

Panamazonian Ecclesial Network

Red Eclesial Pan-amazónica (REPAM)



“Position of the Panamazonian Ecclesial Network of the Catholic Church in Light of the Violation of the Right to Territorial Property of Indigenous Peoples and Amazonian Communities in South America”

Executive Summary

**Public Hearing before the Inter-American Commission on Human Rights (IACHR)
161st Period of Sessions**

Washington DC, March 17, 2017

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I. Introduction

- **Purpose of the current public hearing**

“I believe that the central issue is how to reconcile the right to development, both social and cultural, with the protection of the particular characteristics of indigenous peoples and their territories. ... In this regard, the right to prior and informed consent should always prevail, as foreseen in Article 32 of the Declaration on the Rights of Indigenous Peoples.” (Pope Francis, February 15, 2017, Rome).

1. The Panamazonian Ecclesial Network (REPAM)¹ expresses its gratitude and appreciation to the Inter-American Commission on Human Rights (hereafter referred to as “the IACHR” or “the Commission”) for permitting us to make known, in public hearing, the position of the Catholic Church in light of the violation of the right to territorial property of indigenous peoples and Amazonian communities in South America.
2. This is the second time that we have had the opportunity to appear before the IACHR in order to make known the position of the Catholic Church with respect to the fundamental rights of the indigenous peoples and rural communities of our continent. The first occasion was during the 154th ordinary period of sessions on March 19, 2015.
3. As a mark of distinction between, on the one hand, the Catholic Church and the States, and on the other hand, our pastoral labor and State policies, the discourse and practice of our Church – focused on the preferential option for the poor and the defense of Creation – coincide greatly with the valuable standards that the Inter-American System has developed in favor of the human rights of indigenous peoples.
4. In this sense, the Catholic Church of Latin America, represented on this occasion by REPAM, desires to share with the Inter-American Commission, and with the countries and civil society of the Americas – especially the Amazon Region – its vision and position regarding the violation of the territory and land rights of indigenous peoples

¹ REPAM, in turn, is a partnership consisting of four other institutions: the Latin American Episcopal Conference (CELAM), the Latin American and Caribbean Secretariat of Caritas (SELACC), the Latin American and Caribbean Federation of Religious (CLAR), and the Amazonian Commission of the National Episcopal Conference of Brazil (CNBB).

and Amazonian communities by extractivist industries and other legal (and illegal) activities.

5. This position is based on the Social Doctrine of the Catholic Church, which is contained in a variety of documents that we will reference throughout this report. Of special importance is the Papal Encyclical “Laudato Si”, written by Pope Francis in 2015, which summarizes the current position of the Catholic Church with regard to caring for our shared home, that is, planet Earth.

“I want to recognize, encourage and thank all those striving in countless ways to guarantee the protection of the home which we share. Particular appreciation is owed to those who tirelessly seek to resolve the tragic effects of environmental degradation on the lives of the world’s poorest.”
(Pope Francis, *Laudato Si*. No. 13).

6. In the past few years socio-environmental conflicts have not only been a source of social instability and division in our countries but also of the violation of rights and inadequate government action. The State has frequently been perceived by the population not as a neutral third party but rather inclined to favor private or public investment in industries that negatively affect the Amazon and the indigenous people and local communities that live there.
7. We, the Catholic Church, realize the serious impact that extractivism and other legal and illegal activities have on the Amazon Region, being prejudicial not only to the environment and natural resources, but also to the human rights of the local population, both indigenous and nonindigenous, especially to their right to territorial property. These prejudicial effects should act as a call to reflection for our governmental leaders regarding the need to look for and find new alternatives that try to harmonize respect for human rights and the environment on the one hand with economic progress and development on the other.
8. Our pastoral experience tells us that there is not only one valid notion of development and progress. Rather there are various notions when one takes into account the diversity and cultural richness of the indigenous peoples and Amazonian communities. With this perspective in mind, we are confident that other churches and people of good will are

also contributing to the search for a model of development that takes into account the intercultural reality of the Amazon and that looks to protect the riches of Creation.

9. At the same time, our pastoral experience tells us that the States where extractivist industries function are not the only ones responsible for the damage caused by them, but also the extractivist companies themselves and their States of origin, that is to say the States that support and promote public and private extractivist investment beyond their national borders.
10. As a result of REPAM's comprehensive process of on-going support to and promotion of human rights in areas belonging to five countries (Bolivia, Brazil, Colombia, Ecuador and Peru), we have confirmed and documented serious violations of the rights of indigenous and peasant communities. In this report we focus our attention on the right to territorial property as a requirement for the exercise of other rights. At the same time, we highlight the importance of communal forms of land tenure for these subjects of fundamental rights, that is, groups that self-identify as indigenous peoples and peasant communities.
11. REPAM has identified the expansion of extractivist industries and their associated economic model as the greatest threat to the Amazon Region. This threat includes governments that orient their laws and public policy in support of these industries and economic model. The Catholic Church is conscious of this phenomenon and the negative impacts it generates in the life of communities living close to extractivist megaprojects. It highlights this fact in the Concluding Document of the Aparecida Conference: *“Today the natural wealth of Latin America and the Caribbean is being subjected to an irrational exploitation that is leaving ruin and even death in its wake, throughout our region”*².
12. To begin confronting this phenomenon, it is necessary to reaffirm a holistic conception of the environment and nature in general, recognizing ourselves, that is, human beings, as being a part of the environment and nature while at the same time interacting with them, thus putting aside an anthropocentric vision of the world. Every living being within an ecosystem is interdependent with every other living being within the

² V General Conference of the Bishops of Latin America and the Caribbean, Aparecida, May 13-31, 2007. <http://www.aecrc.org/documents/Aparecida-Concluding%20Document.pdf>.

ecosystem and all of them are responsible for the continued existence of said system, which means that the social and environmental impacts of our decisions do not just affect one group of human beings or one ecological niche but rather every human being, because we all depend on this planet, our common home.

