

June 12, 2009

The Honorable Hillary Clinton
Secretary of State
United States Department of State
2201 C Street NW
Washington, District of Columbia 20520

Dear Madam Secretary:

We are writing to request that the United States Government take immediate, concrete and public action to help resolve the escalating social and political crisis in Peru. This crisis has resulted from protest over the content of laws that have been justified by the government of Peru as being required by the United States - Peru Trade Promotion Agreement (U.S.-Peru TPA). The U.S. Government should clarify this situation immediately, explaining whether repeal of the contested decrees, or specific provisions in them that are cause for dispute, would jeopardize the U.S.-Peru TPA.

The eruption of violence outside the northern Peruvian town of Bagua on June 5, 2009 and subsequent events require an immediate response by the United States. The national police's action to put an end to two months of non-violent protests by indigenous communities in the Amazon has resulted in a number of deaths of both indigenous protesters and police, and ongoing human rights violations. Eyewitness accounts gathered contradict the Peruvian Government's version of events, which is being aggressively circulated through the media and even YouTube. We deplore all the deaths – indigenous people and police officers alike – and have strongly urged all parties to refrain from further violence.

One of the central demands of the indigenous protests – first launched nearly a year ago and taken up again in the last two months – is the repeal of several legislative decrees passed in 2008 under special legislative powers that the Peruvian Congress granted to President Garcia to facilitate the implementation of the U.S.-Peru TPA and promote economic competitiveness for its effective use. Indigenous federations and many civil society organizations have strongly protested the possible consequences of these laws for the Amazon rainforest and indigenous land rights, as well as the fact that they were adopted without transparency or genuine consultation, in apparent contradiction of U.S.-Peru TPA commitments, ILO Convention 169, the American Convention on Human Rights¹ and the UN Declaration on the Rights of Indigenous People. The Constitutional Committee of the Peruvian Congress recently declared two of these decrees unconstitutional, yet the debate on the floor of the Peruvian Congress has been repeatedly postponed, precipitating the intensification of the protests and a constitutional and political crisis.

¹ On June 8, 2009 the Inter-American Commission on Human Rights strongly condemned the acts of violence in Peru; see www.cidh.org/Comunicados/English/2009/35-09eng.htm

The environmental and labor provisions introduced into the U.S.-Peru TPA as a result of agreements between the Bush Administration and the U.S. Congress in 2007 represented a good-faith effort to improve U.S. trade policy. But, despite progress in some areas, the spirit of this agreement has been undermined repeatedly since the U.S.-Peru TPA's ratification by the U.S. Congress. The way that the Garcia Administration has taken advantage of the U.S. Peru TPA implementation process has exacerbated long-standing social tensions and provoked serious social conflicts in Peru, now resulting in violence.

With this past Friday's events and the possibility of more violence – especially now that the Peruvian Government has communicated its intention to clear protesters in other areas of the Amazon – we strongly urge the U.S. Government to:

1. Publicly call for an end to the use of violence on both sides and urge the Peruvian Government to refrain from using excessive force to dislodge protesters.
2. Communicate publicly that it supports processes which take into account the views of indigenous peoples and civil society, and that it stands ready to work with Peru to address constructively the remaining concerns around Legislative Decree 1090, while ensuring compliance with and implementation of the U.S.-Peru TPA.
3. Communicate publicly that the repeal or reform of the other Legislative Decrees underlying the crisis – particularly Legislative Decrees 1064, 1020, 1089, 994, and 995 and Law 29338 (Water Resources) – does not conflict with the obligations of the U.S.-Peru TPA.

We look forward to learning what actions the U.S. Government will take in the coming days to help ensure that there is no further violence in the Peruvian Amazon as a result of this crisis and to work with Peru in a way that resolves the concerns of the indigenous population, comports with Peruvian and international law, and is consistent with the U.S.-Peru TPA.

Sincerely,

Andrew Miller, Amazon Watch

Vince McElhinny, Bank Information Center

Kristen Genovese, Center for International Environmental Law

Alejandra Goyenechea, Defenders of Wildlife

Scott Cardiff, Earthworks

Aaron Goldzimer, Environmental Defense Fund

Andrea Johnson, Environmental Investigation Agency

Vanessa Jimenez, Forest Peoples Programme

Elizabeth Bast, Friends of the Earth

Simon Taylor, Global Witness

Stephanie Burgos, Oxfam America

Margrete Strand, Sierra Club

Vicki Gass, Washington Office on Latin America

Copies to:

General James L. Jones, USMC – National Security Advisor
Ambassador Ron Kirk – U.S. Trade Representative
The Honorable Lisa P. Jackson – Administrator, Environmental Protection Agency
The Honorable Nancy Sutley – Chair, White House Council on Environmental Quality
Speaker Nancy Pelosi – Speaker of the U.S. House of Representatives
Rep. Charles Rangel – Chair, House Committee on Ways and Means
Rep. Dave Camp – Ranking Member, House Committee on Ways and Means
Rep. Sander Levin – Chair, House Committee on Ways and Means, Subcommittee on Trade
Rep. Kevin Brady – Ranking Member, House Committee on Ways and Means, Subcommittee on Trade
Rep. Eliot Engel – Chair, House Committee on Foreign Affairs, Subcommittee on Western Hemisphere
Rep. Connie Mack – Ranking Member, House Committee on Foreign Affairs, Subcommittee on Western Hemisphere
Sen. John Kerry – Chair, Senate Committee on Foreign Relations
Sen. Richard Lugar – Ranking Member, Senate Committee on Foreign Relations
Sen. Christopher Dodd – Chair, Senate Committee on Foreign Relations, Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs
Sen. John Barrasso – Ranking Member, Senate Committee on Foreign Relations, Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs
Sen. Patrick Leahy – Chair, Senate Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Agencies
Sen. Judd Gregg – Ranking Member, Senate Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Agencies
Sen. Max Baucus – Chair, Senate Committee on Finance
Sen. Charles Grassley – Ranking Member, Senate Committee on Finance

Sen. Ron Wyden – Chair, Senate Committee on Finance, Subcommittee on
International Trade, Customs and Global Competitiveness

Sen. Mike Crapo – Ranking Member, Senate Committee on Finance,
Subcommittee on International Trade, Customs and Global
Competitiveness

Ambassador P. Michael McKinley - U.S. Ambassador to Peru