



Conchita Guerra

- 102 indigenous peoples in Colombia
- 1,400,000 people in total, or 3.4% of the population
- 67 different languages

The Indigenous Peoples of Colombia are the original inhabitants of the geographical area now called Colombia, and represent a wide and rich ethnic diversity, with their own societies and organizational forms, languages, cultures, worldviews and traditional knowledge about the protection of biodiversity. After a long struggle, indigenous peoples participated in the drafting of the 1991 Constitution, which establishes a number of fundamental rights including the legal protection of collective territories known as "resguardos", and indigenous cultures and life plans, thus formalizing the application of indigenous law within their territories. The Constitution also protects the right of indigenous peoples to prior consultation during the drafting of laws that affect them as well as plans to implement large-scale development projects in their territories, such as mining or hydroelectric projects. These rights are also established in international standards such as ILO Convention 169, and in the United Nations Declaration on the Rights of Indigenous Peoples. Despite this advanced legal recognition, in practice the rights of indigenous peoples are being violated on a daily basis in Colombia, since they are victims of the effects of the internal armed conflict, systematic institutional discrimination, and the pressure of transnational corporations seeking to exploit the natural resources in their

territories. In the midst of these difficult circumstances, indigenous peoples have maintained and strengthened their resistance and their organizational forms to struggle for the fulfillment of their rights.

- At least 122 indigenous people were killed during 2010, representing an increase in comparison with 2009 (114 killings) and 2008 (102). Most of these crimes remain unpunished.
- Official statistics from the Colombian government reveal that between January and May 2011 there was an increase of 38% in the number of murders of indigenous people compared to the same period in 2010.
- The ONIC has reported that 75% of Colombia's indigenous children are malnourished, and that 83.5% of children from the Jiw People suffer from chronic malnutrition. Indigenous organisations have reported a number of cases of death by malnutrition of indigenous children from the Embera Katío People (Chocó), Wiwa People (Guajira), Yukpa People (Cesar), Wayuu People (Guajira), and a high rate of malnutrition in the Eperara Siapidaara People and the Awa People in Nariño.
- Sexual violence against indigenous women is very common and is committed by different armed groups in armed conflict. Most cases go unreported because of a number of serious obstacles to access to justice for indigenous women, including fear of reprisals, lack of translators and no training for justice officials.



Julián Arango

## Risk of Extinction



Diego Sandoval

The Constitutional Court has ordered the State to create safeguarding plans for 35 indigenous peoples who are at risk of disappearing, and a national program to guarantee indigenous rights. The fulfillment of this Ruling has exceeded the terms established by the Constitutional Court. The National Indigenous Organization of Colombia (ONIC) has mapped the situation of 30 additional peoples who are also at risk of extinction. When an indigenous people disappears so does its language, spiritual beliefs and worldviews, traditional knowledge and the protection of fragile ecosystems. This represents a loss for all of humanity.

- Indigenous people represent 3.4% of the population in Colombia, however, they constitute at least 10% of the displaced population.
- According to the ONIC, the government has yet to process more than 500 applications for land titling which has left some 200,000 indigenous people without the formal titles necessary for the protection of their communities.

## Indigenous Peoples and Economic Megaprojects

The pressure exerted by companies to implement economic megaprojects in indigenous territories increases the vulnerability of indigenous peoples. It is necessary, as James Anaya emphasizes in his report on his visit to Colombia in 2010, to "harmonize public policy for economic development, especially in regard to so-called" mega projects "related to resource extraction, infrastructure, agribusiness and tourism, with the rights of indigenous peoples."

However, the Colombian National Development Plan 2010-2014 and the Trade Agreement between the EU and Colombia, promote the development of the extractive industry and agro-industry, which will lead to greater pressure and cause more serious impacts on the lands of indigenous peoples.

If we add that Colombia does not comply with its constitutional mandate to carry out free, prior and informed consultation with indigenous peoples for these projects, the burning question is whether the European Union and its companies can be assured that their policies are not contributing to the risk of extinction of these peoples and the massive violation of their human rights.



Gert Steenssens

Oidhaco considers that the Colombian government has an urgent responsibility to act, taking into account the serious risk of extinction suffered by more than half of the indigenous peoples of Colombia.

### We ask the European Union and its Member States to:

- Issue a public statement showing concern for the situation of indigenous peoples in Colombia and the importance of protecting them from imminent risk of extinction.
- Develop a coherent policy toward indigenous peoples, which cuts across all its institutions and policies, in line with ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples
- Within EU policy on human rights, formulate guidelines on indigenous peoples, in consultation with their representatives and organisations, to support the work of the EU delegation in Colombia
- Do not ratify the FTA between the EU and Colombia. It is necessary to rigorously measure the impact that the signing of an FTA with Colombia would have upon the lives of the indigenous peoples of Colombia, in consultation with their representative organisations. Create binding legislation to require companies to respect human rights of Colombians, including indigenous peoples



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### We ask the European Union and its member states to urge the Colombian State to advance in the protection of indigenous peoples, in particular regarding:

- Orders and judgments of the Constitutional Court referring to the serious and persistent violation of the rights of indigenous peoples, including: Ruling 004 (2009) and 092 (2008) and Sentences T-129 (2011), T-547 (2010) , and T-769 (2009).
- Implement, without reservations, the articles of the United Nations Declaration on the Rights of Indigenous Peoples. Urgently comply with the recommendations of the United Nations system relating to the rights of indigenous peoples, including the Universal Periodic Review (2008), the Committee on the Elimination of Racial Discrimination (2009), UN Special Rapporteur James Anaya (2010) and the UN Permanent Forum on Indigenous Issues (2011)
- Respond to the 2010 Annual Report of the High Commissioner for Human Rights (March 2011) by establishing clear processes for free, prior and informed consultation with indigenous peoples in relation to mega-projects and proposed legislation affecting them.
- Invite the United Nations Special Adviser for the Prevention of Genocide to Colombia, as recommended by James Anaya, UN Special Rapporteur on the rights of indigenous peoples.

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