, the Wampis nation is certain of one thing: the technical viability of autonomy and the political denial of some State authorities.**

**1. Who and where are we?**

The Wampis nation are an Amazonian indigenous people whose territory lies in the north-west of the Amazonian region. We have occupied more than one million hectares of land in one of the world’s most biodiverse areas since time immemorial. The Wampis territory covers the catchment areas (basins) of the Santiago (known as *Kanus* in the Wampis language) and Morona (known as *Kankaim*) rivers. The Wampis nation comprises 65 settlements, including Native Communities (28) and annexes, and 15,300 inhabitants (UNDP 2013), living on the border with the neighbouring country of Ecuador.

Administratively, it straddles the districts of Santiago River, in Condorcanqui province, Amazonas department; and Morona, in Datém del Marañón province, the capital of which is San Lorenzo, in Loreto department.

A number of environmental organisations have noted the very high biodiversity of our region, in an area of well-conserved Amazonian low jungle, and this is because our ancestors understood the importance of this forest. The Wampis territory is in the top 5% of global biodiversity hotspots for the wealth of its species, and is a priority eco-region for global conservation.

**2. Why are we creating the autonomous government? Main reasons:**

After the numerous Spanish attempts to conquer land in the second half of the 16th century, ending in their expulsion in the 17th century following different Jibaro uprisings, it was not until the arrival of the extractive industry that we began to feel such strong and disruptive impacts on our lives and our territory once more.

The expansion of extractive capital, primarily in the form of mining and oil activities on our territories; the introduction of a cash economy, the consumption model and externally imposed development; and the ever changing and ever more global world generally are all having devastating consequences for our forests, biodiversity and all the benefits of the natural world, even our knowledge and survival as a people, and this is seriously affecting our way of life.

A Ministerial Resolution[[1]](#footnote-1) issued in Peru considers all Amazonian indigenous peoples to be “extremely poor”, regardless of our quality of life or whether our basic needs are met. The economic development model and the skewed public policies imposed by successive governments are beginning to have a negative and, in many cases, irreversible impact. We have to respond to this and endeavour to reverse these processes through collective and systematic work, as we are beginning to lose the knowledge of our traditional practices, and are witnessing the destruction and pollution of our abundant nature. This is what will, in the end, and in a very short space of time, turn us into true paupers with little capacity for survival as an indigenous nation or people.

The dispersed and fragmented community autonomies established by the Constitution do not meet our collective needs and this proposal does not contribute to the debate, to reflection or self-criticism, far less to the joint construction of a common future. The Wampis nation has reached a point where it feels that, despite the vitality of its language, if it does not now take over the reins of its future, it will disappear as a distinct nation.

All this has led to a concern and a pressing and imperative need to ensure the historic continuity of our people, our socio-historical identity and biophysical existence and our culture, taking our territories as the fundamental basis, and our Wampis people (men and women) as the builders of our common destiny. This is why, given our historic and permanent struggle (even before contact with the Western world), we have decided to formally take control of our present and our future by organising autonomously, as a people and nation, based on the continuing defence of our ancestral territory.

**3. What process did you follow?**

Like all other indigenous peoples around the world, the Wampis nation has been defending our dignity, culture, identity and, thus, our territories since time immemorial. In our case, it was first the IWAS who were our main enemies and with whom our ancestors fought and then, later, the Incas; during colonial times, it was the Spanish and the merchants who invaded our territories. Since the formation of the Republic, it has been the State itself and its powers with whom we have struggled to gain respect for our human and territorial rights, and this has continued to this very day.

The Wampis nation has, since the 1970s, been able to claim community land titles through a local, national and regional organisational process. Since 1996, however, and together with other peoples, we have come to the conclusion that we have to demand recognition of our territory as an integral whole. Alongside this, we began a process through which to make our demand known, involving different internal ways of working, including collective dialogue with neighbouring peoples, and the production of a set of socio-technical documents to support our demand. This consisted of four basic reports: (1) an anthropological report, evidencing our socio-historical existence on the territories claimed; (2) a legal report supporting our right to this territory in accordance with national and international standards and laws; (3) a cartographic report containing the physical boundaries of our territory, our cultural map and toponymy, and which also shows our historical and biophysical presence in the zone; and (4) a Statute drawn up with input from all our people and which sets out the collective rules that will ensure the conservation and protection of our territory as a whole, including aspects, mechanisms and ways of relating to civil society and the State. These documents served as notification of our decision to the Peruvian state.

Other Amazonian indigenous peoples have now also begun this process to claim and recover their territory, such as the nine peoples of the north-western zone of the Peruvian Amazon.

