

Lima, October 16th, 2020

Mr.
Liang Yu
Embassador of the Chinese Embassy in Perú

Re: Proposal to incorporate an Environmental Chapter in the
optimizing process of the Free Trade Agreement between Peru and
China

We are pleased to write to you as "Plataforma Indígena Amazónica de Seguimiento a las Inversiones Chinas en el Perú" (The Amazon Indigenous Platform for Monitoring Chinese Investment in Peru), formed by the regional indigenous organizations ORPIO, CORPI (Loreto), ORAU (Ucayali) and COMARU (Cusco), and supported by our national organization AIDSESEP. The Platform is a space of coordination, proposal creation and monitoring, whose final objective is to contribute to the sustainability of Chinese investments in the Amazon basin, within the framework of respect for human rights of indigenous people.

It is public knowledge that the governments of Peru and China are in the midst of a process to optimize the Free Trade Agreement (FTA) they signed in 2009. Likewise, despite the fact that important Chinese investments (Hidrovia Amazónica, Lote 58, etc.) are settling or bordering on indigenous territories and areas of high biodiversity, this process has not included an environmental chapter.

Several of the FTAs that Peru has signed (with the United States, European Union, Australia, Canada and the Trans-Pacific Partnership) include environmental chapters, which open up the possibility of a governance space around investment development and trade promotion. We are also familiar with the terms contained in the Memorandum of Understanding under which Peru joined the Chinese One Belt One Road Initiative, where sustainability is one of its fundamental principles and appears in several paragraphs of the text. Likewise, China has incorporated environmental chapters in trade agreements signed with other countries such as Chile, Switzerland and Israel, among others.

Within this framework, as an Indigenous Platform and with the support of AIDSESEP, we request both governments to include an environmental chapter in the negotiation process for optimizing the Peru-China FTA, in accordance with the negotiation practices already implemented by both countries and, above all, in recognition that the complex environmental and social reality of Peru requires strengthening the framework for promoting sustainable development and investment governance.

Therefore, in order to achieve this environmental chapter, we propose that both governments incorporate the following basic negotiation points:

1- To incorporate the environmental chapter into the principles and objectives of the Chinese One Belt one Road Initiative, which include achieving sustainable development in its three dimensions (economic, social and environmental), promoting high-quality, ecological and sustainable development, among others, as well as within the framework of international agreements and initiatives such as the 2030 Agenda for Sustainable Development, the Rio +20 Declaration, etc.

2.- To reaffirm the compliance and enforcement of the parties to priority multilateral environmental agreements, expressly mentioned as: The Montreal Protocol on Substances that Deplete the Ozone Layer; The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; The Stockholm Convention on Persistent Organic Pollutants; The Convention on International Trade in Endangered Species of Wild Fauna and Flora; The Convention on Biological Diversity; The Cartagena Protocol on Biosafety to the CBD; The Kyoto Protocol; The Rotterdam Convention; among others.

3.- To specify the liability of the parties to respect the Convention on Biological Diversity and to highlight the importance of preserving indigenous knowledge and practices related to the conservation and sustainable use of biological diversity.

4.- To incorporate cooperation commitments on sustainable forest management, including the traceability of wood or the forest management of indigenous communities, among others, as well as to combat illegal wildlife trade.

5.- The cooperation referred to in the previous point should include a space for the authorities of both governments to receive contributions from Indigenous organizations and civil society, at intervals established by the governments.

6.- To promote and implement cooperation on environmental and climate change issues. Regarding this last one, including those related to mitigation and adaptation objectives.

7.- Promote exchange of information, studies and cooperation in the design of mechanisms that contribute to the insertion in the Chinese market of products and services developed by Andean and Amazonian communities, which are based on the sustainable use of biological diversity and traditional knowledge, in accordance with the provisions of the Nagoya Protocol, in order to share in a fair and equitable manner the benefits derived from their use.

8.- To state the commitment to respect the rights of citizen participation, as well as the prior consultation and self-determination of indigenous populations (within the framework of ILO Convention 169), as a mechanism for intercultural dialogue and as a governance process for the sustainability of economic activities.

9. Incorporate a commitment to respect human rights and specifically to protect environmental defenders.

¹ As stated in the Memorandum of Understanding under which Peru is joining this initiative.

10.- To incorporate the commitment of not promoting trade or investment by weakening, reducing or not applying the levels of protection included in the environmental legislation of the parties. At the same time, to commit to the strengthening of such environmental legal frameworks.

11.- To design a periodic mechanism for reviewing chapter compliance, which includes the participation of indigenous peoples and their organizations, as well as civil society.