13. As we have already mentioned, the right to territorial property, framed within the principles and standards of human rights, is a requirement and safeguard for the exercise of other fundamental rights of indigenous peoples. At the same time, the values and principles contained in the Papal Encyclical *Laudato Si* regarding cultural ecology, emphasize the need to incorporate the culture and history of a place in order to preserve its identity. Among other things, this implies taking care of cultural riches in a broad sense, since culture is a living, dynamic and participative concept.³
14. Based on the above concepts, one can identify specific groups of indigenous peoples and Amazonian communities whose ties to our common home and Mother Earth, along with their identify-forming values and sacred world view, transform them into guardians of nature and its resources. In them, one finds the wisdom and vision of an authentic development that looks to better, in a holistic way, the quality of human life.
15. The full environmental and social risks of the world's current actions are still latent; we can still change, and we must do so quickly. Because of this urgent challenge, Pope Francis has sounded the call to protect our common home, a call that *“includes a concern to bring the whole human family together to seek a sustainable and integral development. (...) Humanity still has the ability to work together in building our common home”*⁴. We should unite our voices and our efforts, *“since the environmental challenge we are undergoing, and its human roots, concern and affect us all.”*⁵
16. This report has three components. First, it develops the position of the Catholic Church regarding the serious affronts to territory and land rights of indigenous peoples and Amazonian communities in South America. Second, it makes brief reference to various emblematic cases in Brazil, Ecuador, Peru, Colombia and Bolivia, in which the Catholic Church has played or currently plays a role in defending the rights of indigenous

³ Pope Francis. Encyclical Letter *Laudato Si*: On Care for Our Common Home. Vatican City, 2015. http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

⁴ *Ibid.* No. 13.

⁵ *Ibid.* No. 14.

peoples and Amazonian communities. Third, it respectfully formulates several petitions to action on the part of the IACHR.

“We cannot fail to praise the commitment of international agencies and civil society organizations which draw public attention to these issues and offer critical cooperation, employing legitimate means of pressure, to ensure that each government carries out its proper and inalienable responsibility to preserve its country’s environment and natural resources, without capitulating to spurious local or international interests.”⁶

- **Initial presentation of the problems in the Amazon Region**

17. The countries that contain parts of the Amazon Basin –Venezuela, Colombia, Ecuador, Peru, Brazil, Suriname, Guyana and Bolivia – share unique characteristics pertaining to their bio-geographical space, namely, great cultural diversity and great biological diversity. These spaces are occupied ancestrally by indigenous peoples that have consciously developed productive practices based on their natural environment that grant them the natural resources necessary for their subsistence.
18. The availability of resources in the Amazon region has caused the inhabitants of the highlands, during various points in history, to see the Amazon as a place to conquer. In the various countries that share the Amazon Basin, there have been many military, religious, commercial and industrial efforts focused on controlling Amazon territory in order to incorporate its natural resource reserves into their national economies. What were isolated and often fruitless efforts of conquest in the pre-colombian and colonial eras became mucho more sustained and systematic in the first part of the 20th century until, in the second half of the 20th century, extensive parts of the Amazon, especially the closest and most accessible parts to the highlands, were transformed into spaces of colonization and resource extraction.
19. The policies of colonization, territorial occupation and resource extraction in the Amazon have had an enormous impact on the ancestral populations of the area. Projects to extend the agricultural frontier resulted in the displacement, annihilation or forced servitude of the indigenous peoples; the extraction of rubber, chestnut and gold was often based on indigenous slave labor; modern hydrocarbon and mining projects in the

⁶ *Ibid.* No. 38.

Amazon occupy territory, contaminate the natural environment and provoke irreparable losses in the culture and social harmony of the peoples affected.

20. The presence and sustained growth of the colonizing population in the Amazon region changed the social structure of the area. Cities appeared, with all their associated urban problems, plagued by poverty and social marginalization. The basic infrastructure for services, sanitation and communication developed around the urban centers and the centers of industrial extraction of natural resources. A booming mestizo⁷ Amazonian population became an important social actor and began to influence national politics pushing their agenda and recognition of their interests and demands.
21. In the most remote areas, the ancestral populations continue to live their lives along traditional lines (some even remain in voluntary isolation from Western society) while commercial, industrial and extractivist policies and projects continue their insistent pressure to extend their control towards the pristine forests that constitute the home of these peoples. Perhaps the characteristic that most dramatically marks the contemporary Amazon is the growing presence of armed groups. National armies have had a strong presence in the Amazon, motivated originally by border conflicts (for example, between Ecuador and Peru). Since the Amazon is a border region for various countries, military presence is permanent, sometimes acting as an agent of force for public policies of colonization, territorial occupation and natural resource extraction. The actions of various irregular armed groups have turned the Amazon into a war zone and its inhabitants into victims of political violence.
22. Extractive industries and illicit crop cultivation, multi-million dollar activities based on the intensive exploitation of natural resources, rip out the riches of the earth at the cost of devastating impacts on the Amazon environment and the health and social harmony of its inhabitants. The earnings are transferred to international finance markets for the benefit of a select few. Very little or nothing returns to the affected region to alleviate the living conditions of the affected inhabitants. In relation to these processes, the inhabitants of the Amazon, indigenous groups and peasants alike, have been placed in

⁷ *Mestizo* is a Spanish term used to refer to the majority inhabitants of Latin American, whose genetics result from the intermixing of Spanish conquistadors/immigrants and the native population. The closest translation in English is “mixed-race”.

the role of “victims” and are usually seen that way by the State’s social policies and international cooperation agencies, harming their own determination and identity.

23. Nevertheless, during the last few decades of the 20th century, there occurred important developments in international human rights law permitting the advancement of the economic, social, cultural, environmental and collective rights of indigenous peoples through the approval and divulgation of various international human rights instruments. The majority of the eight Amazonian countries are States parties to the primary international human rights instruments: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Convention 169 of the International Labour Organization, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and the Protocol of San Salvador: Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, among others. They are also States parties to the primary multilateral environmental treaties like the Convention on Biological Diversity.

24. At the national level, these countries have been slowly incorporating human rights into their constitutions, including economic, social, cultural, and environmental rights and the collective rights of indigenous peoples. Simultaneously, indigenous and peasant populations and other economically disadvantaged groups in the Amazon and at the national level of each country have been building organized political processes around agendas with a rights-based perspective. This perspective has led them to see themselves as the subjects of rights established in national and international law, with the capacity to demand that States and other actors respect those rights. In the same way, the damages to the environment and quality of life caused by economic, social and political processes have begun to be recognized as violations of fundamental rights.

II. The Current State of Indigenous Peoples’ Right to Territorial Property

25. The current state of indigenous people’s right to territorial property in the Panamazonian Region centers on a lack of regularization of land ownership and the lack of recognition of collective property ownership. Also their territory has been stripped of a holistic understanding related to the cultural aspects and worldview of each

indigenous community or people. States' interests in the exploitation of natural resources and the implementation of megaprojects have overshadowed their obligation to safeguard rights, denying indigenous peoples their right to participation in decision-making and consultation regarding activities that have a significant impact on their territories.

