

INDIGENOUS ENVIRONMENTAL DEFENDERS UNDER RISK FOR PROTECTING THE AMAZON RAINFOREST: **THE CASES OF THE WAMPIS NATION AND FENAMAD**

Image: Courtesy of Pablo Lasansky



GOBIERNO TERRITORIAL AUTÓNOMO
DE LA NACIÓN WAMPIS



FENAMAD
Federación Nativa del Río
Madre de Dios y Afluentes
Por la unidad, y defensa de los bosques y respeto a los pueblos indígenas

**FRONTLINES OF
CLIMATE
JUSTICE**



Introduction

“For more than 7,000 years, we have lived without contamination in our lands. I don’t want more mining, no more oil companies that pollute our environment. We want to conserve our territories.”

—Teófilo Kukush Pati, Pamuk (Indigenous leader) of the Territorial and Autonomous Government of the Wampis Nation (GTANW)

In the Peruvian Amazon, Indigenous peoples have become the last stronghold of resistance for protecting the territory against the advancement of extractive and agribusiness projects. Indigenous communities are the group most vulnerable to the effects of climate change. However, they are leading resistance against climate-damaging activities and demanding the recognition and protection of their rights. Left largely alone in this struggle to confront climate-damaging public policies and private initiatives, they face increasing threats, attacks, and repression for their work as guardians of the territory.

The deforestation of the Amazon basin is rapidly transforming this biome from a

carbon sink, capturing carbon emissions, to a major source of emissions for the first time in history¹. After Brazil, Peru is the second largest country in South America with the highest proportion of Amazonian territory (two-thirds of Peru are part of the Amazon). This vast area of tropical rainforest occupies 74.2 million hectares—the ninth-largest forest area in the world. Deforestation is the largest contributor to Peru’s greenhouse gas emissions, representing 51 percent of the country’s total emissions².

Indigenous peoples are especially affected by the climate crisis because of their close relationship with and dependence on their land and natural resources. Climate change

Image: Courtesy of FENAMAD



exacerbates the difficulties already faced by Indigenous communities, including political and economic marginalization, loss of land and resources, human rights violations, discrimination, and unemployment³. In the case of the Amazon, the deforestation caused by climate-damaging industries has not only affected the ecosystem but violates the rights of the Indigenous peoples that inhabit it. The growing deforestation compromises the rights to food, water, and health in the Amazon. Tackling deforestation and stopping climate change is thus a matter of life and death for these communities.

This case study focuses on two specific cases in the Peruvian Amazon in which Indigenous peoples and their representative organizations are taking collective actions against advancing external threats, and are thus increasingly exposed to violence intended to stop them from defending the rainforest and Indigenous rights.

The Wampis Nation lives in the North of the Peruvian Amazon, between the departments of Loreto and Amazonas. The history of the Wampis Nation shows how Indigenous peoples in the Amazon must survive by coexisting with multiple threats to their rights and territories. For years, the Wampis Nation has been suffering the impacts of several extractive industries, particularly those related to hydrocarbon activities. Illegal logging and mining activities that have long threatened their territories have now intensified in the context of the COVID-19 pandemic. The Government of the Wampis Nation has been taking action and organizing communities to defend their territories from the advance of illegal logging, one of the main drivers of deforestation in the Peruvian Amazon. Because of this opposition to climate-damaging industries, Wrays Perez, a prominent figure of the Wampis people and former Pamuk (Indigenous leader), has suffered threats to his life from illegal loggers.

In exercise of its right to self-determination, the Wampis Nation is organizing to face



Image: Courtesy of Pablo Lasansky

the effects of climate change and resist the advance of the extractive industry⁴. In 2020, the Wampis Nation and the Achuar peoples effectively prevented the exploitation of Oil Lot 64 by Geopark and Petroperú oil companies. In times when the international community has failed to act with high ambition to effectively respond to the climate crisis, this success story provides hope for other Indigenous communities around the world that continue to resist the advance of climate-damaging activities. However, the threats to the Wampis territory remain alive. Petroperú has not yet given up leasing Lot 64, where illegal mining and indiscriminate logging are advancing.

The Mashco Piro peoples, an Indigenous group in isolation, also live in the Peruvian Amazon—in the jungle of Madre de Dios. The Mashco Piro peoples ancestrally inhabit a cross-border territory that amounts to 8 million hectares between Peru and Brazil. According to information from the Peruvian government, they are one of the most numerous groups in



Image: Indigenous women from the Wampís Nation lead a workshop at their Annual Summit in 2019.

isolation in the Amazon, with approximately 750 people in Peru. The Mashco Piro have seen their territory threatened by the advance of deforestation. In the case of the Mashco Piro and due to their special vulnerability as Indigenous peoples in isolation, deforestation caused by logging (both legal and illegal) and other industries that threaten the climate has put their survival at risk.

For several years, the Native Federation of the Madre de Dios River and Tributaries (FENAMAD), a representative organization of the seven Indigenous peoples of Madre de Dios, has undertaken a crusade to denounce the violations of the rights of the Mashco Piro peoples and demand their protection by the Peruvian government. This effort has even brought them before the inter-American human rights system. In the context of COVID-19, FENAMAD is facing a retaliatory

suit (also called a strategic lawsuit against public participation, or SLAPP), a lawsuit that a company files strategically against a group or activist that opposes certain action by such company.

In the case of FENAMAD, the SLAPP suit came after their denunciation against a logging company that was entering the territory of the Mashco Piro peoples. Madera Canales Tahuamanu, the logging company, has been leased a concession that overlaps with Mashco Piro territory. The company has sued FENAMAD and the Peruvian judiciary initially ruled for the company. (The case is currently being appealed.) The story of FENAMAD illustrates how, when governments failed to protect the Amazon, the communities on the front lines of the climate crisis have stepped up and are now facing repression and judicial persecution.

The Wampis Nation and FENAMAD: Frontline communities working to preserve the Peruvian Amazon

Wampis Nation, the peoples of Tarimat Pujut

The Wampis Nation is an Indigenous people made up of more than 85 native communities. Since 2015, they have been represented by the Autonomous Territorial Government of the Wampis Nation (GTANW). The Wampis territory covers 1,327,000 hectares in the North of the Amazon of Peru, between the departments of Loreto and Amazonas. This territory includes the basins of the river Kanús (Santiago), in the district of Santiago, Province of Condorcanqui, department of Amazonas; and the Kankaim River (Morona), in the Morona district, Datem del Maraón Province, department of Loreto. Both basins are separated by the Kampankias mountain range, which feeds the bodies of water and is the mainstay of the area's inhabitants.