Finally, we ask the parties to establish a range of dates, and make it public, for the receipt of specific contributions on the eleven points mentioned above, by indigenous organizations and civil society, so that they can be considered in the process of negotiating the Environmental Chapter by the governments of China and Peru.

Having nothing further to add, I remain.

Yours sincerely,

A circular stamp with the text "ASOCIACION INTERÉTNICA DE DESARROLLO DE LA SELVA PERUANA" around the perimeter and "PRESIDENTE AIDSESP" in the center. To the right is a handwritten signature in blue ink.

LIZARDO CAUPER
President
Asociación Interétnica de Desarrollo de
la Selva Peruana - AIDSESP

A circular stamp with the text "ORGANIZACIÓN REGIONAL DE PUEBLOS INDÍGENAS DEL ORIENTE" around the perimeter and "PRESIDENTE" in the center. To the right is a handwritten signature in blue ink. Below the signature, the text "Jorge Perez Rubio" and "Presidente" is printed.

JORGE PEREZ
President
Organización Regional de Pueblos
Indígenas del Oriente – ORPIO

A circular stamp with the text "ORGANIZACIÓN REGIONAL AIDSESP UCAYALI" around the perimeter and "ORAU" in the center. To the right is a handwritten signature in blue ink. Below the signature, the text "Berlin Diques Rios" and "PRESIDENTE" is printed.

BERLIN DIQUES
President
Organización Regional Aidesep Ucayali -
ORAU

A circular stamp with the text "CONSEJO MACHIGUENGA DEL RÍO URUBAMBA" around the perimeter and "JEFE COMARU" in the center. To the right is a handwritten signature in blue ink. Below the signature, the text "CONSEJO MACHIGUENGA DEL RÍO URUBAMBA" and "COMARU" is printed, followed by "Agilio Marceio Semperi Borja" and "DNI: N° 43349432 JEFE".

AGILIO SEMPERI
President
Consejo Machiguenga del Río
Urubamba -COMARU



JAMNER MANIHUARI CURITIMA
President
Coordinadora Regional de los Pueblos
Indígenas de San Lorenzo – CORPI

CC:

- Ministry of Foreign Trade and Tourism of Peru / Rocío Ingrid Barrios Alvarado
- Ministry of Foreign Affairs of Peru / Mr. Mario López Chávarri
- Ministry of Environment of Peru / Ms. Kirla Echegaray Alfaro
- Congress of the Republic Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology / Mr. Lenin Bazán Villanueva

Lima, October 16th, 2020

Ms.

Rocío Ingrid Barrios Alvarado
Minister of Foreign Trade and Tourism

Re: Proposal to incorporate an Environmental Chapter in the
optimizing process of the Free Trade Agreement between Peru and
China

We are pleased to write to you as "Plataforma Indígena Amazónica de Seguimiento a las Inversiones Chinas en el Perú" (The Amazon Indigenous Platform for Monitoring Chinese Investment in Peru), formed by the regional indigenous organizations ORPIO, CORPI (Loreto), ORAU (Ucayali) and COMARU (Cusco), and supported by our national organization AIDSESEP. The Platform is a space of coordination, proposal creation and monitoring, whose final objective is to contribute to the sustainability of Chinese investments in the Amazon basin, within the framework of respect for human rights of indigenous people.

It is public knowledge that the governments of Peru and China are in the midst of a process to optimize the Free Trade Agreement (FTA) they signed in 2009. Likewise, despite the fact that important Chinese investments (Hidrovia Amazónica, Lote 58, etc.) are settling or bordering on indigenous territories and areas of high biodiversity, this process has not included an environmental chapter.

Several of the FTAs that Peru has signed (with the United States, European Union, Australia, Canada and the Trans-Pacific Partnership) include environmental chapters, which open up the possibility of a governance space around investment development and trade promotion. We are also familiar with the terms contained in the Memorandum of Understanding under which Peru joined the Chinese One Belt One Road Initiative, where sustainability is one of its fundamental principles and appears in several paragraphs of the text. Likewise, China has incorporated environmental chapters in trade agreements signed with other countries such as Chile, Switzerland and Israel, among others.

Within this framework, as an Indigenous Platform and with the support of AIDSESEP, we request both governments to include an environmental chapter in the negotiation process for optimizing the Peru-China FTA, in accordance with the negotiation practices already implemented by both countries and, above all, in recognition that the complex environmental and social reality of Peru requires strengthening the framework for promoting sustainable development and investment governance.