26. The right to territorial property is not limited to issues of land ownership. This right is based on the culture that a people or community identify with within the specific space in which they carry out their daily activities. The concept of territory is related to the idea of habitat and extends to specific interpretations of human production habits, whether they be directed towards obtaining natural resources or creating new forms of production.
27. In the Inter-American System, the territory rights of indigenous and tribal peoples are fundamentally based on Article XXIII of the American Declaration of the Rights and Duties of Man and Article 21 of the American Convention on Human Rights. The evolutive and holistic interpretation of the American Convention on Human Rights by the IACHR and the Inter-American Court of Human Rights has permitted these bodies to give a certain sense of protection to the rights of indigenous and tribal peoples regarding their land and natural resources.
28. The Inter-American Court of Human Rights interpreted Article 21 of the American Convention on Human Rights, which refers to the right to property, as also protecting "*the close relationship between indigenous peoples and their lands, and with the natural resources on their ancestral territories and the intangible elements arising from these*".⁸
29. It has also been said that the right to territorial property is a determinant of indigenous peoples' development, tied to their full cultural and social realization. The Inter-American Court of Human Rights has stressed that the territorial property rights of indigenous peoples are related to "*the collective right to survival as an organized people, with control over their habitat as a necessary condition for reproduction of*

⁸ Inter-American Court of Human Rights. Case of the Indigenous Kichwa People of Sarayaku vs. Ecuador: Merits and Reparations. 2012, para. 145.

their culture, for their own development and to carry out their life aspirations”⁹. In this way, States have the obligation to guarantee the effective participation of indigenous peoples when considering any measure that affects their territories, taking into account their special relationship with the land and its natural resources.

30. The specific safeguards and guarantees that have been mentioned are complimentary, and all of them point to the fact that decisions regarding territory should be taken by the indigenous or tribal people who inhabit it, in such a way as to guarantee not only their physical and cultural survival but also their specific concept of development and the continuity of their worldview, traditional way of life, cultural identity, social structure and economic system.

31. Such is the importance of indigenous peoples’ land rights and right to territorial property that in 2009, the IACHR published the report *Indigenous and Tribal Peoples’ Rights over Their Ancestral Lands and Natural Resources* which emphasizes, among other aspects, that “*indigenous and tribal peoples have unique ways of life, and their worldview is based on their close relationship with land. The lands they traditionally use and occupy are critical to their physical, cultural and spiritual vitality. This unique relationship to traditional territory may be expressed in different ways, depending on the particular indigenous people involved and its specific circumstances; it may include traditional use or presence, maintenance of sacred or ceremonial sites, settlements or sporadic cultivation, seasonal or nomadic gathering, hunting and fishing, the customary use of natural resources or other elements characterizing indigenous or tribal culture. As the Inter-American Court of Human Rights has pointed out, ‘for indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations.’ [T]o guarantee the right of indigenous peoples to communal property, it is necessary to take into account that the land is closely linked to their oral expressions and traditions, their customs and languages, their arts and rituals, their knowledge and practices in connection with nature, culinary art, customary law, dress, philosophy, and values.*”¹⁰

⁹ Inter-American Court of Human Rights. Case of the Yakyé Axa Indigenous Community v. Paraguay: Merits, Reparations and Costs. 2005, para. 146.

¹⁰ IACHR. Indigenous and Tribal Peoples’ Rights over Their Ancestral Lands and Natural Resources. 2009, para. 1. <http://www.oas.org/en/iachr/indigenous/docs/pdf/ancestrallands.pdf>.

32. Based on these standards of protection for the right to territorial property and its close relationship with the survival of indigenous peoples, it is important to denounce the lack of consideration of States regarding these standards and their failure to safeguard and respect the right to territory, which has caused serious risk to the survival of indigenous and nonindigenous communities in the Amazon.

1. The need for the States of the Amazon Region to respect the right to prior consultation under the following conditions: that they be free, informed, in good faith, and culturally adequate. The case of Lot 116 (Peru).

33. In 2006, the Government of Peru gave possession of Lot 116 to the oil company Hocol via Supreme Decree 066-2006-EM. This lot is located within the Department of the Amazon in Bagua and Condorcanqui Provinces and is inhabited by 73 Awajun and Wampis communities. This lot was given to Hocol without previous consultation of the indigenous communities inhabiting it and up until this moment, the Decree has not been annulled. Currently, Hocol's use of the lot is paralyzed by a lawsuit regarding the Decree and because of problems between the operating company (Pacific Rubiales) and nearby communities.

34. The indigenous territory has been affected by the construction of platforms and other infrastructure necessary for oil extraction activities. One of the platforms is built on top of Kashap, an Awajun community. This divides Awajun territory, which they conceive of as one, and translates into problems between the rest of the Awajun and Wampis communities and the community of Kashap.

35. This is a concrete expression of the general rule according to which the State should guarantee “that indigenous peoples be consulted on any matters that might affect them,” noting that the purpose of such consultation “should be to obtain their free and informed consent,” as prescribed in ILO Convention 169217 and the United Nations Declaration on the Rights of Indigenous Peoples.¹¹

¹¹ IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities. IWGIA, OEA/Ser.L/V/II, December 2015, para. 152.
<http://www.oas.org/en/iachr/reports/pdfs/extractiveindustries2016.pdf>.

36. Such precedents establish that the State must respect, protect and promote the customs, institutions and traditions of indigenous and tribal peoples, as these are an intrinsic component of the cultural identity of the persons that comprise these peoples. “*Given these advances, there now is a positive obligation of the State to dispose of adequate and effective mechanisms in order to obtain the free, prior and informed consent of indigenous peoples, in line with their customs and traditions, as a means to protect their human rights, before the launching of activities which might affect their interests and can affect their rights on their lands, territories and natural resources*”.¹²
37. The simple socialization of projects and policies through, for instance, State-backed informational workshops, informational media campaigns and/or technical explanations of policies and projects are not to be confused with consultation since the latter takes into account elements that determine the right to participation of indigenous communities, reflected in the right to prior, free and informed consultation. These are the conditions or standards that the Inter-American Court of Human Rights has highlighted for the effective exercise of this right.

a. Prior consultation

38. Referencing Article 15(2) of ILO Convention 169, the Committee of Experts of the ILO and the Case of the Saramaka People vs. Suriname, the Inter-American Court of Human Rights emphasizes that it is the obligation of States to consult indigenous peoples that could possibly be affected by any measure or activity during their early stages “*and not only when it [becomes] necessary to obtain the community’s approval*”. These consultations should be realized in the early stages of the development or investment plan when it has to do with prospecting or the exploitation of natural resources and in every phase of the process for the issuance of regulations and the adoption of legislative measures that could affect indigenous peoples.

b. Good faith and the goal of reaching agreement

39. Good faith refers to the absence of any form of coercion by the State or by agents or third parties acting with its authority or acquiescence. If the purpose of the consultation is to be an instrument of participation, than this freedom and good faith are paramount.