Within the Wampis territory are such Protected Natural Areas as the Ichigkat Muja National Park (Cordillera del Cóndor), the Santiago Comainas Reserved Zone (Kampankias), and the Tuntanain Communal Reserve (Santiago and Cenepa). The Wampis territory is a "hot spot" of biodiversity. This rich diversity of flora and fauna is essential for the livelihood of the Wampis peoples, but also for the maintenance of climatic cycles in this region of the Amazon. The Wampis community plays a fundamental role in conserving and protecting their territory. The protection of the Wampis territory has profound implications for the maintenance of the natural cycles of the Amazon rainforest.

A key part of the traditional beliefs and political system of the Wampis Nation is the protection of their territory and environment. For generations, communities have lived in this



Image: Map of the Wampis Territory. (GTANW)

part of the Amazon with a deep connection to their territory and the protection of their natural resources. In 2015, when the Wampis Nation began its organizing process under GTANW, the communities adopted a statute that reflects their vision and commitment to protecting their territory⁵. The Wampis statute includes principles such as the right to self-determination, the right to decide their development priorities, and the right to say no to extractive industries, as such activities do not align with their cultural values. A key concept of the Wampis Government Statute is the concept of Tarimat Pujut or collective

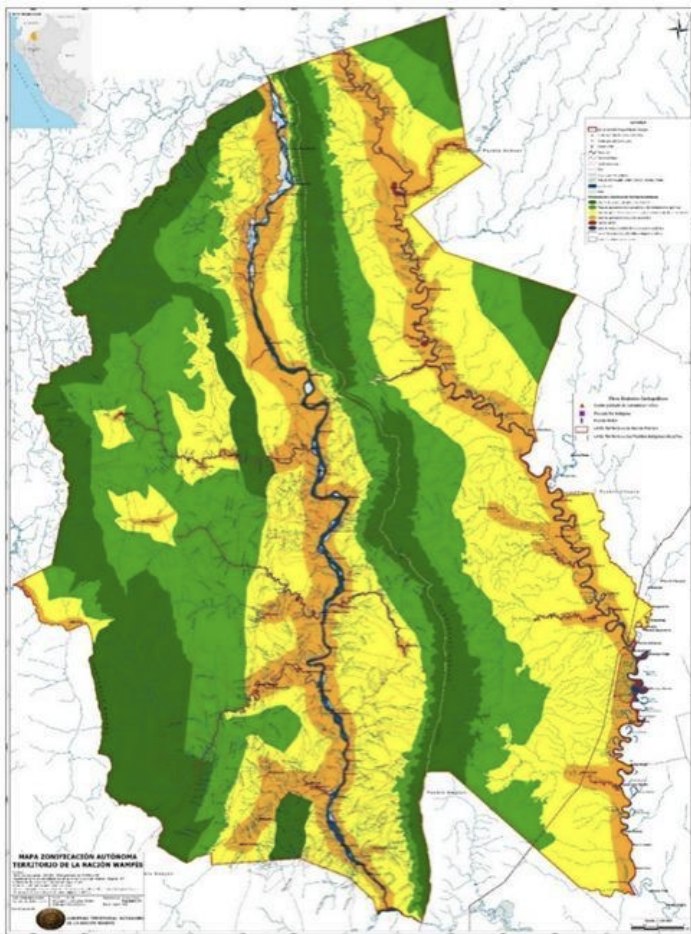


Image: Autonomous zoning map of the territory of the Wampis Nation. (GTANW)

welfare. This principle requires that the Wampis peoples work for the adoption of policies that protect their territories and natural resources as a common good. Tarimat Pujut promotes a concept of unity and integrity of the territory where the well-being of the community depends on the protection of its rivers, mountains, forests, and fauna.

The communities belonging to the Wampis Nation are aware of the serious effects that the

climate crisis will have on their territories. The communities have already noticed an increase in heat that affects their orchards and their working hours, floods in the river basins that cross their territories, changes in the local flora and fauna that threaten their eating patterns, as well as effects on the health of community members.

To respond to the climate crisis, the Wampis Nation is demanding the protection of their rights and territories. Wampis peoples know that their work as defenders of the Amazon is fundamental in the fight against climate change. They are demanding an end to all mining, oil, and illegal activities that contribute to their territories' deforestation. At the same time, the autonomous territorial government of the Wampis Nation has begun to work on an adaptation plan to the climate crisis to avoid further damage to the rights of communities. This climate action plan has various components, including actions and commitments for addressing the accumulation of carbon stock, reducing forest degradation by the year 2030, and others⁶.

The Wampis Nation lives on the frontlines of the climate crisis; they are already facing its effects. As such, they are organizing to protect their territories and communities from the worst effects of climate change. For the Wampis Nation, "Tarimat Pujut" or protecting the collective welfare of the community is a life principle.

Image: Assembly of GTANW at the Soledad community headquarters⁷.



Native Federation of the Madre de Dios River and Tributaries (FENAMAD)

The Native Federation of the Madre de Dios River and Tributaries (FENAMAD) is the representative organization of the seven Indigenous peoples of Madre de Dios, in the Peruvian Amazon basin. It was founded in 1982 by the Indigenous peoples themselves and currently comprises 37 native communities. As part of its mandate, FENAMAD defends and protects the rights of Indigenous peoples, including those who live in isolation. These groups are particularly vulnerable to possible extinction. FENAMAD works daily as a human rights defense organization and conducts various legal and advocacy actions in the face of threats to the human rights of Indigenous peoples in the Amazon.

For more than 20 years, FENAMAD has been working to defend the rights of Indigenous peoples in isolation, particularly the life and integrity of the Mashco Piro peoples. Mashco Piro peoples ancestrally inhabited a cross-border territory that amounts to 8 million hectares between Peru and Brazil. The following image shows the real dimension of the ancestral territory of the Mashco Piro peoples.

According to official information from the Peruvian government, the Mashco Piro Indigenous peoples are defined as "one of the semi-nomadic peoples that inhabit the Peruvian territory [...] the departments of Ucayali and Madre de Dios." The Mashco Piro "live mainly in the middle and upper basins of the Manu, Los Amigos, Pariamanu, Las Piedras, Tahuamanu, and Acre rivers (Madre de Dios Territorial Reserve) and the upper Purús and Curanja river basins (Mashco Indigenous Reserve Piro)."⁸

The Mashco Piro peoples are at risk of extermination. The physical and cultural survival of these peoples depends on their



Image: Map of Madre de Dios region
courtesy of FENAMAD

special relationship between the territory and its natural resources. However, the threat posed by the advancement of deforestation in the Amazon basin due to the expansion of extractive industries and the development of infrastructure projects threatens the lives and livelihoods of the community.

