



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Addendum

**Information received from the Government of Peru on the
implementation of the concluding observations of the
Committee on the Elimination of Racial Discrimination
(CERD/C/PER/CO/14-17)***

[6 September 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

I. Introduction

1. The State of Peru hereby submits the information requested by the Committee on the Elimination of Racial Discrimination within one year of the adoption of the recommendations contained in its concluding observations (CERD/C/PER/CO/14-17), specifically those made in paragraphs 12, 17 and 20. The report reviews in this connection follow-up action by the National Institute of Statistics and Informatics (INEI) and the National Water Authority (ANA).

II. Background

2. The Committee adopted its concluding observations concerning Peru after considering its fourteenth to seventeenth periodic reports (CERD/C/PER/14-17) submitted under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee issued a series of recommendations to the Peruvian State in the light of its analysis and views concerning the periodic report presented by Peru at its meeting with the Committee.

3. As noted above, the Committee requested the Peruvian State to provide it with information, within one year of the adoption of its concluding observations, i.e. by 28 August 2010, on the implementation of the recommendations contained in paragraphs 12, 17 and 20 thereof (CERD/C/PER/CO/14-17, para. 31).

4. The recommendations contained in the aforementioned paragraphs read as follows:

“12. The Committee recommends that the State party continue to improve its census methodology to reflect the ethnic complexity of Peruvian society, bearing in mind the principle of self-identification. [...] In this context, the Committee requests the State party to include in its next periodic report disaggregated statistics on the composition of the population. The Committee further recommends that special emphasis be placed on obtaining updated information on the Afro-Peruvian community and on the use of the native languages of Peru.

[...]

17. The Committee urges the State party to carry out a study on the Afro-Peruvian population that would enable the State party to identify its needs and draw up effective plans of action, programmes and public policies relating to all areas of the public life of the Afro-Peruvian communities.

[...]

20. The Committee recommends that the State party's water management policy should take into account the needs and wishes of the communities likely to be affected by the policy. The Committee also reiterates its appeal to the State party to guarantee the use and enjoyment of water by the residents of the community of Ancomarca and to provide compensation for the damage and harm suffered by this community.”

III. Information on the implementation of the recommendations contained in paragraphs 12, 17 and 20 of the Committee's concluding observations

A. Information and observations submitted by INEI

5. The INEI National Director for Censuses and Surveys reported in response to the recommendation contained in paragraph 12 of the Committee's concluding observations that a question concerning respondents' mother tongue was included in the questionnaire used for the 2007 National Censuses: XI concerning Population and VI concerning Housing.

6. In addition, Census II concerning Indigenous Communities of the Peruvian Amazon was conducted in 2007 to establish the geographical location of indigenous communities and to determine their demographic characteristics. The statistical data can be used to formulate consistent and sustainable policies based on updated information aimed at improving the living standards of the communities concerned.

7. Moreover, during the past 10 years INEI has produced a series of surveys, indicators of discrimination and ethnicity, statistical analyses and publications in order to ensure that the State has access to statistical data on the indigenous and Afro-Peruvian communities that can be used in formulating policies to counter racism and racial discrimination. Under these headings, INEI addresses issues relating to the native language and ethnic origin of survey respondents. A list of INEI surveys, statistical analyses and publications is attached.

8. Furthermore, the INEI National Director for Censuses and Surveys states that "[...] the Committee's recommendations have been taken into account, and improvements in our forthcoming statistical activities are planned, including a review of the methodology applicable to the characteristics and situation of the country's different ethnic groups".

B. Information and observations submitted by ANA

9. The Secretary-General of the National Water Authority (ANA) provided the following information in response to the recommendation contained in paragraph 20 of the Committee's concluding observations.

10. Commenting in particular on the alleged situation in the Ancomarca community, he states that the desiccation of the community's wetlands is not due to the exploitation of underground water by means of the network of wells located in El Ayro for the following reasons:

(a) There is no hydraulic linkage between the wetlands and the underground water (because the water is deep underground), as evidenced by the initial and current depth of the groundwater;

(b) Only 6 of the existing 14 wells are located in the territory of Ancomarca, and one was plugged on 11 June 2010 pursuant to an agreement adopted at the meeting between the representatives of the Fundo Huyllani of the Ancomarca Community and the Special Tacna Project (PET);

(c) The remaining eight wells are out of service and are located outside the territory of the Ancomarca Community;

(d) The El Ayro aquifer is underexploited, given that the reasonably exploitable volume is 1,100 litres per second (l/s), of which 350 l/s is usable under an underground water exploitation permit. Nevertheless, the average amount extracted is only 200 l/s;

(e) Springs in the vicinity of the wells located within the territory of the Ancomarca Community still feed the wetlands and are not affected by the functioning of the wells.

11. He also reports that in 2009 the Special Tacna Project carried out a Hydrogeological Study of the El Ayro Aquifer for the project known as Improvement of the Water Supply for Agricultural Development in the Valley of Tacna Vilavilani II, Phase I. The project involves the drilling of 17 wells (relocation of 6 old wells and drilling of 11 new wells) to exploit 1,665 l/s. The aim is to meet the water supply requirements of the people of Tacna city, to improve sectoral irrigation and to expand the agricultural frontier by 3,000 hectares in La Yarada.

12. The study was reviewed by professional experts from ANA, who recommended gradual modular drilling based on the reaction of the aquifer system as it was subjected to a progressive increase in the volume of exploitation, the idea being to ensure that the exploitation was rational and sustainable.

