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18 August 2006

Excellency,

The Committee wishes to inform you that on 16 August 2006, in the course of its 69<sup>th</sup> session, it considered on a preliminary basis the request submitted by the Comisión jurídica para el autodesarrollo de los pueblos originarios andinos (CAPAJ), asking the Committee to act under its Early Warning and Urgent Action Procedures on the situation of the Aymara people located on the grasslands of the Altiplano in Peru.

The Committee appreciates the frank and open preliminary discussion which took place on Tuesday 15 August 2006 between yourself and its Working Group on Early Warning and Urgent Action Procedure on the issues raised in the request.

The Committee recalls the provisions of paragraph 5 of its concluding observations adopted following the examination of Peru's twelfth and thirteenth periodic reports in 1999 (CERD/C/304/Add.69) in which the Committee:

"5. ...takes note with interest that Peru supports Agenda 21, adopted at the United Nations Conference on Environment and Development, one chapter of which deals with the role of indigenous communities and environmental preservation. Peru also took part in the establishment of a Special Commission on Indigenous Affairs in Amazonia and supported the creation of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean."

H.E. Mr. Manuel RODRIGUEZ CUADROS  
Ambassador, Permanent Representative  
Permanent Mission of Peru to the United Nations  
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Bearing in mind the support of Peru for Agenda 21, the Committee notes with concern allegations according to which the Vilavilani project in Tacna, which involves the drainage of surface and underground water from the grasslands of the Altiplano, has led to the desertification and salinisation of the ancestral lands of the Aymara people, thus causing considerable prejudice to its members.

During your meeting with the members of the Working Group on Early Warning and Urgent Action Procedure of the Committee, you acknowledged that the project had adversely affected the indigenous communities of the Altiplano. You conveyed to the Working Group, however, your Government's view according to which, following the conduct of an environmental impact evaluation, the Vilavilani project had been subjected to some technical adaptations and was therefore no longer causing prejudice to the concerned indigenous communities.

In light of this preliminary information, the Committee considers that the opening of a substantial dialogue with the State party on these issues would help to clarify the situation further. In order to facilitate this dialogue, and in accordance with article 9(1) of the Convention and article 65 of its rules of procedure, the Committee would welcome your Government's detailed comments on the above-mentioned allegations. It also draws in particular your attention to the following list of questions:

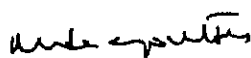
1. Please provide the Committee with environmental impact evaluations and any other technical information that you may find relevant for the Committee to have a full understanding of the factual situation, in particular please provide information regarding the provisional closure of water wells and the reasons for such a decision.
2. Please provide information on measures taken by the State party to compensate the indigenous communities adversely affected by the Vilavilani project;
3. Please comment on the information according to which the water drained from the surface and undergrounds of the grasslands of the Aymara people is not only used for the provision of water supplies to local households but is also used for agricultural and industrial developments including the production of energy and the activities of mining companies.
4. Please provide detailed information on the conclusions or recommendations, if any, taken by the "Comisión investigadora de las presuntas irregularidades en el Proyecto Especial Tacna – INADE;

The Committee wishes to receive your Government's responses on these issues by 31 December 2006, so that they can be examined at its 70<sup>th</sup> session, to be held from 19 February to 9 March 2007.

Please allow me, Excellency, to reiterate the wish of the Committee to pursue the constructive dialogue with your Government, and to underline that the Committee's observations and request for further information are made with a view to assisting your Government in the effective implementation of the Convention.

The Committee further reminds the State party that its 14<sup>th</sup> to 17<sup>th</sup> Periodic reports from 29 October 1998 to 2004 are overdue. The Committee therefore strongly encourages your Government to submit its overdue report, in a single document, as soon as possible.

Yours sincerely,



Régis de GOUTTES  
Chairman of the Committee for the  
Elimination of Racial Discrimination