The work of FENAMAD and the communities the federation represents, has been fundamental to advocate for the protection of the rights of Indigenous peoples in the context of the strategies to prevent deforestation in the Amazon. FENAMAD has for years been advocating for the benefits of REDD +, a framework created by the UNFCCC Conference of the Parties (COP) to guide activities in the forest sector that reduce emissions from deforestation and forest degradation. REDD+ is oriented towards satisfying the basic needs of native communities and strengthening territorial

governance and autonomy. FENAMAD has played a key role in the development of Red Indígena Amazonica (RIA), a program to implement REDD+ in the Amazon region that started in 2011. FENAMAD has also actively engaged in advocacy to protect the rights of Indigenous peoples in Madre de Dios at the national and international level, engaging with the Ministry of Environment of Peru and at international climate negotiations.

FENAMAD's experience in the implementation process of RIA has been considered good practice at the regional level. Indigenous

REDD + projects play an important role in respecting Indigenous people's rights in these types of policies, materializing free, prior, and informed consent, and effectively achieving the participation of Indigenous peoples in decisions and activities related to conservation projects. FENAMAD and the Indigenous communities the Federation represents have decided to assume an active role in the political negotiations that affect the Amazon region. As frontline communities, their experience and work are invaluable to respond to the climate crisis.

The Amazon Rainforest: An Irreplaceable Ecosystem

The Amazon is the largest rainforest in the world and provides vital ecosystem services that affect the entire planet. The Amazon biome covers approximately 6.7 million km² and extends through Brazil, Colombia, Peru, Ecuador, and other South American countries. The biodiversity of the Amazon is unmatched, with thousands of mammals, amphibians, reptiles, and birds living in this region of the world.

The Amazon rainforest is a fundamental part of the planet's climate system. Rainfall in the Amazon produces the largest river discharge on Earth, approximately 20 percent of the world's total river entry into the oceans⁹. The rivers that originate in the Amazon region are an important source of water for South America. The flora and fauna that grow and live in the Amazon are not only important sources of food and medicine for

Image: Courtesy of FENAMAD



the Indigenous communities that live there, but also for people in many other regions of the world. The Amazon rainforest has also been recognized as an important carbon sink, capturing approximately 200 billion tons of carbon per year¹⁰ and contributing to the fight against climate change.

Culturally, the Amazon is also a very diverse region, comprising more than 350 Indigenous groups. More than 60 of these are isolated, with little or no contact with the outside world. Indigenous communities living in the Amazon region depend primarily on the rainforest for their survival. They are the guardians of the rainforest and the main victims of the advancing deforestation in the region.

Oil exploitation, mining, logging, and agribusiness are among the main drivers of deforestation in the Amazon. The Scientific Panel of the Amazon, a scientific initiative sponsored by the United Nations Sustainable Development Solutions Network (UNSDSN), estimated in its most recent report that 18 percent of the forest area of the Amazon basin has been deforested and an additional 17 percent has been downgraded¹¹. In 2020, the Brazilian government disclosed new data on deforestation in the Brazilian Amazon. According to information collected with satellites, an estimated 11,000 km² of primary forest in the Brazilian Amazon was cut down between August 2019 and July 2020¹². All over the region deforestation has significantly increased.

Due to this growing deforestation, the Amazon rainforest is slowly transforming from a carbon sink to a carbon emitter. In 2021, a new study found that for the first time in history, the Amazon rainforest is emitting more carbon than it is capturing¹³. Most of these emissions are produced through fires set to clear land for agribusiness. However, the scientists

also found that even without fires, parts of the Amazon rainforest are emitting carbon, probably due to high rates of deforestation that change natural climate cycles, produce droughts, and make trees more susceptible to fires.

In the context of the climate crisis, restoring and conserving the Amazon rainforest is required to avert the worst effects of climate change. However, in its latest report from August of 2021, the Intergovernmental Panel on Climate Change, the United Nations body that assesses the science related to climate change, clearly stated current worldwide carbon emissions are too high for rainforests to effectively capture¹⁴. The Amazon rainforest is a clear example of how rainforests are losing their capacity to act as carbon sinks and regulate the climate.

Therefore, reducing carbon emissions by ending fossil fuel dependence is necessary to protect the Amazon rainforest and the rights of Indigenous peoples that depend on it.

Indigenous peoples play an important role in protecting the Amazon rainforest. A network of 7,000 Indigenous territories and protected areas in eight countries covers approximately 50 percent of the Amazon rainforest. This network has been fundamental to the conservation of the Amazon biome since both Indigenous territories and protected areas show lower rates of deforestation than territories without any type of protection¹⁵. However, Indigenous territories are constantly threatened by the expansion of the agricultural frontier, infrastructure development, extractive industries, and even changes to protective laws. Indigenous peoples also face increasing pressures, threats, and even violence when resisting deforestation. Recognizing and protecting the rights of Indigenous peoples is imperative to stopping the advancement of deforestation in the Amazon and effectively responding to the climate crisis.



Projects that affect the community

Illegal logging is a permanent problem for the Wampis Nation and one of the main drivers of deforestation in the Peruvian Amazon. The Wampis Nation denounces how, despite the existence of regulations and conservation plans through various tools created by the Ministry of the Environment, forest concessions tend to cut down three or four trees to extract only one for sale.

Within the Wampis Nation, several communities have logging permits that authorize them to extract a certain volume of wood. Despite attempts at community management of these resources, illegal logging continues to increase and has promoted threats, stigmatization, and persecution of Indigenous defenders who oppose such activities.

Since October 2020, the Wampis Nation has denounced the presence of foreign loggers, specifically citizens who come from Ecuador and act in Wampis territories illegally. The communities have called on the Peruvian government to act without response. Indigenous leaders have resorted to territorial control of their communities to prevent illegal loggers from entering their territories and to capture both shipments of illegal timber and the machinery used to extract it¹⁶.

In the COVID-19 pandemic, illegal logging increased as the presence of authorities in the area decreased. In the Peruvian Amazon, COVID-19 not only caused serious health and social crises but also promoted an increase in deforestation and its effect on the ecosystem. Opposition to illegal logging has also threatened Indigenous defenders and their families.

Illegal gold mining is also a major contributor to deforestation in the Peruvian Amazon. Illegal gold mines have turned parts of the



rainforest into deserts. The use of mercury in gold mining has contaminated water sources. Camps and even cities built by miners in the Peruvian Amazon continue to expand, with reports of child labor and human trafficking activities within them. For the Wampis Nation, illegal mining has greatly exacerbated deforestation and has also become a source of conflict between Indigenous communities and settlers that come to their territory to work on these mines¹⁷.

