



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva

Ref.: Pol-10 381.70

(please quote when answering)

Note No.: 261/2023

Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner of Human Rights and has the honour to refer to the a communication sent by the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders transmitted 19 June 2023, reference JAL DEU 4/2023.

The Permanent Mission of the Federal Republic of Germany is pleased to transmit herewith the answer of the Federal Republic of Germany.

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner of Human Rights the assurances of its highest consideration.

Geneva, 18 August 2023

To the
Office of the High Commissioner of Human Rights
Palais Wilson
Geneva

Concerning the issue of logging activities in Peru / threats to the survival of the uncontacted Mashco-Piro people, the position of the German Government is as follows:

The Mashco-Piro are one of the Indigenous peoples living in voluntary isolation and initial contact (PIACI) in the region of Madre de Dios, Peru.

The company named, like a number of others, was given a logging concession for a defined area by the regional government some years ago and is thus legally permitted to engage in forestry.

The reserve concerned, which is home to the Mashco-Piro people among others, is adjacent to the concession area in question; it is managed by FENAMAD (*Federación Nativa del Río Madre de Dios y Afluentes*), an association representing the interests of the Indigenous peoples present in the region.

Some years ago, FENAMAD filed an application with the Culture Ministry for the reserve to be expanded. The expansion requested includes land that is part of the company's concession, but that the Mashco-Piro have traditionally used. No decision has yet been made on the matter. The Peruvian Government has recognised a proposal to expand the territorial reserve, but this has not yet been implemented. Ultimately, the overlapping claims to the land must be resolved by the competent Peruvian agencies.

The company's workers normally move within a secure zone (*zona segura*). However, they have on occasion left this zone and come into contact with PIACI, as was the case a year ago when two of the workers left the zone to go fishing and one was fatally wounded by arrows from the Mashco-Piro. The Peruvian state does not have a permanent and comprehensive presence on the territory concerned, and thus cannot continuously monitor the activities of the companies operating there. However, the Peruvian authorities state that they have seen no specific evidence of illegal logging.

The German Embassy in Lima is in contact with the Peruvian Culture Ministry, which is responsible for the matter, and its staff occasionally travel to the jungle region Madre de Dios, 855 km from the capital, and speak with civil society representatives there.

Attached is the statement provided by the Forest Stewardship Council (FSC) to the German Government upon the latter's request. According to this statement, the company concerned works with the competent Peruvian ministry to minimise interactions between its workers and the Indigenous population, while the certified forest management protocol includes a buffer zone. The FSC's approach has also been verified by Assurance Services International (ASI). The German Government is not aware of any information that conflicts with the FSC's statement.