¹² *Ibid.*, para. 159.

In the same vein, practices that promote the social disintegration or division of the community by way of influencing its leaders or individual members must be avoided. Finally, the Inter-American Court of Human Rights specifies that the obligation to consult indigenous peoples falls on the State and not on the corporations involved since these have a direct interest in exploiting the areas given to them by concession.

c. Adequate and accessible consultation

40. Adequate consultation refers to the fact that consultations should be conducted via culturally appropriate procedures for the communities and/or indigenous peoples involved, through their representative institutions and mechanisms that respect their linguistic diversity, as has been established by ILO Convention 169.

d. Environmental Impact Study

41. ILO Convention 169 establishes the obligation of States to realize evaluations of the social, spiritual, cultural and environmental impacts that developmental projects and activities could have within the territory of indigenous peoples. These project impact evaluations look to ensure that any limitations there might be to the collective property rights of indigenous peoples do not result in damage to their continued existence as a people, and so that the primary interested parties (that is to say, the indigenous peoples), know the possible risks of developmental activities within their territory. Because of this, such evaluations must always precede any concession that the State wishes to realize.

e. Informed consultation

42. Finally, the informed nature of the consultation requires that indigenous peoples know the risks of the activities or development plan that the State wishes to realize in their territory. This can be achieved via the constant sharing of information and communication between parties.

43. Based on these standards for free, prior and informed consultation, we can affirm that it is a right deeply linked to the right to participation since it is a method that guarantees the proper functioning of the democratic system. Article 25 of the International Covenant on Civil and Political Rights recognizes and protects the opportunity for all

citizens to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have access to public service in their country.

44. Article 23 of the American Convention on Human Rights mentions that all citizens have the right to take part in the conduct of public affairs, directly or through freely chosen representatives. *“The Inter-American Court of Human Rights, in its jurisprudence, has also stated that the effective exercise of political rights constitutes an end in itself and also a fundamental means that democratic societies possess to guarantee the other human rights established in the Convention”*¹³. In this vein, issues of public interest cannot be separated from the right to consultation as it is this right that makes participation effective.

2. The obligation of the States of the Amazon Region to guarantee the demarcation of the lands belonging to indigenous peoples and Amazonian communities. The case of the Jaminawa Arará peoples (Brasil) and the Tagaeri and Taromenani peoples (Ecuador).

45. The Jaminawa Arará are an indigenous people that inhabit the Alto Juruá Region of the State of Acre in Brazil. In this case, there is a lack of demarcation of their territory and therefore a lack of adequate regulation of this territory. The Jaminawa Arará emphasize that this violation of their right to territorial property has resulted in thefts of their natural resources and the occupation and seizure of their land by outsiders. Without a doubt the lack of realization of this right gives occasion to the disrespect of other principles related to territory, like inalienability, which in turn results in land sales and concessions to extractivist industries and the violation of the right to prior consultation.
46. The IACHR has also identified these types of problems in Latin America, especially the lack of State recognition of indigenous peoples’ territories. The IACHR emphasizes that *“[t]he protective safeguards of the right to property under the Inter-American human rights instruments can be invoked by indigenous peoples in relation to territories that belong to them, but have not yet been formally titled, delimited or demarcated by the State”*. Along the same lines and in agreement with the jurisprudence of the Inter-American Court of Human Rights, *“States cannot grant concessions for the*

¹³ Inter-American Court of Human Rights. Case of Castañeda Guzman v. Mexico: Preliminary Objections, Merits, Reparations and Costs. 2008, para. 143.
(http://www.corteidh.or.cr/docs/casos/articulos/seriec_184_ing.pdf)

exploration of exploitation of natural resources that are located in territories which have not been delimited, demarcated or titled, without effective consultations with and the informed consent of the people.”¹⁴

47. With regard to indigenous populations in voluntary isolation, one characteristic of their territory is that it is based on their need for mobility to take advantage of the resources within it. This has been difficult for outsiders to comprehend since for these indigenous groups their cultural conditions lead them to define territory as the entire space in which they live out their way of life and not just the place where they temporarily construct their homes. Lamentably, this second notion has dominated considerations of territorial property rights, causing destructive intrusions on the part of outside society looking to exploit resources or extend the area of settlements that border indigenous territories.
48. Against this backdrop, special protections have been established for indigenous peoples in voluntary isolation.¹⁵ Lands and Territories of Indigenous Peoples in Voluntary Isolation: States must prohibit entry to and the realization of any activity by outsiders in these territories. States must delimit the territories inhabited or traditionally accessed by indigenous peoples in isolation. These areas must be declared off-limits (restricted) or protected territorial reserves.
49. Buffer Zones: Land that surrounds the territory of indigenous peoples in voluntary isolation. These zones exist to avoid accidental contact with indigenous peoples in voluntary isolation. They should be of limited access to outsiders and any economic activity in these zones must establish mechanisms, including physical barriers, to avoid accidental contact.
50. Within the framework of the process to protect the human rights of indigenous peoples, especially those in voluntary isolation, it is worthwhile to mention the precautionary measures decreed by the IACHR for Ecuador on May 10, 2006 supporting the Tagaeri and Taromenani indigenous communities that currently live in the Ecuadorian Amazon in voluntary isolation. In this decree, the IACHR asked the Ecuadorian State to “*adopt*

¹⁴ IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities. IWGIA, OEA/Ser.L/V/II, December 2015, para. 254.

¹⁵ OHCHR. Guidelines for the Protection of Indigenous Peoples in Voluntary Isolation of the Amazon Region, the Gran Chaco, and Eastern Paraguay. Result of the Consultations by OHCHR in the Region: ñBolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, and Venezuela. Geneva, 2002, para. 55-56.

*effective measures necessary to protect the lives and physical integrity of the members of the Tagaeri and Taromenani peoples and, in particular, to adopt the measures necessary to protect the territory they inhabit, including the steps necessary to prevent the entry of third parties.*¹⁶

51. As a result of this decree the Ecuadorian State implemented a plan made up of precautionary measures to protect the Tagaeri and Taromenani peoples. As part of the framework for this plan, the Environmental Ministry constructed a map of areas where the Tagaeri and Taromenani have a historical presence, taking into account the mobility patterns of these peoples within their territory. Nevertheless, with the State's decision to exploit Oil Blocks 31 and 43, the Department of Justice (which is currently charged with implementing the precautionary measures) published a new distribution map which served as the basis for the State to declare the oil extraction as a matter of national interest.
52. This example also shines a light on the importance of delimiting the territories of indigenous peoples in voluntary isolation. First, there needs to be a clear delimitation of their territories, respecting their various ways of life. Second, this delimitation should not be subject to arbitrary manipulation by State authorities since these may have interests that conflict with the rights of the indigenous peoples.
53. If there are no institutional mechanisms to count on in order to safeguard the restricted nature of indigenous peoples' territories, such as the legal delimitation of their lands, their rights can be easily disregarded, thus contravening Article 21 of the American Convention on Human Rights and ignoring the recommendations of the IACHR concerning this matter.