In our case, the Wampis nation began the process of drafting our collective Statute in 2014. It involved a number of stages: a first draft was produced with the Wampis elders and wise men and women and this formed the basis for a collective discussion with Wampis families. Two meetings were held to discuss this draft with all the Wampis communities, and various points in the document were raised, discussed and amended at these meetings. A second draft was further discussed and then a final version validated in June 2015. A committee was appointed to visit all communities over a four-month period and make these agreements known.

As each community was visited, it also unanimously approved the formation of the Autonomous Territorial Government of the Wampis Nation and its role in managing the territory as an integral whole. The communities also further stated that they wished to maintain the SOCIO-POLITICAL UNITY of all members of the WAMPIS NATION.

Finally, on 28 November 2015, the Wampis nation therefore agreed to maintain this unity and to establish the Autonomous Territorial Government (GTANW) during a 1st SUMMIT (Soledad community, Kanus), proclaiming itself as the GTANW and issuing its Statute.

**4. How have we organised?**

The Statute of the Autonomous Territorial Government of the Wampis Nation comprises eight chapters and 94 articles. It further includes four transitory provisions. A translated copy of the Statute is available and so I will not go into too much detail. It is an internal instrument that sets out the social agreements that Wampis have reached with regard to our right to:

* Self-determination;
* Our rights and duties;
* The territory of the Wampis Nation and territorial organisation;
* Internal and external rules of governance;
* Forms of self-government at local basin level and the structure of the Autonomous Territorial Government;
* The exercise of internal justice and social control; and, finally
* The system for electing the authorities.

**Self-government means that we EXERCISE control and ADMINISTER:**

* Our own forms of conflict resolution within our communities.
* Our own cultural self-help and development institutions.
* Continuity, strengthening and consolidation of the system for protecting, caring for, and conserving the forests and biodiversity.
* What is good and what is bad; we regulate the conduct of our members.
* The resources we use to meet our basic needs (food, housing, land, territory, etc.).
* Our own way of life, expressed in our culture and identity.
* We create the capacity for positive, creative and proactive relationships with civil society, the State and different government authorities, which we call external governance.
* We generate collective and participatory debates by which to produce our own ideas in response to major challenges: education, justice, economic development, etc.

**Basic Structure of the Autonomous Territorial Government of the Wampis Nation**

At central level, we have agreed the existence of:

* + Uun Iruntramu (General Assembly of the Irunin or Assembly members). This is the highest authority of the GTANW.
	+ Central Executive Government led by the Pamuk and the Pamuka Ayatke and the atuuke or sector directors. These have responsibilities for the different sectors:

1.- Intercultural Health, 2.- Intercultural and Cultural Education, 3.- Eco-agriculture, 4.- Nature, Territories and Environment, 5.- Transport and Communications, 6.- Women, 7.- Justice and Human Rights, 8.- Economy,

9.- Youth, 10.- Fisheries and Hydrobiological Resources, 11.- External Relations, 12.- Political and Organisational Development, 13.- Tourism, Production and Trade.

**As the Wampis territory covers two basins (Kanus and Kankaim), we have agreed to establish basin governments with basin assemblies, i.e.:**

Matsatkamu iruntramu and their Basin Executive Governments (Waisram and Waisrama Ayatke).

**At community level, the structure of community assemblies has been retained or** Irutkamu Iruntramu, with their Community Boards of Governors.

**5. What is the legal basis for our proposal?**

ILO CONVENTION 169

Art. 6: [governments shall] c) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.

Art. 7: 1. Decide their own priorities for the process of development (economic, social and culture). Participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Art. 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Art. 4:Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

THE POLITICAL STATE CONSTITUTION recognises the autonomy of the indigenous communities in Art. 89: “The Peasant and Native Communities enjoy legal existence and legal status. They are autonomous in their organisation and communal work, in their use and free disposal of their lands, as well as in their economic and administrative affairs, within the framework of the law. Ownership of the land is imprescriptible, save in the case of abandonment as set out in the previous article.

The State respects the cultural identity of the Peasant and Native Communities.”

On this basis, the Wampis communities have freely decided to cede part of their autonomous sovereignty to an institution that represents all of them as a whole, the Autonomous Territorial Government of the Wampis Nation. Accession treaties have been drawn up for each of the Wampis communities that form part of the Autonomous Government, and each of their statutes is currently being modified and adapted.