The Peruvian government has tried to crack down on illegal mining in the Amazon region. However, when authorities close one site, illegal operations move quickly to open a new one¹⁸. These failed actions also respond to public policies that were not and are not agreed with the Indigenous peoples.

The resistance of the Wampis Nation to oil exploitation in their territories

The history of oil exploitation in the Wampis territory dates back to the 1970s. Since then, communities have suffered from the harms of the oil industry, including several spills that contaminated soil and water sources and affected the health of community members. In January 2016, there was an oil spill in the province of Condorcanqui, within the Wampis territory and specifically in the territory of the Indigenous community of Mayuriga. The oil lot that produced the spill was managed by Petroperú, a Peruvian state company¹⁹.

In September 2018, there was a new spill of around 8,000 barrels in the territory of the Mayuriga community. This was the second time in three years that the community had to deal with this situation. Oil spills affect the fauna and flora of the region, as well as the community's water sources. At that time, the head of the community denounced how his people have for years been exposed to water contaminated from oil exploitation.

“We have the problem of crude [oil]...We have been drinking that water. This is how our workers died and this is how we will die. [...] We are killing ourselves for oil.”²⁰

— Fernando Rosas chief of the Mayuriaga community

However, the government and the company responsible for the spill, Petroperú, have not effectively repaired the damage caused by the spill. In 2019, Petroperú was found responsible by the Peruvian environmental authority, Organismo de Evaluación y Fiscalización Ambiental (OEFA), for the damages caused by the 2016 spill. However, there have not been reparations for the community or the environment. Petroperú is currently suing the environmental authority, asking for an annulment of their ruling. The Wampis Nation, with the support of Earthrights International, is requesting the judge in the case to recognize the Indigenous peoples as part of the process and consequently to ratify the sanctions imposed against Petroperú for environmental

contamination and the negative impact generated in the territory of the Wampis Nation.

The Wampis Nation is committed to protecting its territory and preventing new oil projects from being developed to the detriment of the Amazon. Since 2018, the Wampis Nation and the Achuar people of pastaza, other Indigenous peoples from the region, have been demanding the end of the Situche Central project, which covers approximately 1 million hectares of the territory of these two peoples. The project sought to exploit Oil Lot 64 and was being developed as a joint venture between Petroperú and Geopark, a Chile-based company with assets in several Latin American countries. The project included the construction of an oil pipeline and a river route to transport oil. Both infrastructure projects would cross the territory of the Wampis Nation and Achuar peoples, increasing the risk of more oil spills and more damage to the flora, fauna, and livelihoods of Indigenous communities.

The Wampis government met in August 2018 and, through a joint press release with the Achuar peoples, demanded the end of Lot 64. With the support of civil society organizations, the communities called out the inconsistencies and failures of Geopark's Environmental Impact Assessment. Subsequently, the Peruvian environmental certification agency, Servicio Nacional de Certificación Ambiental (SENACE), issued an unfavorable report with more than 173 observations. Months later, in mid-2019, Geopark withdrew its study from the evaluation process, tacitly accepting that the study was flawed. A few months later, USAID, which had initially announced support for a new social benchmark study for Lot 64, announced that it had decided not to withdraw its support.

However, the company continued to mobilize personnel to the area even when they did not have the proper license to operate and the

country was under a national quarantine due to COVID-19. Communities filed legal action against the company in May 2020 with the support of EarthRights International. Finally, in July 2020, the company notified Petroperú that it would no longer continue in Lot 64. The work of the Wampis Nation and the Achuar peoples to stop the Geopark project is a great victory for the Amazon. Their experience shows that projects that damage the climate will no longer be accepted in the Amazon region, and that countries like Peru should stop leasing projects that threaten the rainforest. Although the company stopped its activities due to pressure from the communities, the exploitation of Lot 64 still poses a threat to the lives and livelihoods of the Wampis people. The communities continue to work to prevent new companies from arriving at their territory and to demand that the Peruvian government

cancel Block 64 and end its intentions to exploit oil in the Amazon region.

For the Wampis Nation, the threat of Lot 64 lives on. In 2019, within the framework of Climate Change COP 25, Indigenous communities in Peru and Ecuador denounced new plans by those governments to lease new oil projects in the territory of the Wampis Nation and other Indigenous peoples²¹. The community also fears that other threats, such as the fracking industry, will reach their territory. To effectively respond to the growing climate crisis, Peru and other governments in the Amazon region must commit to protecting the rainforest and ending all intents to exploit fossil fuels in the Amazon region. The Wampis Nation is raising its voice to demand the end of the deforestation of the Amazon and respect for their rights.

FENAMAD: The lack of recognition and protection of the territory of the Mashco Piro Peoples in isolation increases their vulnerability and puts them at risk of extermination.

“To stop the climate crisis, it is necessary to save the forests of the Amazon in Indigenous territories. To save Amazonian forests, Indigenous territories must be safeguarded: titling of territories, recognizing Indigenous rights, strengthening governance, strengthening the sustainable economy, community surveillance, identifying and valuing traditional and current knowledge.”²²

*— Julio Ricardo Cusurichi Palacios,
Goldman Environmental Award recipient 2007
and President of FENAMAD*

Although the territory of ancestral occupation of the Mashco Piro Peoples is considerably more extensive, in Madre de Dios the Peruvian government has recognized a polygon of 829,941 hectares under the figure of Territorial Reserve for the protection of the Mashco Piro peoples in isolation²³. Within the framework of the Law for the protection of Indigenous or native peoples in isolation and situation of initial contact²⁴, the Peruvian government began the process of adapting the Madre de Dios Territorial Reserve to the category of

Indigenous Reserve. During this process, in 2016, technical studies found a need to expand the Madre de Dios Territorial Reserve, given the proven presence of the Mashco Piro people in isolation outside the previously recognized limits.

The Madre de Dios territorial reserve should be expanded to protect the Mashco Piro peoples. The Peruvian government’s technical studies for the expansion of the reserve specifically concluded that the Indigenous Mashco Piro

peoples lived in an area conceded to forestry companies. The studies recommended expanding the area of the Reserve over the concessions, as a protection measure for both the peoples in isolation and for loggers who conduct extractive activities in the area. To date, the categorization process with the expansion of the Madre de Dios Territorial

Reserve into an Indigenous Reserve has not been concluded; the integrity of the area occupied by the Mashco Piro has not been guaranteed. The territory of this Indigenous people remains vulnerable to the risks associated with the advance of deforestation, forcing them to coexist with forest concessions granted by the state.