III. The Current State of Peasant Communities' Land Rights and Right to Adequate Housing

54. To be able to comprehend the dynamics and situation of peasants in the Amazon, one must understand their close relationship with the land, their activities, and the natural resources they use. Looking at things in this global context, agriculture stands out as the

¹⁶ Proceso de Medidas cautelares No. MC-91, <http://www.ciudadanosporlademocracia.org/frontEnd/main.php?idSeccion=157>. Also: IACHR. Report No. 96/14, Petition 422-06. Admissibility. Tagaeri and Taromenani indigenous peoples in isolation. Ecuador, 2014, para. 11. <https://www.oas.org/en/iachr/decisions/2014/ECAD422-06EN.pdf>.

sustaining force and primary work of small land owners and landless laborers. According to a study realized by the Human Rights Council Advisory Committee regarding the promotion of the rights of peasants and other people working in rural areas, around 10% of the people in the world who suffer from hunger live off of primary production activities like fishing, hunting and the grazing of livestock.¹⁷ Therefore, any activity that interferes with these practices, like the competition for natural resources or their indiscriminate exploitation, leads to consequences such as land dispossession, having a severe impact on the exercise of other rights like the right to health, the right to education, etc.

55. The lack of protective safeguards against external intromission and the devaluation of their work has forced the peasant sector to negotiate away their land through such mechanisms as renting, mining right of ways, advanced land sales, the use of land for monocultures, etc. on account of extractivist projects and the expansion of agroindustry resulting in the dispossession of their land. Because of this, peasants have suffered proletarianization, the loss of sovereignty over their food supply, a lack of access to natural resources and the decline of their self-sustaining economy.¹⁸
56. The primary cause of the problems found in the Amazon Region is the discrimination against and the vulnerability of the peasant population, a type of violence experienced daily in society, but also the result of States' negligence with regard to their obligations. The Human Rights Council of the United Nations has determined and specified the primary sources of discrimination against and violations of peasants' rights: land expropriation, forced evictions and displacements, sex discrimination, the lack of agrarian reform and rural development policies, the lack of minimum wages and protection of workers rights, and the criminalization of movements that defend and protect peasants' rights.¹⁹
57. The human right to adequate housing, including the adequacy of the surrounding environment, ease of access, and the enjoyment of communal spaces (General Comment Nº 4, United Nations International Covenant on Economic, Social and Cultural Rights)

¹⁷ Doc A/HRC/19/75, para. 19.

¹⁸ Quevedo Ramírez, T. Agroindustria y concentración de la propiedad de la tierra, 2013. In: Vera Puebla, M. (ed.) Del campo a los tribunales: Herramientas para el litigio estratégico y la resolución de casos de Derechos Humanos de las campesinas y campesinos en el Ecuador. FIAN Ecuador, Quito, 2017, p. 3.

¹⁹ A/HRC/19/75, para. 24

is violated, both in its collective (communal) and personal (private property or other forms of tenancy) forms, when forced evictions occur, followed by obligatory displacement and relocation (without family and/or community participation regarding the process). Most often these forced evictions, displacements and relocations are caused by the invasive arrival of large-scale agroindustry, production of biofuel, giant dams or hydroelectric projects and/or extractivist industries, among others. These complex situations cause a double eviction – eviction from adequate housing and removal from one's land – uprooting entire communities from their natural environment, inhabited by them for generations, and seriously modifying their habitat/ecosystem.

1. The implications of forced evictions and land dispossession, with references to Ecuador and Brazil

58. The mass evictions that have occurred in Ecuador, in Tundayme Parish in the Province of Zamora-Chinchipec, constitute one example of the problems heretofore described. In Tundayme Parish, peasants live alongside several indigenous Shuar communities. The company Ecuacorriente (ECSA) is implementing a mining megaproject named "Mirador" to extract copper and gold from the area. The social impact of the project on the area's inhabitants is primarily related to the State's plan for acquiring the land and relocating the people who live there.
59. Between September 30, 2015 and February 4th, 2016 there have been three forced mass evictions and the displacement of various peasant families and the Shuar communities. In total, about 116 people have been displaced. The affected families state that they received no alternative to their forced eviction and each one had to rapidly find emergency living arrangements. The majority have moved in with relatives, leading to overcrowding and the problems that accompany it, economic difficulties, and unsatisfied basic needs, especially those related to the rights to health and education.
60. To these forced evictions, one must add litigation by the company ECSA to secure easements and the cases of land concession meant to achieve the complete displacement of the people inhabiting the mining project's zone of influence.

61. ECSA has demanded possession of the aforementioned land claiming to have acquired it my legal means. A report by the Comptroller General of Ecuador, issued in 2013, found that ECSA’s process for acquiring land included deception. Furthermore, ECSA had not complied with the conditions of payment, restitution and compensation to which it had agreed when buying the land.²⁰
62. Forced eviction is a problem defined by United Nations Committee on Economic, Social and Cultural Rights (CESCR) as the temporary or permanent removal of an individual or communities from their homes without their consent and “*without the provision of, and access to, appropriate forms of legal or other protection.*”²¹
63. Protection against forced eviction is a key element of the right to adequate housing and is closely related to security of tenure. In the universal system of protection for human rights, the right to adequate housing is referred to with the most breadth in the International Covenant on Economic, Cultural and Social Rights (ICESCR), where it is mentioned as a crucial element of the right to an adequate standard of living and the continuous improvement of living conditions.²² The United Nations Committee on Economic, Cultural and Social Rights, in their General Comment No. 4 on the ICESCR, emphasizes that in Art. 11.1 the right to adequate housing applies to:
- Everyone. While the original reference in the ICESCR is to a person and their family, this phrase cannot be read today in a limiting sense, rather one must understand family in a broader manner, such that all individuals as families are entitled to adequate housing regardless of economic status, age, sex, group or other affiliation or status, or social position.²³
 - A place where one can separate themselves from others if they so desire.
“*Adequate shelter means ... adequate privacy, adequate space, adequate*

²⁰ Cedhu, I. Informe sobre rueda de prensa acerca de los inminentes desalojos y daños a la naturaleza en la zona de influencia del proyecto de minería a gran escala, Mirador. Quito, 2015.

²¹ United Nations Committee on Economic, Social and Cultural Rights. General Comment No. 7: The Right to Adequate Housing. Geneva, 1997. <http://www.refworld.org/docid/47a70799d.html>.

