

EMBASSY OF PERU
1700 Massachusetts Avenue, NW
Washington DC, 20036

INFORMATIVE NOTE ON THE RECENT EVENTS IN CHALA, AREQUIPA, PERU

It is of public knowledge that on April 4th around six thousand wildcat miners blocked nearly three kilometers of the Southern Pan-American Highway in the Department of Arequipa, Peru, impeding the free transit of thousands of passengers and vehicles. Five people died when agents of the Peruvian National Police attempted to reopen the road and 29 were wounded, among them several policemen. Police arrested 32 protesters. In addition, a person suffered a heart attack and subsequently died in the context of the roadblock.

The Government of Peru has profoundly regretted the lost of human lives and the injuries inflicted. In relation to these events the Embassy of Peru in Washington DC, wishes to convey the following:

Background information:

1. Peru is a mining country where small medium and large legal miners carry out their activities complying with a series of technological requirements and legislation with the objective of preserving the environment and protecting the health of local population. Moreover, legal mining contributes to local and national development by paying taxes.
2. Illegal mining activities also exist outside the legal framework. According to the Peruvian Ministry of Energy and Mining illegal mining produces annually approximately 20 tons of gold representing 14% of the national gold extraction and hires at least 40,000 people among them children. The Ministry of Environment considers that the main area where these activities take place is the Madre de Dios region where 99% is illegal mining. During 2009, the Ministry of Labor and Employment Promotion; the Public Attorney and the National Police rescued 62 children that were exploited in Madre de Dios mining zones.
3. On February 18th 2010, the Peruvian Administration approved Emergency Decree No. 012-2010, declaring of "public necessity, national interest and primordial order the organization of gold mining activities in the Madre de Dios department". (Article 1), with the purpose of putting an end to illegal mining carried out in that zone and inviting all wildcat miners to formalize their activities within a year period in order to stop the pollution of rivers and forests of the Peruvian jungle and to establish a tax regime beneficial to that region.
4. On March 8th, the Mining Federation of Madre de Dios (FEDEMIN), affiliated to the National Federation of Wildcat Miners of Peru (FENAMARPE), convened an indefinite national strike from April 4th in 17 regions to demand the repeal of Emergency Decree No. 012-2010. According to reports by different observers, considerations of political nature contributed to radicalize protests.

5. With the aim of restoring security and public order, on April 1st the Peruvian Government declared the State of Emergency for a period of sixty days in seven provinces through Supreme Decree 042-2010 PCM.
6. On Sunday 4th of April, six thousand wildcat miners blocked the Southern Pan-American Highway in the District of Chala, Department of Arequipa, breaking the dialogue being held by their representatives with government authorities. A violent clash took place when police agents attempted to reopen the highway and restore the free traffic of vehicles and passengers, with the result of human losses referred above. Reports by different sources indicate that at least one protester carried explosives with him. These events immediately have been object of a thoughtful investigation by the Public Attorney to identify the corresponding responsibilities and the Judicial Power has already provided free legal counselors. Peruvian Ombudsman representatives were sent to the area where clashes took place to assist in this case, collaborate with authorities to restore order and inquire about detainees. Up to date, only one person has been arrested charged with the illicit possession of explosives. The 31 protesters initially detained were later freed by a judge even though they are still subject to appearance mandate.
7. It should be underlined that the violent clashes occurred in Arequipa, a city far from Madre de Dios, the main center where wildcat miners undertake their activities and the only region where the Emergency Decree No. 12-2010 is applicable.
8. On April 5th the President of the Council of Ministers exhorted the wildcat miner's representatives to protest peacefully, stop the road blockade of the Southern Pan American Highway and reassume dialogue.
9. On April 6th the Peruvian Ombudswoman qualified as "illegal" the blockade of highways that put in serious risk the integrity of thousands of people that use those roads. Furthermore, she underlined the gravity of the conflicts related to illegal mining by affirming that all economic activities should be undertaken in harmony with the environment, the respect of the law, and the fundamental human rights. In this regard, she stressed that the mining activities that do not observe those principles were not admissible and should be openly rejected.
10. By late evening on April 6th, the wildcat miners re-open temporarily the roads that were being blocked in Chala, Arequipa.

The government position:

11. The Peruvian government has reiterated its permanent will to dialogue but always within the framework of the respect of the law and public order, that is to say without violence or road blockades that affect the rights of other citizens.
12. The legislation adopted by Peru seeks to organize the development of illegal mining activities, given its social and environmental impact, the enforcement of fundamental labor rights, the need to protect health and to fight against other illicit activities such as drug trafficking, terrorism, money laundering, tax evasion, traffic in persons, and exploitation of the prostitution, among others.

13. The government of Peru, within the spirit of its job creation and fight against poverty objectives, has proposed different alternatives to the wildcat miners, among them, association and establishment of cooperatives. They would receive public support to get access to new technologies in order to comply with environmental laws and standards. Government assistance would be also provided to assure fundamental labor rights and social protection.

Measures taken to solve the conflict:

14. On April 7th the President of the Council of Ministers; the Minister of Environment and the Minister of Energy and Mining reassumed dialogue with the representatives of wildcat miners arriving to the following agreements:
 - Wildcat miners will end all mobilizations and protests that began on April 4th.
 - The government will constitute an Inter-ministerial Technical Commission that will be in charge of the design and follow up of the implementation of the Project National Plan for the formalization of Wildcat mining and the revision of Emergency Decree No. 012-2010.
 - The government will lift the State of Emergency in all the provinces where it was in place.
15. These agreements are being implemented. Thus, today the Official Gazette published the Supreme Decree No. 045-2010-PCM that establishes [the](#) Inter-ministerial Technical Commission.
16. The Peruvian government is convinced that peace and social development can only be reached, particularly, on the basis of the widest respect for the rule of law, the protection of the rights of all citizens, the strengthening of democratic institutions, poverty alleviation and the protection of the environment.
17. This Informative Note is aimed at providing the government perspective of the unfortunate events occurred in the past few days and it is based upon verified information and facts transmitted by independent and autonomous institutions such as the Peruvian Ombudsman and the Judicial Power of Peru.

Washington DC, Thursday April 8th 2010