

Prior Consultation as a space for redefining communication between the State and the indigenous peoples of Peru



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Head of the Directorate for Indigenous Languages – Edinburgh, 12 April, 2016



Ley N° 29735 – **LEY DE LENGUAS**

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LEY DE LENGUAS
Edición Bilingüe

**ASHANINKA
AWAJUN
AYMARA
QUECHUA CHANKA
SHIPIBO**

Ley N° 29735
Ley que regula el uso, preservación, desarrollo, recuperación, fomento y difusión de las lenguas originarias del Perú



1. The cultural-linguistic diversity in Peru
2. The context before the Law on Prior Consultation
3. Implementation of prior consultation
4. The work of translators and interpreters
5. The Prior Consultation process on Language Law
Regulations
6. Some quotes



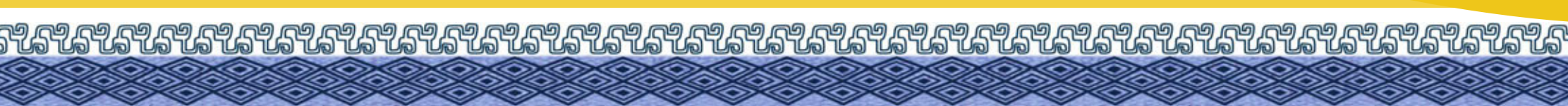


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The Vice Ministry of Interculturality and the Directorate of Indigenous Languages