²² United Nations. ICESCR. 1996, Article 11: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

²³ CESCR, General Comment No. 4: The Right to Adequate Housing, Ginebra, 1991, para. 6. <http://www.refworld.org/docid/47a7079a1.html>.

security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost”²⁴

- This space must be adequate for an individual or group of people to be able to live with dignity taking into account other aspects and activities in which human beings are frequently involved as a part of daily living. Because of this, the right to adequate housing must be considered in conjunction with other rights put forth in legal instruments, for instance, the right to adequate housing is frequently mentioned in relation to the concept of human dignity and the principle of non-discrimination.²⁵

64. In agreement with these parameters, the Inter-American Court of Human Rights has highlighted the grave damage caused by State irresponsibility regarding forced evictions and dispossession of land and homes when it does not take appropriate positive measures to ensure access to a decent life for the displaced individuals. In the case of the Yakye Axa Indigenuos Community, the court emphasizes the importance of taking into account the situation of extreme vulnerability in which a community can find themselves upon being dispossessed of their territory and relocated to areas that are culturally very different from them. This seriously affects “*their different manner of life (different worldview systems than those of Western culture, including their close relationship with the land) and their life aspirations, both individual and collective.*”²⁶

65. An additional impact of land dispossession and forced evictions of peasant communities by megaprojects, extractivist industries and the like is the lack of access to natural resources suffered by these displaced communities. In Amazon Region, a clear example of the phenomenon can be found in Brazil in the area of Buriticupu en Marañao State. Since 1997, the peasant communities there have suffered problems because of railroad activities.

²⁴ *Ibid.*, para. 7.

²⁵ *Ibid.* para. 9.

²⁶ Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay: Merits, Reparations and Costs. Judgement of June 17, 2005. Series C No. 125, para. 163. (http://www.corteidh.or.cr/docs/casos/articulos/seriec_125_ing.pdf).

66. The presence of peasants in Buriticupu can be traced back to struggles for land in the 1980s and 1990s. One must note that the majority of the colonists still do not have definitive titles for their land; this tends to be collective in nature or part of state property. The colonists' families only have the right of possession for their lands. The problem they currently face has to do with the right of possession given to the company Vale S.A. by the Government of Brazil; this company has received a concession for railroad activity in the area for the next 30 years. Thus has begun a conflict due to divergent interests, since the peasant families work the land as a matter of survival and the Carajás Railroad has imposed limitations on the living conditions of the peasants in the area.
67. The constant risk of train derailment and displacements have negatively affected the inhabitants of the area. It has become impossible for them to live in peace and with dignity; their homes are constantly being torn down to expand the railway. Additionally, there have been negative environmental impacts on the Pindaré River, one of the primary sources of livelihood for the inhabitants of the area. Thus, the latent conflict between peasant farmers who respect the land as a source of life and the railroad company which does not take into account the value of the land and natural resources for these peasants.

a. Impact on the right to adequate food

68. The right to healthy food is one of the rights with the fewest State safeguards in Brazil. The violation of this right is related to an agrarian reform that left many people with land parcels too small to permit adequate subsistence farming. This is one of the factors that has led people to lend their labor to companies like Vale, even though their jobs tend to be temporary and precarious.
69. In this sense, Briticupu has insufficient agricultural production to sustain the population, a problem caused by a lack of technical assistance and the continued practice of harmful activities that have led to soil exhaustion. Another factor is the lack of rain, deforestation, and forest fires. All of these factors have caused environmental imbalance in the region, primarily affecting peasant farmers. In addition to these factors, one must also take into account the presence of multinational companies in the region that promote using the land for monocultures (for example, eucalyptus, with the use of

pesticides), leading to violent processes in the treatment of the land and making gradually impossible the production and access to healthy food.

70. The violation of collective land rights and the right to adequate housing have made it impossible to effectively enjoy other rights. These are not only implicated in the protection of an economic unit but rather the protection of the human rights of a collective that bases its economic, social and cultural development on its relationship with the land.
71. The Federal Regional Tribunal of the 4th Region of Curitiba, Brazil, as a result of a *agravo de instrumento* (a Brazilian legal instrument having to do with interlocutory decisions) brought by civil society organizations in defense of environmental and agricultural rights, has analyzed the right to the protection and conservation of biological diversity as well as the preservation of the traditional values related to communal agriculture. In its decision, it recognizes the importance of preserving traditional knowledge and preserving seeds in relation to the rights of farmers and the promotion of knowledge associated with genetic resources for food and agriculture.²⁷
72. With regard to this issue, the Human Rights Council of the United Nations considers that the term “survival” should be understood in a manner that is coherent with all of the rights of indigenous and tribal peoples so that it does not become a static conception of their ways of life. Rather, it is their right to freely pursue their economic, social and cultural development in a way that reflects their own needs, preferences and aspirations.²⁸

b. Impact on groups with priority needs

73. While taking into account the general needs of forcefully evicted individuals, one must also be conscious of the specific needs of particularly vulnerable groups who need more specialized attention.
74. For example, during the last round of forced eviction in Tundayme, Ecuador on February 4th, 2016, the State did not measure the consequences of its actions, and even

²⁷ Tribunal Regional Federal de la 4ta Región, Sala de lo ambiental de Curitiba, Asociaciones civiles Tierra de derechos contra proyectos Servicios de Consultoria PTA, 2011. (<http://www.fian.org/fileadmin/media/publications/Brasil7.pdf>).

²⁸ A/HRC/19/75.

worse, did not take into account the reality of an elderly indigenous woman; the State ignored its obligations to respect and safeguard human rights. Rosario Wari, an elderly Shuar woman more than 95 years old, who had decided to continue to live in the area where she was born along with her ancestors, was forcefully evicted from her home. She was arbitrarily detained by the National Police and abandoned in the park of El Panguí²⁹, although the version of events provided by the company Ecuacorriente stated that she had been moved to the home of one of her daughters.³⁰ Rosario Wari had the following to say about these events:

I have not come here of my own free will, many authorities brought me to this place against my will and I feel strange because I am separated from my son. I am decided in wanting to return to my land. I don't remember how they brought me here, abandoning me in this place nor do I remember who are the authorities that have left me here; I have the right to return to my home. The company Ecuacorriente has not offered me anything, rather at their whim they have brought me and abandoned me here. In my house, the company has never even come to consult me, it has not provided any manual labor to construct the shack in which I live, they've only given me some sheets of zinc and my daughters built it.³¹

75. In the same protective vein, it is indispensable to take into account vulnerable groups like women, children, young adults, the elderly, indigenous peoples, and ethnic minorities in order to avoid all forms of discrimination.³² Authorities have turned a blind eye to the procedures used in the forced evictions of communities in Tundayme, abandoning their obligation to safeguard people's human rights.