Increasing deforestation and operation of extractive companies in the territory of the Mashco Piro peoples

In 2018, Madre de Dios had the third-highest level of forest loss of all the Peruvian departments and is one of the six areas of the country classified as a very high or extremely high deforestation zone²⁵. Mining, agriculture, and road construction are some of the main causes of deforestation in Madre de Dios²⁶. For example, deforestation due to mining activity in the areas surrounding the Pariamanu River increased by 70 percent during the past year, according to the latest report from the Andean Amazon Monitoring Project, a web portal that uses satellite images to measure deforestation in the Amazon in real time²⁷. These activities destroy a critical part of the ecosystem on which Indigenous peoples depend, violating territorial integrity and causing very serious social, cultural, and economic impacts. Furthermore, deforestation is the largest contributor to greenhouse gas emissions in Peru, representing 53.09 percent of emissions²⁸.

Concerning forest exploitation, in Peru, the government has created the designation of the Permanent Production Forest²⁹. In the case of Madre de Dios, this designation covers an area of 2,522,141 hectares. After Loreto and Ucayali, Madre de Dios is the third zone in the country with the largest number of hectares under the designation of permanent production forests³⁰.

According to information from the local government of Madre de Dios, timber extraction in the department has increased since 1992, identifying areas of very high timber potential in the Manu, Tahuamanu, Los

Amigos, and Chandles river basins³¹. There is a substantial amount of forest concession in the eastern part of the department, especially in the provinces of Tambopata and Tahuamanu.

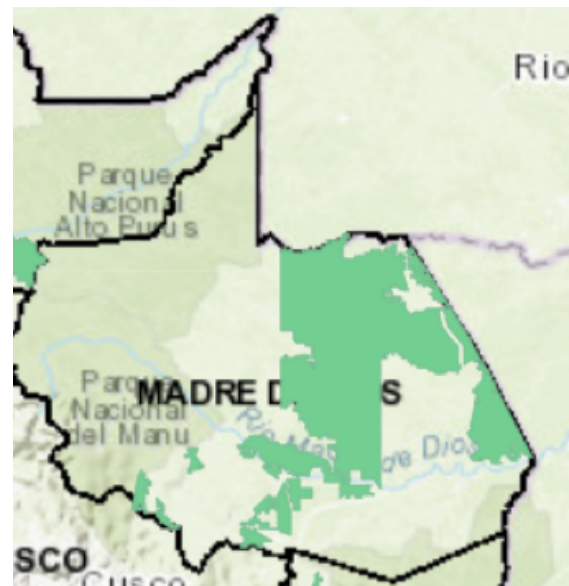


Image: BPP (Permanent production forests) at Madre de Dios, screenshot SERFOR.

Available at: <https://geo.serfor.gob.pe/visor/>

Along with the multiple forest concessions granted in the area, the environmental authority reports a high rate of illegal timber extraction. Between 2019 and 2021, approximately 15,623 m³ of illegally mobilized wood was extracted from the area. Since 2009 the figure rises to 342,956 m³.³²

The uncontrolled advance of forestry activity in Madre de Dios represents a direct risk for the Mashco Piro peoples in isolation. Their ancestral territory is experiencing increased external pressures because of private

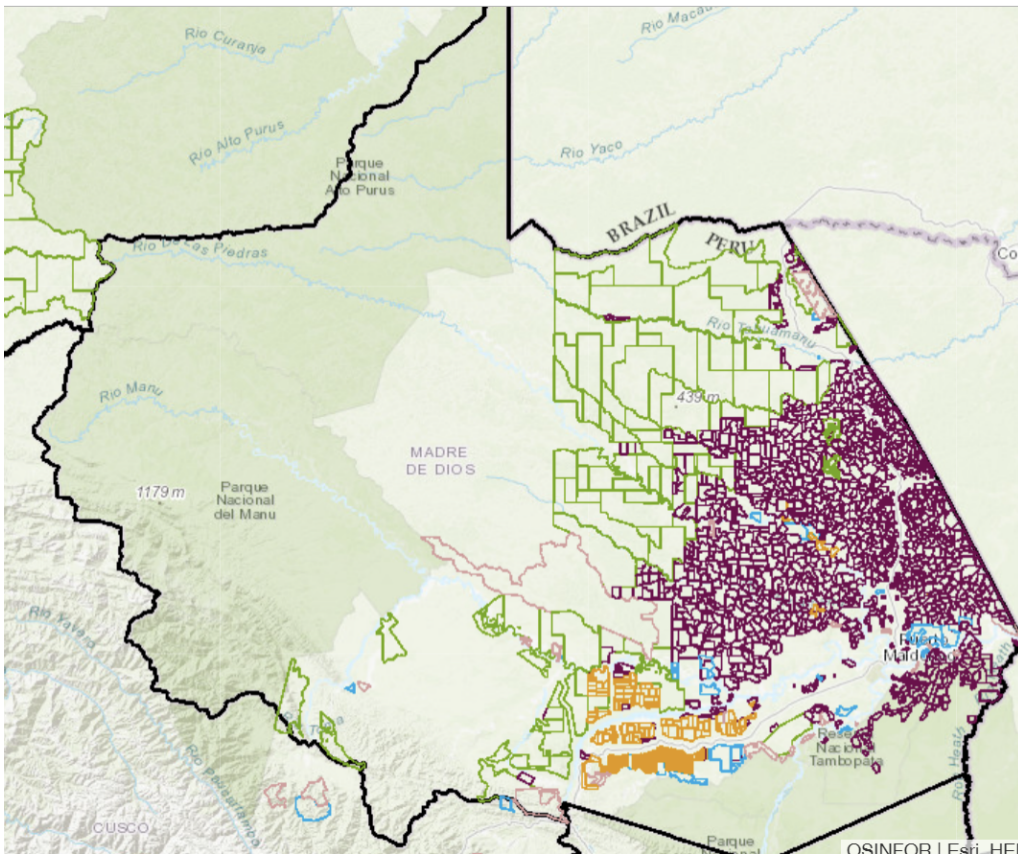


Image: Forest Concessions Map.
(SISFOR see: <https://sisfor.osinfor.gob.pe/visor/#>)

Past events very clearly demonstrate the effects of new roads in the Peruvian Amazon. For example, during the construction (2006–2011) of the interoceanic highway, which crosses Madre de Dios, deforestation increased at a rate of 425 percent. Despite the strong evidence that new roads drive deforestation, new road sections that represent a high risk for the rights of isolated peoples have already been developed—worse, additional sections with serious implications for Mashco Piro peoples are being considered.

companies' interests in their forest resources. According to the Andean Amazon Monitoring Project (MAAP), in recent months the Mashco Piro peoples in isolation have detected at least 37 cases of illegal logging and three camps in their territory³³. These cases are located in the area conceded to the Wood Tropical Forest company (Pariamanu/Los Amigos sector), which, despite the concession being in force for eight years, has not submitted operational plans for forest harvesting.

