



DESIGNATION AS CULTURAL PATRIMONY OF THE NATION  
EXTENDED TO THE KNOWLEDGE AND TRADITIONAL USES OF  
AYAHUASCA AS PRACTICED BY NATIVE AMAZON COMMUNITIES.

National directorial resolution  
Number 836/INC

Lima, June 24 2008-07-14

Having read Report No. 056-2008-DRECP/INC dated May 29, 2008, prepared by the Directorate Of Registration and Study of Contemporary Culture in Peru:

**CONSIDERING:**

That Article 21 of the Political Constitution of Peru indicates that it is the function of the State to protect the Cultural Patrimony of the Nation.

That part 1, Article 2 of the Convention for the Preservation of Non-material Cultural Patrimony of the UNESCO, establishes that “it is understood that ‘Cultural Patrimony is defined as the uses, representations, expressions, knowledge and techniques—together with instruments, objects, artifacts, and cultural spaces that are inherent to them---that the communities, groups, and in some cases individuals, recognize as an integral part of their cultural patrimony’. This non-material cultural patrimony, which is transmitted from generation to generation, is constantly re-created by communities and groups, by means of their location, their interaction with nature and their history, inducing a feeling of identity and continuity and therefore contributing to promote respect toward cultural diversity and human creativity”.

That Article VII of the Preliminary Title to Law NO. 28296

-General Law on Cultural Patrimony of the Nation disposes that the National Institute of Culture is charged to register, declare and protect the Cultural Patrimony of the Nation within the confines of its responsibility;

-That part 2) of Article 1 of Title 1 of the above mentioned Law establishes that part of the Cultural Patrimony of the Nation consists of the creations of a cultural community, based upon traditions, to be expressed by individuals unilaterally or in groups, and that consensually respond to community expectations, as an expression of cultural and social identity, in addition to the values transmitted orally, such as autochthonous languages, tongues and dialects, traditional knowledge and wisdom, be it artistic, gastronomic, medicinal, technologic, folkloric or religious, the collective knowledge of peoples, and other expressions or cultural manifestations, which jointly comprise our cultural diversity;



That National Directorial Resolution No. 1207/INC dated November 10, 2004, approved Directive No. 002-2004-INC “Recognition and declarations of active cultural manifestations as Cultural Patrimony of the Nation”;

That it behooves the National Institute of Culture, in order to carry out its function as assigned by law, with the active participation of the community, to conduct a permanent identification of such traditional manifestations of the country that should be declared as Cultural Patrimony of the Nation;

That by means of the proper document, the Directorate of Study and Registration of Culture in Contemporary Peru requests a declaration as Cultural Patrimony of the Nation the knowledge and traditional uses associated with Ayahuasca, and practiced by native Amazon communities, according to the Report prepared by Dona Rosa A. Giove Nakazawa, of the Takiwasi Center-Tarapoto and submitted by the Regional Office of Economic Development of the Regional Government of San Martin to the Regional Directorate of Culture of San Martin;

That the Ayahuasca plant—*Banisteriopsis caapi*—is a vegetable species which garners an extraordinary cultural history, by virtue of its psychotropic properties, used in a beverage associated with a plant known as Chacrana-*Psychotria viridis*;

That such plant is known by the indigenous Amazon world as a wisdom plant or plant teacher, showings initiates the very fundamentals of the world and its components. Consumption of it constitutes the gateway to the spiritual world and its secrets, which is why traditional Amazon medicine has been structured around the Ayahuasca ritual at some point in their lives, indispensable to those who assume the function of privileged carriers of these cultures, be they those charged with communication with the spiritual world, or those who express it artistically.

That the effects produced by ayahuasca, extensively studied because of their complexity, are different from those produced by hallucinogens. A part of this difference consists in the ritual that accompanies its consumption, leading to diverse effects, but always within the confines of a culturally determined boundary, with religious, therapeutic and culturally affirmative purposes.

That available information sustains the fact that the practice of ritual ayahuasca sessions constitutes one of the basic pillars of the identity of the Amazon peoples, and that the ancestral use in traditional rituals, warranting cultural continuity, is closely connected with the therapeutic attributes of the plant;

That what is sought is the protection of traditional use and sacred character of the ayahuasca ritual, differentiating it from Western uses out of context, consumerist, and with commercial objectives;

That the Manager, the Director of Registration and Study of Culture in Contemporary Peru, and the Director of the Office of Legal Affairs, being cognizant of the above information;



In conformity with the dispositions of Law No. 28296, “General Law of the Cultural Patrimony of the Nation” and Supreme Decree No. 017-2003-ED, which approves the By-Laws of the Organization and Operation of the National Institute of Culture.

ITS IS RESOLVED:

Sole Article.-

To declare as CULTURAL PATRIMONY OF THE NATION, the knowledge and traditional uses of Ayahuasca practiced by the native Amazon communities, as a warranty of cultural continuity.

Be it registered, communicated, and published.

JAVIER UGAZ VILLACORTA

Manager of the National Directorate  
National Institute of Culture