Therefore, in order to achieve this environmental chapter, we propose that both governments incorporate the following basic negotiation points:

1- To incorporate the environmental chapter into the principles and objectives of the Chinese One Belt one Road Initiative, which include achieving sustainable development in its three dimensions (economic, social and environmental), promoting high-quality, ecological and sustainable development, among others, as well as within the framework of international agreements and initiatives such as the 2030 Agenda for Sustainable Development, the Rio +20 Declaration, etc.

2.- To reaffirm the compliance and enforcement of the parties to priority multilateral environmental agreements, expressly mentioned as: The Montreal Protocol on Substances that Deplete the Ozone Layer; The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; The Stockholm Convention on Persistent Organic Pollutants; The Convention on International Trade in Endangered Species of Wild Fauna and Flora; The Convention on Biological Diversity; The Cartagena Protocol on Biosafety to the CBD; The Kyoto Protocol; The Rotterdam Convention; among others.

3.- To specify the liability of the parties to respect the Convention on Biological Diversity and to highlight the importance of preserving indigenous knowledge and practices related to the conservation and sustainable use of biological diversity.

4.- To incorporate cooperation commitments on sustainable forest management, including the traceability of wood or the forest management of indigenous communities, among others, as well as to combat illegal wildlife trade.

5.- The cooperation referred to in the previous point should include a space for the authorities of both governments to receive contributions from Indigenous organizations and civil society, at intervals established by the governments.

6.- To promote and implement cooperation on environmental and climate change issues. Regarding this last one, including those related to mitigation and adaptation objectives.

7.- Promote exchange of information, studies and cooperation in the design of mechanisms that contribute to the insertion in the Chinese market of products and services developed by Andean and Amazonian communities, which are based on the sustainable use of biological diversity and traditional knowledge, in accordance with the provisions of the Nagoya Protocol, in order to share in a fair and equitable manner the benefits derived from their use.

8.- To state the commitment to respect the rights of citizen participation, as well as the prior consultation and self-determination of indigenous populations (within the framework of ILO Convention 169), as a mechanism for intercultural dialogue and as a governance process for the sustainability of economic activities.

9. Incorporate a commitment to respect human rights and specifically to protect environmental defenders.

¹ As stated in the Memorandum of Understanding under which Peru is joining this initiative.

10.- To incorporate the commitment of not promoting trade or investment by weakening, reducing or not applying the levels of protection included in the environmental legislation of the parties. At the same time, to commit to the strengthening of such environmental legal frameworks.

11.- To design a periodic mechanism for reviewing chapter compliance, which includes the participation of indigenous peoples and their organizations, as well as civil society.

Finally, we ask the parties to establish a range of dates, and make it public, for the receipt of specific contributions on the eleven points mentioned above, by indigenous organizations and civil society, so that they can be considered in the process of negotiating the Environmental Chapter by the governments of China and Peru.

Having nothing further to add, I remain.

Yours sincerely,

A circular stamp with the text "ASOCIACION INTERÉTNICA DE DESARROLLO DE LA SELVA PERUANA" around the perimeter and "PRESIDENTE AIDSESP" in the center. To the right is a handwritten signature in blue ink.

LIZARDO CAUPER
President
Asociación Interétnica de Desarrollo de
la Selva Peruana - AIDSESP

A circular stamp with the text "ORGANIZACIÓN REGIONAL DE PUEBLOS INDÍGENAS DEL ORIENTE" around the perimeter and "PRESIDENTE" in the center. To the right is a handwritten signature in blue ink.

JORGE PEREZ
President
Organización Regional de Pueblos
Indígenas del Oriente – ORPIO

A circular stamp with the text "ORGANIZACIÓN REGIONAL AIDSESP UCAYALI" around the perimeter and "ORAU" in the center. To the right is a handwritten signature in blue ink.

BERLIN DIQUES
President
Organización Regional Aidesep Ucayali -
ORAU

A circular stamp with the text "CONSEJO MACHIGUENGA DEL RÍO URUBAMBA" around the perimeter and "JEFE COMARU" in the center. To the right is a rectangular stamp with the text "CONSEJO MACHIGUENGA DEL RÍO URUBAMBA" and "COMARU" above a handwritten signature. Below the signature is the text "Agilio Marceio Semperi Borja DNI: N° 43349432 JEFE".

AGILIO SEMPERI
President
Consejo Machiguenga del Río
Urubamba -COMARU



JAMNER MANIHUARI CURITIMA
President
Coordinadora Regional de los Pueblos
Indígenas de San Lorenzo – CORPI

CC:

- Ministry of Foreign Affairs of Peru / Mr. Mario López Chávarri
- Ministry of Environment of Peru / Ms. Kirla Echegaray Alfaro
- Congress of the Republic Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology / Mr. Lenin Bazán Villanueva
- Chinese Embassy in Peru/ Ambassador Liang Yu