The establishment of the GTAWN therefore has a legal basis in Peru, and can be found in constitutional-level texts, including the international human rights treaties and the Peruvian Political Constitution itself. Nothing proposed by or supporting the GTANW contradicts or harms the national sovereignty of Peru.

**6. What is our strategy for empowering our own autonomy and our political proposal?**

**Building and empowering socio-political and internal territorial government**

-**Socio-political:**

In political terms, our proposal is based on territorial governance, this being understood as a way of governing our internal and external affairs in accordance with the ownership and proper administration of our ancestral territory.

Our priority is to build and renew the individual, family, community and organisational capacities of the Wampis people, taking the socio-historical, cosmic and spiritual elements of nature, forests and biodiversity as our basis, along with an essential concern for their critical, creative and holistic education.

As García Hierro said, we are “Seeking a goal that clearly expresses the concept of self-determination, a form of self-defined but externally legitimised governance that guarantees [us] control over [our] decisions and [our] heritage, in interaction with other societies, nations, and peoples.”

**Socio-Territorial:**

Our government is built around the **demand for recognition of the whole territory that we have ancestrally maintained and administered** and which covers 1,327,760 hectares high in biodiversity and primary forest.

This is because the model of recognising territories at community level offers a very limited and restrictive approach to our traditional territorial system and to the use of our territories, and is posing a serious threat to its conservation and the development of our people.

Now that we have established our government, we have been able to ratify the collective will of the Wampis nation to continue to protect and conserve the forests, biodiversity, ecosystem and indeed the planet or, at least, what our territory can offer, in the struggle against climate change.

**Administration of Internal Affairs:**

We want to recover our capacity to take decisions on issues that affect our life and build a future that is based on our way of seeing things. We want to give renewed value to our knowledge and our science and to promote it, with input from new technologies, in order to continue to develop according to our own needs and aspirations.

Our work revolves around Nature, Biodiversity and the Environment, with a focus on Conservation and Climate Change (the Wampis territory being a conservation territory) and on the basis of a Basic Policy of Well-being, i.e. our own vision of development that includes objectives aimed at:

1. designing and implementing an effective socio-territorial order and control of the long-term use of the benefits of nature (natural resources) and the knowledge our heritage encompasses;
2. a re-orientation of our own collective thinking, as a result of a critical and participatory self-assessment in different areas such as: the creative use of the benefits of nature; our own educational project, health system, and alternative economic development; establishing favourable basic conditions for general well-being in order to generate current and future TARIMAT PUJUT, taking the HUMAN BEING as our FOCUS OF CONCERN, IN OUR CASE INDIVIDUAL WAMPIS (WOMEN, CHILDREN AND YOUTH, IN PARTICULAR).

**External Governance:**

We intend to develop a policy of proactive dialogue and consultation, to build effective external relationships in which our decisions, as a people/territory, are feasible in the political, economic or social contexts in which we interact and between which there is a permanent and historic interdependence. For this, it will be necessary to create the mechanisms and strength by which to increase our capacity for advocacy, control and participation in each context in which we interact (State, Company-Market, Society).

One priority is to build a democratic, respectful (of nature and humanity) and highly intercultural society.

**7. What is our relationship with the Peruvian state like now?**

GTANW has been established as the autonomous government of the Wampis nation, the aim of which is to administer our own (the Wampis communities’) affairs and establish different rules to ensure Tarimat Pujut within our ancestral territory.

In exercising our right to self-determination, we are not engaging in any action prejudicial to the sovereignty of the Peruvian state. Quite the contrary, as part of the founding Statute of the GTANW, we solemnly ratified our Peruvian nationality, along with respect for the patriotic symbols and unitary nature of the Peruvian territory. Art. 10 of our Statute thus states with regard to citizenship: “The men and women of the Wampis nation are Peruvian citizens and enjoy the same rights and duties as other citizens equally. Respect for the Peruvian state and its representatives, and mutual communication between our authorities, are recognised as the basis for a peaceful and productive coexistence with Peruvian society. Peru’s Constitution and the international human rights treaties that support it establish a framework which, together with this Statute, are recognised and respected by our people.”

In the spirit of ILO Convention 169, we understand that our relationship with the State must be horizontal and respectful. Although our proposal is based on the direct exercise of our rights, we will continue to demand (not request) that the State guarantees our rights as Peruvian citizens and collective rights that the State has undertaken to respect through different international treaties and national laws. There has up to now been a huge gap between what these treaties say and the actual situation of insecurity and mistrust, motivated by years of deceit and contamination of our lives and our territory. We are therefore confident in the belief that the creation of the GTANW will enable us to raise this challenge, to mark out a new path by which to facilitate a more respectful and friendly relationship with the State, producing legal instruments and relevant and appropriate public policies for the Amazonian peoples. In other words, the State in general, over and above the restrictions of Peruvian law, should begin to develop innovative ideas with regard to respect and mutual collaboration and reflect these in legal norms and public policies; it could then truly be termed a highly democratic, critical, genuine and intercultural society.