Additionally, the opening of roads and highways facilitates the expansion of the agricultural frontier in the region. Monoculture systems, such as corn, cocoa, and papaya, the invasion of land for agricultural purposes, the expansion of crops for illicit use, and logging have increased due to the new roads. Likewise, new roads that deforest the rainforest also facilitates the expansion of illegal mining. Road construction is one of the main drivers of deforestation in Madre de Dios.

A pertinent example is a proposed section

of highway between Boca Manu and Boca Colorado in Madre de Dios, which would cross transit zones of the Mashco Piro peoples as well as the buffer zones of the Manu National Park and the Amarakaeri Communal Reserve. The highway would connect these sensitive areas with the interoceanic highway and the heart of illegal mining in Peru. The Ministry of the Environment has pointed out that building this road would imply an increase in deforestation, a loss of carbon sequestration capacity, and an increase in the amount of GHG emissions.

Thus, the expansion of highways is likely to result in increased deforestation, uncontrolled colonization, and illegal logging. These are serious threats to the Mashco Piro peoples, as well as to Peru's ability to meet its international commitments on climate change. Unfortunately, opening roads in the area all but guarantees future devastation, increased deforestation, and in turn more emissions, putting the cultural continuity of Indigenous peoples in the area and their survival at risk.

For more than two decades FENAMAD has denounced the Mashco Piro peoples in isolation's vulnerable position due to the presence of third parties in its territory. In 2007, the Inter-American Commission on Human Rights recognized the serious and urgent situation facing the Mashco Piro peoples and similar Indigenous peoples in isolation, granting precautionary measures and ordering the Peruvian government to "adopt all the necessary measures to guarantee the life and personal integrity of the members of the Indigenous peoples in voluntary isolation Mashco Piro, Yora and Amahuaca (two other peoples in isolation and initial contact who live in neighboring areas), especially the adoption of measures aimed at avoiding irreparable damage resulting from the activities of third parties in its territory."³⁴

In addition, in 2011, FENAMAD filed a complaint against the Peruvian government before the Inter-American Commission on Human Rights for violations committed against the Mashco Piro peoples and two other peoples in isolation or initial contact that live in Madre de Dios, the Yora, and the Amahuaca. However, even today, the Commission has not issued its admissibility and merits report on the case. Unfortunately, this procedural delay has allowed the violations of the rights of the Mashco Piro people to continue, while FENAMAD continues to wait for justice to be served.

Recently, and in the context of the COVID-19 pandemic, FENAMAD denounced the Peruvian government's decision, despite being in the

middle of a national quarantine, to allow the reactivation of extractive activities in the territory of the Mashco Piro people. More specifically, they denounced the authorization of the timber company Canales Tahuamanu S.A.C. to operate in the territory³⁵. This authorization not only threatens the Mashco Piro territory, which continues to be conceded for exploitation, but also increases the vulnerability of the Mashco Piro peoples' life and health, because outsiders are entering their territories with the potential to bring COVID-19 to the area.

Faced with this situation, on June 19 and 23, 2020, FENAMAD sent communications to the Ministry of Culture and other Peruvian authorities, disclosing the risks to the life and integrity of the Mashco Piro peoples that the restart of activities in their territory at the height of the COVID-19 pandemic in Peru carries³⁶. In the absence of a response from the authorities, FENAMAD published public statement denouncing the entry of machinery and personnel into the territory of the Mashco Piro peoples³⁷. The company Maderera Canales Tahuamanu S.A.C responded to the denunciations with an intimidation strategy that included a lawsuit against FENAMAD and its president, the Indigenous leader Julio Ricardo Cusurichi Palacios. Despite this, FENAMAD has continued its work, warning of the risks that the Mashco Piro peoples run in the face of the advance of deforestation in the Peruvian Amazon.

Image: Courtesy of FENAMAD



Attacks against the community

Nación Wampis: Wrays Pérez, former Pamuk (Indigenous leader) of the Territorial and Autonomous Government of the Wampis Nation and environmental defender who resists the advance of illegal loggers

Wrays Pérez is the former Pamuk of the GTANW and recognized Indigenous defender of the Peruvian Amazon. In 2020, Wrays, as a representative of the Wampis Nation, denounced illegal logging activities by Ecuadorian loggers who would enter the Wampis territory through the Santiago River (Kanús), returning with boats full of wood from the Wampis and Awajún communities.

For months, the Wampis Nation asked authorities to act against illegal loggers, but nothing happened. Wrays and community members decided to act and stop deforestation by closing the Kanús River and intercepting timber shipments. In November 2020, Wrays Pérez filed a criminal complaint with the Loreto prosecutor's office for the crime of illegal trafficking of forest products against Ecuadorian loggers that the community had been denouncing for months.

Due to his opposition to illegal loggers and his work protecting the Wampis territory, Wrays began to receive threats against himself and his family. People warned Wrays that loggers would set his house on fire. Despite these threats, Wrays remains committed to defending his people and his territory.

In December 2020, illegal loggers retained a group of Indigenous Wampis leaders and youth representatives from the communities, demanding that the Peruvian authorities release some previously confiscated vessels carrying timber. The head of the Amazon region's environmental authority (ARA)



Image: Wrays Pérez speaks at EarthRights' Indigenous seminario

had to personally call the illegal loggers and assure them that the boats had been returned that same day in order for the Indigenous delegation to be released.

The inaction of the Peruvian authorities is fueling illegal logging. During the COVID-19 pandemic, the Wampis Nation denounced the increase of illegal logging in the area as a driver of deforestation. The social conflict caused by the entry of foreigners into the territory is also a serious concern. Indigenous defenders like Wray Pérez who speak up to defend their territory from loggers are increasingly under threat of violence. Halting deforestation in the Amazon region must be a key priority for Peru and the international community to effectively respond to the climate crisis. The Amazon rainforest is a key element of the global climate system, and its protection should be a global concern. Defenders like Wrays should not have to put themselves and their families in danger to demand its protection.

FENAMAD: The judicial persecution against those who denounce the deforestation of the Amazon and the violation of the rights of Indigenous peoples in isolation

In response to the complaint actions initiated by FENAMAD against the entry of machinery and personnel into the territory of the Mashco Piro peoples at the height of the COVID-19 pandemic in Madre de Dios, the company, Maderera Canales Tahuamanu S.A.C, sent a notarial letter to the Indigenous Federation on July 10, 2020, requesting the correction of disseminated information that it considered false. Faced with FENAMAD's refusal to publish the notarial letter, the company instituted an "Amparo action."