²⁹To learn more about this event, one can consult: IREDH. Familia shuar desalojada en Tundayme. <<http://bit.ly/InredhRosarioWari>>. Recovered March 10, 2016.

³⁰Also: El Comercio. CONAIE y CASCOMI anuncian medidas tras supuesto desalojo de una adulta mayor en Tundayme. <<http://wap.elcomercio.com/articulo/actualidad/conaie-cascomi-desalojo-zamorachinchi>>; SERVINDI. Rechazan desalojos de indígenas shuar en Tundayme. <<http://bit.ly/ServindiRosarioWari>> Ingreso: 12 de marzo de 2016.

³¹This interview was conducted by: Acción Ecológica, Colectivo de Investigación y Acción Psicosocial Ecuador, Lo que la mina se llevó, Estudio psicosocial de Tundayme 2016. Entrevista a familia No. 3.

³²United Nations Committee on Economic, Social and Cultural Rights. The right to adequate housing (Art.11.1): forced evictions: 20/05/97. CESCR General comment 7. Ginebra, 1997.

2. The lack of legal reforms concerning land possession and limitations to accessing justice. The case of Yurimaguas (Peru)

76. As a result of the new phenomenon of extractivist economics, or neoextractivism, the creation of public policies dedicated to supporting rural development and strengthening agriculture, as well as safeguarding access to natural resources like water sources, seeds, etc. has stalled. The lack of regulation concerning these matters is a serious step back for progress in the safeguarding of economic, social and cultural rights.
77. An example of this problem can be found in Yurimaguas in the Loreto Region of the Amazon in Peru, where the cultivation of oil palms has gained ground in the last few years as one of the agrarian activities with the greatest economic potential in the Peruvian Amazon. The harvested areas has grown from 19,055 hectares in 2010 to 37,567 hectares in 2014, an increase of close to 100%.
78. Within this context, virgin forest is awarded to companies to transform into palm oil plantations, chopping and burning down the trees and draining the gullies and ravines. This has led to deforestation on a grand scale, dividing the populace and making life miserable for many riverbank communities.
79. When the company to which the land had been awarded began to chop down and burn the forest and divert the water from the gullies and ravines, the communities affected by the invasion of their land began to complain. However, confronted by their own powerlessness regarding events and under pressure from the company, they were forced to abandon the area, or in the best cases, to negotiate the purchase of their land.
80. The lack of agrarian legislation has led to failure in safeguarding the rights of people in rural areas since there is no clarity with respect to the titling of land for riverbank and peasant communities, resulting in land registers where the rainforest appears empty of inhabitants. Because of this, many peasants and riverbank dwellers have been unable to formalize their land ownership even after more than sixty years of economic exploitation of the area that they inhabit.
81. The absence of agrarian legislation for peasants is also a problem at the international level, since there are no *hard law* legal instruments that address these issues. Indigenous peoples have specific treaties they can rely on, like ILO Convention 169, to strengthen

and energize their claims against efforts to trample their rights. Peasants do not have any legal instrument that articulates their rights, making it impossible to take on the systematic violation of their rights.

82. Another factor that impedes the effectiveness of peasants' rights is their limited and difficult access to justice owing to their physical distance from tribunals, the lack of agrarian courts and the long delays in imparting justice.

83. Because of these difficulties, many communities can find themselves immersed in legal battles that don't proceed effectively, as has happened with the Case of Vereda de Chaparrito, a peasant community in the Department of Meta in the Colombian Amazon. This community has been embroiled in a judicial process of acquisitive prescription and right of possession related to forced eviction from their land for the planting of oil palms. This judicial process has suffered serious delays, violating Article 13 of the Constitution of Colombia regarding equality before the law and authorities since the State has not promoted real and effective conditions of due process for vulnerable groups. It has also ignored Article 29 of the Constitution regarding due process since the community has not been able to count on the due diligence and a defense that protects their right to property.

84. As in the above case, in many countries, specialized jurisdictions to deal with agrarian conflicts do not exist and normal tribunals' lack of capacity and resources limits their ability to conduct the necessary assessments, field visits, etc. Additionally, because of the circumstances of rural peasant life and geographical limitations, those defending their land rights have to travel long distances to obtain legal counsel, bring legal action or appear in court. These distances and dynamics imply the suspension of labor in the field, which is the source of economic and real resources for the peasant sector. Thus, many peasants feel that it is impossible for them to defend their rights.

3. The repression and penalization of movements that defend the rights of rural workers. The case of Caquetá (Colombia).

85. The rights of those who defend human rights are in a critical state, especially for those who fight for the rights to land and natural resources and relating to other environmental issues, since these groups and individuals are particularly exposed to acts of aggression

and the violation of the rights enshrined in the United Nations Declaration on Human Rights Defenders.

86. *“As noted by the Commission, the criminalization of human rights defenders through the misuse of criminal law involves the manipulation of the State’s punitive power by State and non-State actors in order to hinder their work in defense and thus prevent the legitimate exercise of their right to defend human rights. The manipulation of the criminal justice system is intended to delegitimize and halt the course of action of the individual that has been accused, and thus paralyze or weaken his or her causes.”*³³
87. This problem confronts many defenders of human rights and the rights of nature, such that their repression has become generalized practice in Latin American countries because of these groups and individuals’ defense of territory rights.
88. In the Department of Caquetá in Colombia, there is a peasant community which has organized itself to resist hydrocarbon exploitation in the area. These organizational efforts have created channels for participation and assertion of rights, not just through protests but also based on institutional guarantees. Nevertheless, in 2015, police, army and mobile riot units attacked a social protest of peasants who were blocking the arrival of machinery belonging to Emerald Energy that would be used for the construction of a stratigraphic well. The repressive act resulted in fourteen wounded (three gravely wounded and eleven lightly wounded) and more than twenty people who suffered beatings.
89. The defense of territory by peasant groups is tied to the search for social guarantees that can act in support of the regulatory and legal guarantees of their rights. Generally, States do not channel peasants’ social resistance towards a fruitful dialogue with them. Instead, States tend to clamp down on social resistance seeing it as a threat, since it runs contrary to public policies of development and Government discourse. Thus, the social guarantees that peasants fashion for themselves, that is their forms of social resistance, are criminalized, putting at risk not only the physical and psychological well-being of these individuals and collectives, but also the democratic nature of each State

³³ IACHR, Criminalization of the Work of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15 31, December 2015, para. 43. (<http://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf>).