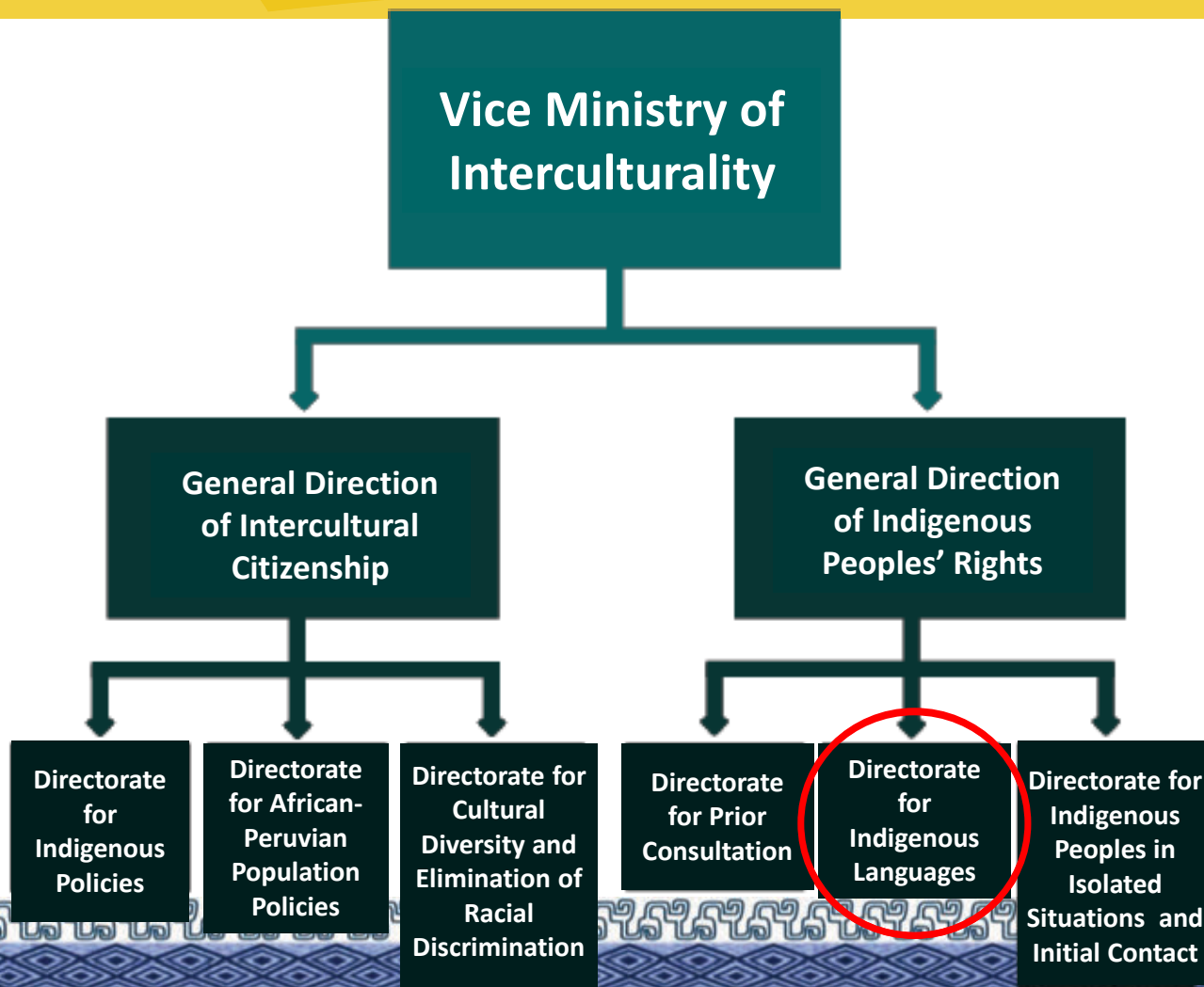


The VMI and the DIL



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The general objective of the **Vice Ministry of Interculturality** is to formulate policies, programmes and projects that promote interculturality, as a guiding principle, to foster and guarantee the rights and the integral development of the culturally diverse peoples of the country, and to build a form of citizenship that recognizes, respects and enriches itself from interaction with cultural diversity.

The DIL is the line agency responsible for promoting and implementing actions for the **development** and **use** of indigenous or tribal languages in the country.



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The context before the Law on Prior Consultation





There is no dialogue



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La Curva del Diablo, Bagua, 5th June, 2009





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Implementation of Prior Consultation



What is Prior Consultation?



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- It is a **right** of the indigenous peoples and a **duty** of the State;
- It consists in an intercultural **dialogue**;
- It is conducted **before** making a decision that might affect the rights of indigenous peoples in any way;
- It seeks to reach **agreements** that are binding in nature.

Who is consulted?

The subject entitled to the right to be consulted should fulfil the following criteria:

- Be a **collective**,
- Be or form part of an **indigenous or tribal people**, and
- Be entitled to **collective rights** that might be affected (scope of the measure).

Who are indigenous peoples?



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Indigenous or tribal peoples are considered to be those whose origins stem from **before** the State was created and took **place** in this country and region, and who **conserve** all or part of their distinctive institutions.

Moreover, they should have a **collective** and **tribal** identity.

Identification criteria

Objective

Subjective

Historical continuity

The existence of societies since times prior to the establishment of current national borders.

Territorial connection

Societies whose ancestors inhabited the country or region.

Distinctive institutions

Societies who retain some or all of their own institutions.

Self-identification

This refers to the collective group's awareness of having an indigenous or tribal identity.

Base de Datos de Pueblos Indígenas u Originarios

El Perú es un país pluricultural: conoce a nuestros pueblos indígenas u originarios.

Esta base de datos tiene como propósito dar a conocer a los pueblos indígenas u originarios del Perú, brindando información histórica, cultural, geográfica y demográfica de estos pueblos.

- [Pueblos](#)
- [Acerca de](#)
- [Organizaciones](#)
- [Comunidades](#)





Base de Datos de Pueblos Indígenas u Originarios

- DESCRIPCION
- PUEBLOS INDÍGENAS
- ORGANIZACIONES NACIONALES
- BUSQUEDA DE COMUNIDADES
- BUSQUEDA DE CENTROS POBLADOS AMAZÓNICOS
- PREGUNTAS FRECUENTES
- CONTACTO

Awajún Pueblo indígena	Awajún Lengua	Jíbaro Familia lingüística
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El pueblo awajún, también conocido con el nombre de *aguaruna*, es el segundo pueblo más numeroso de la Amazonía peruana. Su lengua es la más hablada entre las cuatro que pertenecen a la familia lingüística Jíbaro.

Este pueblo tiene una fuerte presencia política y organizativa, la cual se evidencia desde fines de la década de 1970, con la creación de importantes organizaciones indígenas como el Consejo Aguaruna y Huambisa (CAH).

El pueblo awajún vive principalmente el departamento de Amazonas, aunque también se encuentran comunidades de este pueblo en el norte de los departamentos de Loreto, Cajamarca y San Martín. Según datos obtenidos por el Ministerio de Cultura, la población de las comunidades del pueblo awajún se estima en 62,765 personas.

Descargar ficha en PDF

Otras denominaciones
aents, aquaruna

Ubicación geográfica



HISTORIA

How is Prior Consultation carried out?