On May 7, 2021, FENAMAD was notified that the permanent civil court of Tambopata had decided to admit a legal action by Maderera Canales Tahuamanu S.A.C against FENAMAD and Julio Ricardo Cusurichi Palacios (in his capacity as president of FENAMAD). The action alleged a violation of the company's constitutional rights to honor, good reputation, and image, as well as the right to rectification, as a result of FENAMAD's public statement. Through this action, the company asks the judiciary to order FENAMAD to publish a notarial letter of correction written by the company itself after the Indigenous organization refused to make said publication.

Even though FENAMAD defended its right to communicate its opposition to the resumption of logging activities and to protect the territory and rights of the Mashco Piro people, on June 14, 2021, a judge issued a ruling that ordered FENAMAD to publish Maderera Canales Tahuamanu S.A.C's correction letter within two days or pay a fine. Additionally, the judge specifically ruled:

To urge the defendants Native Federation of the Madre de Dios River and Tributaries—

*FENAMAD and Julio Ricardo Cusurichi Palacios in his capacity as President of the Native Federation of the Madre de Dios River and Tributaries—FENAMAD so that from now on they avoid situations like this, under the responsibility that regulates the current legal system.*³⁸

It is evident that the actions of the Peruvian government, through the judiciary, are limiting the ability of FENAMAD to defend the interests and rights of people living in isolation. For this reason, and given the serious precedent that constitutes this ruling, the case was appealed before the Superior Court of Justice of Madre de Dios. However, on December 1, 2021, FENAMAD was notified of the second instance ruling that declared the appeal unfounded, confirming the first instance ruling and again agreeing with the logging company.³⁹

This persecution of FENAMAD exemplifies how the government can use its judicial apparatus to prevent Indigenous organizations from defending their territories and rights. These are SLAPP lawsuits, used globally to prevent dissent and discourage climate activists. The objective is less to achieve a favorable judicial decision (although in the case of FENAMAD the company achieved one) than to stifle dissent and opposition and block the work defenders and organizations are doing to prevent a climate-damaging project. The complaint against FENAMAD has effectively forced the organization to dedicate time and resources to defending itself, instead of focusing on its work to demand the protection of Indigenous peoples in Madre de Dios.

Analysis

Stopping deforestation in the Amazon is imperative to tackle the climate crisis

“Extractive activities generate deforestation and degradation of forests, impoverishing them in such a way that they cannot provide the usual ecosystem services, reducing their resilience to the effects of climate change. This degradation and disappearance of forests directly affects the way and quality of life of the Indigenous population”⁴⁰

— Segundo Reynado Laureano, Vice-president, FENAMAD

For the first time in history, scientific studies show that the Amazon rainforest is emitting more carbon emissions than it is capturing. The deforestation of the Amazon is progressing by leaps and bounds. When trees are cut down and burned or allowed to rot, their stored carbon releases into the air as carbon dioxide. Science estimates that deforestation produces approximately 10 percent of the world’s present carbon emissions⁴¹.

Logging (both legal and illegal), mining, and the exploitation of hydrocarbons are causing the deforestation of the Amazon. The Wampis Nation and the Mashco Piro peoples are just two examples of the hundreds of Indigenous peoples in the Amazon who are on the front lines of the climate crisis and who suffer

the harms imposed by deforestation and extractive industries.

The Wampis Nation and FENAMAD, on behalf of the Mashco Piro peoples, continue to raise their voices to denounce the advance of extractive industries in the Amazon basin. The climate crisis requires that policymakers listen and act to stop the deforestation that threatens the rights of Indigenous peoples and the survival of the Amazon. Peru and other countries with Amazonian territory cannot take effective climate action if the rights of the communities on the front lines of climate change continue to be violated. Preventing deforestation means recognizing and protecting the rights of Indigenous peoples over their territories and ending extractive projects that threaten the climate.

The recognition and protection of the rights of peoples in isolation are key to preventing deforestation

Unfortunately, the violation of the rights of the Mashco Piro peoples in isolation is not unique in the Amazon region. Violations of peoples in isolation’s rights occur due to the uncontrolled disruption of their territory, lands, and natural resources. In particular, the deforestation of the Amazon rainforest threatens their livelihood and existence.

The Inter-American Commission on Human Rights (IACHR) has understood that

Indigenous Peoples in Voluntary Isolation “are peoples or segments of Indigenous peoples that do not maintain sustained contact with the majority non-Indigenous population, and who tend to avoid all types of contact with people outside their communities.”⁴¹ Their choice to remain isolated is part of their right to self-determination. States should guarantee the principle of noncontact of Indigenous peoples in isolation. Doing so is vital to preventing the loss of their cultures.

The decision of Indigenous peoples to maintain isolation often amounts to a decision to protect themselves and survive, given the external and violent pressures that these peoples have endured in the past. This is why various experts⁴³ and the IACHR⁴⁴ itself have recognized that guaranteeing the intangibility of these communities' territories and respect for the noncontact principle is the most effective measure to guarantee their rights and their physical and cultural survival. It should not be forgotten that the isolated communities "share, as a common characteristic, a high vulnerability to external diseases, due to the lack of immunological defenses."⁴⁵

Through both its action and its inaction, the Peruvian government is responsible for the violation of the Mashco Piro peoples' rights. FENAMAD has denounced the lack of recognition and intangibility of the isolated communities' territory, which has allowed the state to grant concessions for logging projects,

mining, hydrocarbons, and infrastructure on parcels of land that overlap with the Mashco Piro territory. In the context of the climate emergency, the effect of the deforestation in the Mashco Piro territory will get worse every day.

For thousands of years, Indigenous peoples in the Amazon have built a special relationship with the land so as to conserve and take advantage of its resources in a sustainable way. That balance is now in jeopardy, with a lack of recognition of Indigenous peoples' rights driving multiple threats from extractive industries. The latest IPCC report is very clear: To allow the Amazon rainforest to fulfill its ecosystem function as a carbon sink, we must stop deforestation and reduce carbon emissions.

As previously discussed, for the first time in history, the Amazon rainforest is currently producing more carbon than it can capture.

Image: Courtesy of FENAMAD



In a scenario where countries do not reduce their carbon emissions, this situation will worsen and the communities on the front lines, such as the Mashco Piro people, will be the first victims. For Indigenous peoples in isolation, growing deforestation implies extinction.

