

The surprising link between the fight against drugs, land dispossession and attacks on Indigenous rights defenders in Peru

Despite its function being to fight drug trafficking, the National Commission for Development and Life without Drugs (DEVIDA) has been financing the titling of lands claimed by Indigenous People in favour of individuals who indiscriminately cut down forests and practice illegal agriculture. Far from providing a response, the public body denies all responsibility, instead shifting it onto regional governments. Meanwhile, attacks on Indigenous leaders and harassment of Amazonian communities are mounting.

By Mar Pérez 1 November 2020

Since the outbreak of the COVID-19 pandemic, two Indigenous rights defenders have been killed for defending their territories in the Peruvian Amazon. The head of the Unipacuyacu Native Community in Huánuco, [Arbildo Meléndez, was killed by people linked to drug trafficking](#), while in the case of [Gonzalo Pío Peña, of the Nuevo Amanecer Hawai Native Community in Cerro de Pasco](#), the perpetrators are suspected of being linked to illegal logging.

Despite the difference between the cases and their geographical areas, the two cases have a common denominator: the lack of legal security of communal lands. The same factor is repeated in other cases of serious attacks on Indigenous rights defenders in Peru, such as [the killing of four leaders of the Alto Tamaya Saweto Community in 2014](#), the threats and intimidation against the Shipibo-Konibo Santa Clara de Uchunya community in Ucayali, and the [case of Nueva Austria del Sira](#), in Huánuco where community is suffering the consequences of invasion of illegal loggers on their ancestral land. In all these cases Indigenous communities are dealing with land titling procedures that favour external actors responsible for degrading their territories and inflicting violence on Indigenous leaders.

[The obstacles in land titling faced by communities in Peru](#) are the consequence of the procedure's complex nature, which consists of 22 steps with no set deadlines, can be very costly and can take up to 15 years to be processed. This situation has been brought to light by the Ombudsman's Office in a [report published in 2019](#), which recommends the titling process for peasant and native communities to be reformed. [The Constitutional Court has also urged compliance with this recommendation in a recent ruling.](#) By comparison, the titling of individual properties entails a much speedier process, which is used by actors outside the communities to position themselves on their territories, often with the support of the state.

Dispossession, violence and devastation

The National Commission for Development and Life without Drugs (DEVIDA) is a public body attached to the Presidency of the Council of Ministers, whose objective is to design and lead the National Strategy for the Fight against Drugs. Additionally, DEVIDA manages the international cooperation funds allocated to the fight against drug trafficking, that in 2020 amounted to over [42 millions soles](#) (approx. USD \$12 million).

DEVIDA is authorised [to intervene in 17 of the 24 departments of Peru](#) and has a strong presence in the Amazon region, through livelihood support programmes, road infrastructure and formalisation of land ownership. According to its policy provisions, DEVIDA should act in favour of the integral and sustainable development of the Amazon region. However, funds transferred by DEVIDA to regional governments are first and foremost being used to support individual titling of territories, claimed by communities, to external actors. [This leads to conflicts and increases threats against the communities and their leaders, as well as contributes to the destruction of Amazonian forests due to the fact that newly titled lands are often used for unsustainable agricultural practices. Whereas, in contrast, Indigenous communities act as a barrier against deforestation.](#)

The Regional Government of Huánuco is a very clear case of this practice. Between 2013 and 2018, about 13 million soles transferred by DEVIDA were spent on titling

activities, but until December 2017 no native community had been provided land titles. In other words, [the funds were mostly allocated to individual titles to the tune of more than 10,000 individual titles approved.](#)

One of the cases illustrating this is that of the Nueva Austria del Sira community, whose members received precautionary measures from the IACHR after two hitmen attempted to shoot their community leader in 2019 and several other leaders were kidnapped. Despite having initiated the titling process in 2003, today, 17 years later it has yet to be processed.

At the same time, between 2013 and 2018, the regional government of Huánuco, with funds transferred by DEVIDA, granted more than 200 individual titles on the territory claimed by the community, including the site of their communal house. Satellite maps show that the areas that have been invaded, with the support of the state through its provision of titles, are being massively deforested, which is particularly worrying as the community is situated in the buffer zone of the Sira communal reserve. In addition, outside parties are attacking community leaders and have also been blamed by the community for the attempted assassination of the community leader in 2019.

In the case of the native community Unipacuyacu, whose chief was recently killed, the Regional Government of Huánuco handed over almost two-thirds of the territory claimed by the community as individual land titles. These lands are being massively deforested; in many cases to make room for illegal crops. Furthermore, community members have reported that work to subdivide the land has been carried out during the period of obligatory confinement due to COVID-19.

In 2019, 12 kilometres of motorized roads were built with funding provided by DEVIDA and without the consent of the native communities of Puerto Inca on whose territory it was constructed. The road is used for illegal logging and crosses through part of an area which is proposed to be recognised as a reserve for the protection of the kakataibo people who live voluntary [isolation.](#)

In addition to affecting Indigenous territories, the integrity of human rights defenders and the promotion of changing land use in the Amazon, including illicit activities, there are also strong indications that individual titles are being issued without complying with the requirements established by the law.

In the case of the Nueva Austria del Sira community, its leaders have reported that the requirement to obtain a record of agreement with neighbouring title holders has not been met. Further, the individuals who have received titles have also been unable to prove previous economic activity in the area, as in many cases they didn't even have prior knowledge of the plots of land given to them by the Huánuco Regional Government.

Although no analysis has been carried out in the Amazon region as a whole, there are indications that the aspects discovered by the Comptroller of the Republic in the individual titling carried out on the coast and in the jungle have been repeated in the Peruvian Amazon. The accusation was a result of [a 2015 investigation that shows that 76% of the files reviewed do not meet the requirements established by law.](#)

Hipocrisy of DEVIDA

In 2019, the Union of Ashaninka and Yanesha Nations (UNAY), with the support of Indigenous congresswoman Tania Pariona, submitted their protest to DEVIDA against the plundering and violence in the Amazon. A year later, the Federation of Native Communities of Puerto Inca and Tributaries (FECONAPIA) did the same. In response, DEVIDA claimed that although the institution has financed the titling of individual properties, the regional governments are in charge of implementing it and therefore are also responsible for the repercussions.

In this way, DEVIDA refuses to monitor the effects its interventions have on the rights of Indigenous Peoples, the security of Indigenous rights defenders and the integrity of the Amazon forests. Such a response runs counter to the rights recognised in the International Labour Organisation Convention 169, ratified by Peru and the

commitments adopted by the state for the conservation of forests and the mitigation of climate change.

Within this context, Indigenous organisations demand that the titles granted in an unlawful manner be reversed, restoring the integrity of their ancestral territories. The state must take responsibility for the damage caused, relocating the people who have invaded the communities and providing the necessary resources for the recovery of degraded areas. This is the only way to guarantee the security of Indigenous communities, who are now facing dispossession of their lands without any support from the state for the devastation of their territories.

Finally, actors such as the United States or the European Union, who have financially supported the development of these policies, should contribute to finding a solution by encouraging a comprehensive process of accountability. Simply withdrawing their financial contribution will not suffice. Furthermore, they are expected to contribute to restoring the damage these policies – supposedly put in place to fight drug trafficking – have inflicted on native communities, Indigenous rights defenders and Amazon forests.

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