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It is conducted in seven stages:

1. Identification of the measure
2. Identification of the peoples
3. Publicising of the measure
4. Information
5. Internal Evaluation
6. Dialogue
7. Decision

Progress

- 23 processes have been recorded
- **22 have completed the dialogue stage:**
 - 11 in hydrocarbons
 - 03 in natural areas
 - 03 in mining
 - 04 national
 - 01 infrastructure
- **01 is ongoing:**
 - 01 in natural areas

ACR Kichwa Maijuna
Plots 164, 165, 192,
197 and 198
Amazon Waterway

Plots 169, 195, 189 and 175
ANP Sierra del Divisor
ACR Imiria

Plots 190
and 191

Toropunto
Project

Misha
Project

Aurora Project
ACR Tres Cañones

National IBE Plan
Intercultural Health Policy
Regulations to the Law on Indigenous Languages
Regulations to the Law on Forests and Wildlife



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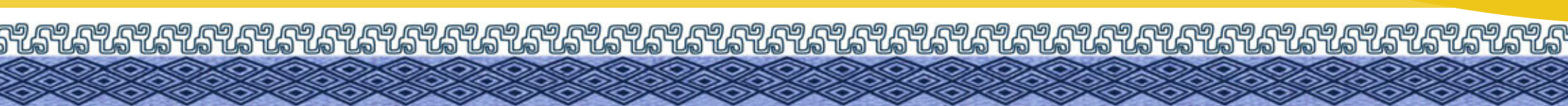


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The work of translators and interpreters



Article 16. Language

In order to carry out the consultation, the linguistic diversity of the indigenous or tribal peoples is taken into account (...). Accordingly, **the consultation processes rely on the assistance of interpreters** who are duly trained in the matters to be addressed in the consultation and who must be registered with the technical body specialized in indigenous matters under the Executive Power.



Training of translators and interpreters



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Training of translators and interpreters



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- 8 training courses aimed at interpreters and translators of indigenous languages
- 260 interpreters trained
- Interpreters trained in 35 languages
- **National Register of Translators and Interpreters of Indigenous or Tribal Languages created under Supreme Decree**



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Registro Nacional de Intérpretes y Traductores de Lenguas Indígenas



Es la base de datos donde se encuentran registrados los ciudadanos y ciudadanas hablantes de lenguas indígenas, que han adquirido la categoría de intérprete traductor, o intérprete y traductor mediante los procedimientos establecidos por el Ministerio de Cultura.

1. Traductor.- Es aquella persona capacitada y competente para transmitir de manera escrita en una lengua indígena, un texto originalmente redactado en una lengua distinta o viceversa.

2. Intérprete.- Es aquella persona capacitada y competente para transmitir

<http://traductoresdelenguas.cultura.pe/>

TRAINING OF TRANSLATORS AND INTERPRETERS



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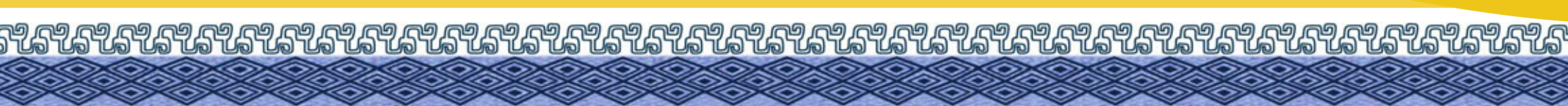


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The Prior Consultation process on Language Law Regulations



A new outlook for indigenous languages



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2011 – Law N° 29735 is enacted: a law that regulates the use, preservation, development, recovery, promotion and dissemination of indigenous or tribal languages.

2011 – The Ministry of Culture is created under Law N° 29565.

2012 – The courses for interpreters for Prior Consultation begin.

2013 – The Directorate for Indigenous Languages is created.

2014 – Courses for Interpreters involved in Prior Consultations turn towards Public Services.

2015 – The National Register of Translators and Interpreters of Indigenous Languages is created.