90. The IACHR Council has emphasized the important role of defenders of human rights, specifying that: *“The misuse of criminal law to criminalize human rights defenders not only undermines the credibility and legitimacy of their work, but threatens their central role in consolidating the rule of law and strengthening democracy. Furthermore, it deters the promotion and protection of human rights. When defenders are criminalized for their legitimate activities related to the defense of human rights, this spreads fear among other human rights defenders that can result in silencing their causes and claims, which impedes the full realization of the rule of law and democracy. Additionally, this situation may encourage impunity, since it dissuades defenders from lodging complaints and victims of human rights violations from seeking the support of human rights defenders to present their claims, seriously hindering their ability to access justice.”*³⁴

IV. Conclusion and petition

91. Based on this panorama of the reality in the Amazon, REPAM has decided to demand and work for a renewed agenda for the defense of the territories and rights of the indigenous peoples and peasants in the region, giving them the appropriate tools to document their cases and to present them before the pertinent authorities and institutions with REPAM’s help when necessary. This means that we are asking for participative and informative spaces where a regional strategy can be developed, permitting the conception of the countries that share the Amazon as one body with unique characteristics, as well as serious problems that need to be made visible as a whole and faced with shared efforts.

92. Concerning the material and cases presented in this report, the lack of State responsibility in regard to respecting and safeguarding the territory rights of indigenous peoples and peasants stands out. Without a doubt, the new economic dynamics adopted by many States have annulled or made invisible the participation of these groups, who are tied to their land, in the decision-making processes related to the implications and impacts of extractivist industry megaprojects.

³⁴ *Ibid.*, para. 30.

93. We likewise wish to highlight the importance of conceiving territory using wholistic criteria that are also interdependent with human rights in general. In this way the various dimensions of territory can be understood within a protective framework that includes indigenous peoples and peasants, their ways of life, worldviews and culture, especially their spiritual connection with their lands.
94. Regarding the right to adequate housing, we can conclude that in a wholistic interpretation of this right, human dignity and the space in which an individual or collective lives out their way of life are intimately related. Taking into account this relationship, the right to adequate housing can be adapted to the unique characteristics of collective ownership as practiced by peasant communities, especially once one is able to understand the intricate ties between this right and the collective right to territory. According to the draft declaration of the United Nations on the rights of peasants and other people working in rural areas, *“a peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food or other agricultural products. Peasants work the land themselves and rely above all on family labour and other smallscale forms of organizing labour.”*³⁵ This draft declaration also characterizes the role of the peasant as one of care for the natural environment and agroecological systems. This is important to take note of since the subjects of the right to adequate housing are in this case peasant communities that reaffirm with their activity the importance of their work as a form of production and as a form of protection for land and the natural environment.
95. In the same vein, the draft declaration recognizes peasants’ rights to land and territory, both in collective and individual form, for housing and for agricultural activities. In this sense, their protected status is corroborated when one integrates it with their right to live in dignity³⁶ free from any interference or actions that jeopardize their well-being. The relationship with their right to land and right to territory has the same implications as their right to adequate housing, taking into account that these rights allude to the space where an individual or collective live out their life in the broadest sense.

³⁵ United Nations Human Rights Council, Open-ended intergovernmental working group on the rights of peasants and other people working in rural areas. Declaration on the rights of peasants and other people working in rural areas. A/HRC/WG.15/1/2, 2013, Article 1.

³⁶ *Ibid.*, Articles 3 and 4.

96. Thus, the right to territory and the right to adequate housing form an interpretative, interdisciplinary and interdependent nexus with other human rights. As such, we have been able to provide an extended analysis of how each of these rights interacts with others, combining together to give full enjoyment of the space that one inhabits, whether they be an individual or a community.

97. The standards for these rights respond to the principles of human dignity and liberty, leaving aside any type of reductionist definition that would conceive of them as no more than the space that a person inhabits. On the contrary, these rights are interdependent with the right to life. The Inter-American Court of Human Rights has expressed that the right to life also includes the right to access to the means and resources that guarantee a life with dignity. Thus, in its jurisprudence, it has stated that the displacement or eviction of indigenous communities from their territory has *“a negative effect on the right of the members of the Community to a decent life, because it has deprived them of the possibility of access to their traditional means of subsistence, as well as to use and enjoyment of the natural resources necessary to obtain clean water and to practice traditional medicine to prevent and cure illnesses.”*³⁷

98. In the same vein, in 2016, the United Nations Special Rapporteur on adequate housing, in her Annual Report to the United Nations General Assembly in New York, argued that *“States must address issues of inadequate housing and homelessness and name them as core human rights issues linked to the right to life — in domestic law and policy and in international initiatives, including the 2030 Agenda for Sustainable Development and the New Urban Agenda. States must also conduct a thorough examination of legislation, court practice and public policies to ensure that the right to life is not restricted to a negative rights framework. States must formally recognize that the right to life includes the right to a place to live in dignity and security, free of violence, and ensure access to justice for all victims of violations of the right to life, including those linked to homelessness and inadequate housing.”*³⁸

³⁷ Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay: Merits, Reparations and Costs. Judgement of June 17, 2005. Series C No. 125, para. 168.

³⁸ Farha, L. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. A/71/310, 2013, para. 73.

99. The interpretation of this right must also include the necessary safeguards and guarantees to ensure the efficacy of the resources dedicated to fulfill policies and guidelines created to ensure the full exercise of the right to adequate housing.³⁹ En line with the proposals of the Papal Encyclical *Laudato Si*, we encourage solutions – or perhaps better said, the work directed toward mitigating these serious problems regarding environmental exploitation and specific groups – to be implemented taking into account a global perspective, as part of a shared project.

100. With these beginning guidelines forming the basis for future work, we desire to call attention to the need to take notice of and salvage the situation of indigenous communities and peasants in the Panamazonian Region. Until now, there have been some efforts and actions to do this, but they have been disconnected and uncoordinated. Ties between them must be created so that the fight of these peoples and communities might be expressed in one united voice that tackles their common problems through intercultural proposals.

101. As has been highlighted, there exists concern regarding the regulatory framework and lack thereof for the protection of peasants' rights. We urge a specific intervention for this problem, the construction of legal standards that link the collective right to territorial property, reflected in the right to adequate housing, with other fundamental rights like cultural identity.

Petition

102. We petition the IACHR to evaluate the possibility of elaborating and publishing a report on the state of the right to territorial property of indigenous peoples and peasant communities in the Amazon through the Office of the Rapporteur on the Rights of Indigenous Peoples. We consider that such a document would be a very useful legal instrument, both at the national and international level, for the promotion and defense of the rights of indigenous and non-indigenous communities in the Amazon.

³⁹ Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay: Merits, Reparations and Costs. Judgement of June 17, 2005. Series C No. 125.