We have been forging our government for two years and our priority has been internal strengthening and collective decision-making. However, a number of actions and contacts with the State have also been established, and our relationship so far has been a collaborative and mutually supportive one. The following have been achieved:

* Recognition of GTANW as environmental defender by the Committee for Andean, Amazonian, Afro-Peruvian Peoples and the Environment of the Peruvian Congress of the Republic.
* Coordination with the Ministry of Energy and Mines and the PCM to confront illegal mining on the territory. Creation of a multisectoral dialogue process.
* Coordination with Energy and Mines and Petroperú following the oil spill to ensure clean-up actions and provide appropriate and adequate compensation to those affected in Mayuriaga community.
* Coordination with the National Registry of Identification and Civil Status (RENIEC) to run documentation campaigns in the Wampis communities.
* Work with different state sectors, including the Ministry of Education, to begin presenting the advantages of the GTANW.

*A case illustrating how the Wampis Nation Autonomy is working: illegal mining and the Pastacillo ban: progress in protecting the territories.*

For a number of decades now, illegal gold mining has been taking place around the mouth of the Santiago (or Kanus) River. Some five or more years ago, however, this activity began to scale up, possibly due to the high price of this precious metal. The number of illegal dredgers and incursions into the different tributaries of the Kanus River led the Wampis communities to call for government intervention on more than four occasions. The State did intervene to ban the machinery but it would always re-appear in our territories a few weeks later. In June 2017, with the GTAWN now established, a request for government support to remove illegal miners from our territories was made once more. Nothing happened and so, taking our autonomy as a basis, we decided to take the matter into our own hands. In July 2017, having repeatedly asked and warned the illegal miners to withdraw, a GTAWN delegation issued a ban on mining equipment. This action elicited a violent response from some of the illegal miners, who physically assaulted a number of Wampis community members.

Following this conflict, we called on the State to ensure its presence in the area, and then made contact with various government institutions, finally reaching an agreement to establish a multisectoral dialogue coordinated by the Ministry of Energy and Mines. In August/September 2017, a meeting was held on the Wampis territory with different government representatives and a number of agreements were reached to jointly confront the illegal mining and start some productive activities. The coordination between the GTANW’s environmental surveillance teams and the responsible government bodies is particularly noteworthy, as this is enabling constant monitoring and a more effective response to illegal mining.

**8. What are we doing now and what are our hopes for the future?**

**Our experiences are on three levels:**

**a) Internally:**

We need to consolidate our autonomous process internally, creating, strengthening and consolidating our own capacities to manage the needs of Wampis families, preserving our traditional territory and the benefits of our nature. Tarimat Pujut in harmony with nature is our objective and highest and most final goal.

**b) Externally:**

We are seeking the Peruvian state’s official confirmation of the configuration, pre-existence and continuity of the Wampis territory, and of the GTANW as the body through which our territory’s autonomy and governance is exercised. At the moment, we are therefore in the process of notifying and explaining the benefits of the GTANW to central government and other government authorities.

1. **Internationally:**

We have been exchanging our experiences of autonomy with other indigenous peoples in other countries, particularly the Guarani peoples known as the Indigenous Guarani Charagua Lyambae Autonomy, with native peoples in Santa Cruz department, Bolivia, those on the border with Paraguay and those on Rapa Nui Easter Island (Chile). We believe these spaces are necessary to learn from other experiences and offer our knowledge to other peoples in the process of creating their autonomies.

**10. Some recommendations:**

**a) for the Peruvian government**: that they show innovation and creativity for a constructive dialogue with the GTANW; and capacity and innovation to adapt national legislation to the progress that has been made in international legal texts.

**b) for the members of the Permanent Forum and the Special Rapporteur:** that they continue to support the indigenous nations and peoples in their path to self-determination and exercise of their autonomy by making recommendations to States, advising them, and facilitating the various mechanisms at their disposal so that we have international mechanisms through which to raise our complaints. We also invite them to visit the territories of the Wampis nation.

**Annex: Structure of the Autonomous Territorial Government of the Wampis Nation**

1. Peruvian Ministry of Development and Social Inclusion: Ministerial Resolution 227-2014 -MIDIS [↑](#footnote-ref-1)