13. It should be noted that the project authorities, being aware of their environmental and social responsibilities, had a management document prepared by the consultancy firm Consultora Andina SAC entitled "Environmental Adaptation and Management Programme". They also commissioned the Consultora Atlantis I&C company to prepare a Study of the Environmental Impact of the Vilavilani II Project, Phase I. Both documents, which provide for appropriate mitigating action, are awaiting approval by the General Directorate of Environmental Affairs at the Ministry of Agriculture.

14. It should further be noted that the Special Tacna Project is making a contribution of 10/s per functioning well for the existing wetlands.

15. On the other hand, it should be stressed that only between 5 and 8 of the existing 14 wells have ever functioned, accounting for an average continuous extraction volume of 200 l/s (far lower than the 350 l/s allowed under the water use permit).

16. The Tacna Local Water Administration has not authorized the use of eight wells under the MINSUR Project; it has only authorized the drilling of four wells, for which prospecting work is currently under way.

C. Supreme Resolution No. 010-2009-MIMDES

17. It is important to note that the Peruvian State, by Supreme Resolution No. 010-2009-MIMDES of the Ministry of Women and Social Development, adopted on 27 November 2009, extended a Historic Apology to the Afro-Peruvian people for the abuse, exclusion and discrimination they have suffered and recognized their role in the affirmation of national identity, the dissemination of values and the defence of Peru.

18. Article 1 of the aforementioned Supreme Resolution states:

"Extends a Historic Apology to the Afro-Peruvian People for the abuse, exclusion and discrimination they have suffered from colonial times until the present day, and recognizes their action and struggle to affirm our national identity, to generate and disseminate cultural values, and to defend our native soil."

19. The preambular paragraphs of the Resolution contain the following passage:

“[...] racism, racial discrimination, xenophobia and related forms of intolerance constitute flagrant threats to and attacks upon human dignity, so that the State has accorded priority to resolute action against these evils that afflict humankind; [...] the State acknowledges and regrets the fact that vestiges of this type of aggression persist, representing a barrier to social, economic, labour-related and educational development of the population in general and, in particular, of the Afro-Peruvian People, who have demonstrated throughout our history their identification with, and their love and respect for, our native land, through the fight for independence, defence of the national territory and the building of the Peruvian Nation; [...] with a view to vindicating the Afro-Peruvian People and thereby steering our country along the path of equality and respect for existing diversity, the State is under an obligation to extend a historic apology to this community; [...]”.

20. In accordance with the provisions of this instrument, a solemn public ceremony was held at the Government Palace on 7 December 2009, at which the President of the Republic of Peru extended a historic apology and gratitude to the Afro-Peruvian people.

21. The ceremony was also attended by the Minister for Women and Social Development and by representatives of Afro-Peruvian organizations, including the President of the Afro-Peruvian National Movement, Francisco Congo, who explicitly stated: “We consider that the adoption of this decree of apology, which has closed a wound inflicted 500 years ago, was a very appropriate step” (see <http://eldiario.pe/perdon-expresado-por-mandatario-a-afroperuanos-cierra-herida-500-anos-afirman/>).

22. This clearly constitutes a pertinent and laudable step by the Peruvian State towards recognizing, vindicating and consolidating links with the Afro-Peruvian people and towards eradicating racial discrimination in Peru.

23. We shall forward as soon as possible the information to be provided by the National Institute for the Development of the Andean, Amazonian and Afro-Peruvian Peoples (INDEPA) concerning the implementation of activities on behalf of the Afro-Peruvian people based on the Committee’s recommendations.

IV. Conclusions

24. The Peruvian State is producing through INEI a series of surveys, indicators of discrimination and ethnicity, statistical analyses and publications in order to ensure that the State has access to statistical data on the indigenous and Afro-Peruvian communities that can be used in formulating policies to counter racism and racial discrimination. Moreover, it intends to revise the methodology applicable to the characteristics and situation of the country’s different ethnic groups in line with the Committee’s recommendations.

25. With regard to the situation of the Ancomarca Community and its wetlands, ANA has reported that only six wells are functioning in the Community’s territory and that one of them has been out of service since June 2010. Moreover, the exploitation of the El Ayro wells does not affect the Community’s wetlands or the springs in the area, since the depth of the underground water precludes any hydraulic connection between the underground water and the wetlands. The lack of any discernible impact is borne out by the presence of springs that continue to feed the wetlands in the normal way.

26. The Peruvian State has extended a Historic Apology and gratitude to the Afro-Peruvian people through the adoption of Supreme Resolution No. 010-2009-MIMDES and the holding of a solemn public ceremony chaired by the President of the Republic of Peru.

27. The information provided by INDEPA concerning activities on behalf of the Afro-Peruvian people will be forwarded as soon as possible.

V. INEI surveys, statistical analyses and publications

28. Mention should be made of the following:

(a) Official Letter No. 2195-2010-INEI/DNCE, issued by the National Director for Censuses and Surveys and his assistants;

(b) Official Letter No. 934-2010-ANA-SG/DCPRH, issued by the Secretary-General of ANA, annexing Report No. 054-2010-ANA-DCPRH prepared by the Directorate for the Conservation and Planning of Water Resources;

(c) Technical Report No. 0010-ANA-DCPRH-ASUB, prepared by the Coordinator of the Underground Water Area;

(d) Official Letter No. 929-2010-GRT-PET-GG, issued by the General Manager of the Regional Government of Tacna;

(e) Official Letter No. 0332-2009-ANA-J/DCPRH, issued by the Head of the National Water Authority;

(f) Supreme Resolution No. 010-2009-MIMDES of 27 November 2009.
