

**The Government Response to the "Tres Islas" Indigenous Community Case  
(Puerto Maldonado-Madre de Dios)**

*Christine White, Michelle Altemus and Kiana Williams  
(United States of America)*

Despite the fact that in 2012, the Constitutional Tribunal issued a judgment confirming the Native Community of Tres Islas's right to communal property and autonomy, they still face challenges in exercising their right to control their territory. In accordance with said judgment, the members of Tres Islas should be able to determine who may and may not enter their community, yet unauthorized third parties on communal lands remain. In fact, approximately thirty percent of the community's territory is currently affected by outside concessions against their will, which, according to art. 88 and 89 of the Constitution should be illegal. In addition, under the constitutional and international law, Tres Islas community should have autonomy in determining the control over and use of the totality of their land. Nevertheless, more than one hundred concessions have been granted, many by the regional government, to third parties without the consent of the community. These concessions are presently recognized, in spite of their clear contradiction to the Constitution, as well as multiple international conventions, which state that indigenous communities must give full consent to any measures that will directly impact their community. In response, during a recent meeting with regional government officials, community members expressed their desire for the government to re-evaluate the concessions. If the regional government will not recognize full property over their territory and respect the autonomy of Tres Islas community, they will be obliged to challenge the concessions in court once again.

Apart from unlawful concessions, the Tres Islas community faces challenges from other destructive governmental policies. During a meeting with the representative of the Ministry of Environment, the themes of illegal mining and the government's response to such activities were discussed. Recently, the government has tried to combat this activity by using army and navy forces to bomb equipment and boats used for illegal mining. However, this strategy has yielded very few arrests and has mostly served to create a new set of problems for native communities and other land owners. All of the costs associated with combating illegal mining - financial, social, but mostly environmental- that the government is not willing to assume are hoisted onto the community. Since the government has carried out bombings without informing Tres Islas community, a sense of fear has been created amongst its members, especially the children. Furthermore, the aftermath of the governments bombing strategy compromises the community's use of their land and waterways. For instance, the remnants of a boat blocks part of the river previously used for fishing and leaking oil from the wreckage has polluted the water. The implementation of this policy, in place of other strategies that would be more beneficial

to the community, illustrates just some of obstacles the Tres Islas Native Community continues to face in their attempt to achieve the full realization of the rights granted to them by national and international regulatory bodies.

The Tres Islas community agrees to fight the illegal mining but questions the way the government is responding to the situation against their indigenous rights.



Taken by Michelle Altemus



Taken by Christine White



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