On the other hand, the lack of recognition of the rights of isolated peoples such as the

Mashco Piro peoples in Madre de Dios has allowed deforestation caused by logging (legal and illegal), mining, and the exploitation of hydrocarbons to continue. The climate crisis demands the recognition of the rights of Indigenous peoples, specifically the peoples in voluntary isolation, as a means of protecting human rights but also of conserving the Amazon.

Within the framework of climate action, states must guarantee the rights of Indigenous defenders and particularly the right to defend rights

FENAMAD has suffered judicial persecution for denouncing the deforestation of the Madre de Dios rainforest and the human rights violations of the Mashco Piro peoples in isolation. Wrays Pérez, former Pamuk of GTANW, has suffered threats against himself and his family for denouncing the illegal logging that affects the territory of the Wampis Nation. The climate crisis requires urgent and concrete actions to stop deforestation. This includes actions by Indigenous defenders and their organizations. The right to defend rights in the context of the climate crisis acquires a new meaning.

During his visit to Peru, the United Nations Special Rapporteur on Human Rights Defenders highlighted that among the barriers that human rights defenders face in the country is the lack of recognition, stigmatization, and criminalization by both government and non-government agents, an issue that is systematic and mutually reinforcing. In Peru, “Indigenous communities, peasants, defenders of the right to land and the environment are the groups of defenders who are most at risk in Peru. They face smear campaigns, exclusion from decision-making forums, criminalization, even with false prosecutions, illegal detentions, surveillance, threats, violence, and assassinations.”⁴⁶

Peru has made progress with its domestic legislation to protect and recognize the rights of human rights defenders⁴⁷. Current

legislation seeks to guarantee the safe and equal exercise of the work of human rights defenders and establishes the implementation of a mechanism for protecting human rights defenders. At the same time, in September 2018, Peru became one of the signatory countries of the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean, better known as the Escazú Agreement. Escazu is the first international treaty that recognizes the role of environmental defenders and establishes obligations for their protection⁴⁸. However, as of this writing, Peru has yet to ratify this treaty.

The work of Wrays Perez and FENAMAD to protect Indigenous rights is protected under the definition of “Defense of human rights,” as currently outlined under Peruvian law. In the case of FENAMAD, however there is a differential factor that makes their work even more of a priority: they seek to protect the rights of the Mashco Piro peoples in isolation. Precisely this decision to remain in isolation makes it impossible for them to defend their rights directly or in person. Instead, organizations (such as FENAMAD) that defend human rights take on comprehensive defense of their interests.

In the context of the acute climate crisis, wherein the Amazon is in an especially vulnerable situation that threatens the balance

of the ecosystem and the rights of the peoples that depend on it, the work of organizations like FENAMAD and defenders like Wrays Perez is even more important. This work continues to endanger the lives of defenders and their families. In the case of Wrays, the Peruvian government responded by activating the protocol for the protection of human rights defenders. However, Wrays should not have to put his life and family at risk just for denouncing the deforestation that illegal logging is causing to the Amazon.

The Peruvian judiciary has failed to recognize and protect FENAMAD's work. The SLAPP lawsuit is a strategy to intimidate, restrict, and hinder the institution and the role it has played for almost three decades as a defender of the rights of peoples in isolation. FENAMAD has very precisely and publicly illustrated the dangers that the logging company represents in the expansion area of the Madre de Dios Territorial Reserve. FENAMAD's complaints represent a strong threat to the interests of the company, since it markets its products with an international certification of good practices in forestry extraction⁴⁹. Despite all the evidence FENAMAD has presented concerning the risks involved, the certifying body continues

to endorse the company's practices. In this context, the legal action against FENAMAD is a corporatist strategy that involves powerful international private sectors, operating under the protection of the relevant sectors of the Peruvian government.

The judicial decision against FENAMAD gives the logging company carte blanche to use subtler tactics, such as SLAPP suits, to continue silencing Indigenous communities. The case of FENAMAD is representative of how companies have successfully used the judicial system in various countries, including Peru, to obstruct the work of Indigenous organizations in opposing climate-damaging projects. Mashco Piro peoples and other Indigenous peoples in the Madre de Dios rainforests are already experiencing the effects of a changing climate. To effectively respond to the climate crisis, Peru must protect the rights of human rights defenders and their organizations, including FENAMAD. Indigenous rights organizations are also on the front lines of climate change and their work has proven fundamental to denouncing deforestation and protecting the Amazon and Indigenous peoples in isolation.

Image: Courtesy of FENAMAD



Conclusion

The cases of the Wampis Nation and FENAMAD illustrate how in the Amazon, communities on the front lines of climate justice already suffer the effects of the climate crisis and face increasing repression for their opposition to climate-damaging industries. The international community must listen to the call of the Wampis Nation and FENAMAD and act to stop the deforestation of the Amazon rainforest, a fundamental biome in the global climate system.

Indigenous Peoples continue to be marginalized in environmental governance processes. They are excluded from national decisions that affect their territories. They also face highly restricted access to global environmental spaces where climate and environmental policy is made. Governments and policymakers must recognize and protect the role of Indigenous peoples when adopting policies to respond to global environmental challenges, such as climate change, and particularly the role of Amazonian Indigenous communities. Indigenous organizations should receive support to strengthen their capacities and continue their work as defenders of the Amazon.

Indigenous territories have been effective in preventing the advance of deforestation caused by agricultural and extractive industries. However, the case of the territory of the Mashco Piro peoples, for whose recognition FENAMAD has been working, is a clear

illustration of how the lack of recognition and protection of the rights of Indigenous peoples in isolation allows the deforestation crisis in the Amazonian region to worsen. This recognition and protection are necessary tools for effective climate action, and Amazonian Indigenous communities are demanding as much. Ahead of COP 26, Indigenous peoples of the Amazon—through Coordinator of Indigenous Organizations of the Amazon River (COICA)—have started a campaign for the adoption of a global agreement to protect 80 percent of the Amazon by 2025⁵⁰. Policymakers at COP 26 should listen to this call and act accordingly.

Unfortunately, defending the Amazon and denouncing deforestation have become high-risk activities for Indigenous defenders. Wrays Perez from the Wampis Nation knows this reality well. So does FENAMAD, which is still facing a court case because of its work to protect Indigenous peoples in isolation. The growing climate crisis has increased pressure on the Amazon territory and the communities that inhabit it every day. In this context, the right to defend rights, and the protection of human rights defenders and their organizations, take on vital importance. Peru can advance in this matter by ratifying the Escazú Agreement, which is still pending in the Peruvian Congress, to elevate its commitment to the protection of Indigenous and environmental defenders in the country.

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