2016 – Regulations to the Law on Indigenous Languages



Schedule of the process



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- Preparation Meeting: 16th December, 2015
- Publicising Stage: 17th December, 2015
- Technical Meeting requested by organisations: 28th and 29th January, 2016
- Informative Stage :
 - National Workshop: 11th and 12th February in Lima
 - I. Macro-regional Workshop: 25th and 26th February in Cusco
 - II. Macro-regional Workshop: 1st and 2nd March in Iquitos
- Internal Evaluation Stage: 14th and 15th March in Lima
- Dialogue Stage: 17th and 18th March in Lima
- Decision Stage (ongoing)



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Publicising Stage: 17th December, 2015



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Informative Stage: I. Macro-regional
Workshop: 25th and 26th February in Cusco



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Informative Stage: II. Macro-regional
Workshop: 1st and 2nd March in Iquitos



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Informative Stage: II. Macro-regional Workshop: 1st and 2nd March in Iquitos



Internal Evaluation Stage: 14th and 15th March in Lima



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DERECHOS
PUEBLOS
ÍGENAS



ninchik... pi
takis... ik,
masunc...
uyas... ik



FENMUCARINAP

AIDSESP

Dialogue Stage: 17th and 18th March in Lima

Main agreements

- To create a permanent follow-up work group with indigenous organisations
- To create the *Voces Vivas* [Living Voices] programme in order to revitalise endangered languages
- To have staff that speak and write the predominant indigenous language working in public services
- To ensure permanent training of interpreters and/or translators of indigenous languages
- To implement signage in indigenous languages at public and private entities that provide public services
- To guarantee the participatory design of national and regional policies

- The linguistic rights have finally entered into the agenda of the indigenous organisations.
- The process of implementation of the linguistic rights is stronger now.
- The following stages towards final approval of the regulations will be defended by the indigenous organisations.

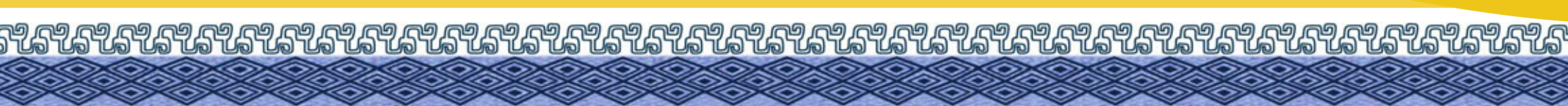


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Some quotes from the participants



Marcelino Bustamante (Confederación de Nacionalidades Agrarias - CNA)

“I think we’ve made a start in Peru. And it’s thanks to the good predisposition shown by our technicians, our professionals. Because the professionals who used to sit in the ministries were despots back then. If we talked in Quechua, or if they didn’t like our clothes, they would say, ‘hey, “*cholito*”, go stand on that side.’ (...) So, with the recovery of our language, with the recovery of our tongue, I think we can become great, and that’s how Peru will be.”





Hugo Jilaja (Unión de Comunidades Aymaras – UNCA):

“To us, today is a day of great transcendence because it has marked a milestone in the history of our culture, of our identity. (...) From now on, linguistic history will have to make distinctions. A true linguistic revolution in all contexts.”

Some quotes



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Lourdes Huanca (Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú – FENMUCARINAP):

“Our parents suffered – we don’t want our children to suffer the same discrimination.”

“We have learned, and that is good. We also have to value this. These spaces have taught us how to start looking beyond our organisations.”





Patricia Balbuena (Vice Minister of Interculturality):

“What must we do to have a State that speaks the languages of our indigenous peoples? Only when the State starts speaking in the languages of the indigenous peoples shall we begin to feel that we are really changing as a country. Not only because we will be able to communicate but also because we will start to acknowledge and respect each other.”

Patricia Balbuena (Vice Minister of Interculturality):



“This is what we seek: to have at last, after a long struggle by the indigenous peoples and a historical persistence of these demands, to finally be able to feel we are making progress (...). Surely there is still plenty to be done, surely the indigenous peoples’ agenda, for which we have been struggling, fighting, always putting it on the table for public debate, in the efforts made at the [dialogue] table (...) after Bagua, in the multiple spaces that have arisen throughout these years...”



Patricia Balbuena (Vice Minister of Interculturality):

“But we have started to change history, for now, as has already been stated, the agreements are no longer agreements the State can fail to keep, and secondly – and I believe most importantly – because the indigenous peoples will not allow these agreements to remain unfulfilled. And this already makes a difference in the relationship between the State and the indigenous peoples.”



Patricia Balbuena (Vice Minister of Interculturality):

“I believe this is the main accomplishment, that we have been able to feel that we respect one another, that we acknowledge each other and that we have something we didn’t use to have before, namely trust in each one of us, trust that we have a common goal.”

Patricia Balbuena (Vice Minister of Interculturality):



“Regaining a relationship of trust between the State and the indigenous peoples was an outstanding debt we had, to rebuild a bond that had sadly grown weaker and weaker over time due to a failure to comply with the agreements. I therefore believe that it is now time for us to show, through this experience, that it *is* possible.”

