

Translated from its original Spanish

Bogotá, April 14th, 2020

Mr. President

Iván Duque Márquez

President of the Republic of Colombia

From our consideration,

The organizations and people dedicated to the defense of human rights and the environment that signed the letter below express to you directly, Mr. President, our concerns about and rejection of the regressive measures proposed by some sectors of Colombia's business community, as part of what's being called the "package of alternatives to prevent the paralysis of the economic activity during the coronavirus COVID-19 pandemic scenario".

On April 3rd, 25 businesses that are associated with the Hernán Echavarría Olózaga Political Science Institute [sent you a letter proposing the implementation of new measures](#) under what they're calling a socioeconomic crisis caused by the COVID-19 pandemic, expressing the need of such measures to "avoid that the real economic activity falls drastically and persistently".

The document outlines different measures in levels and themes, among them a series of regressive proposals regarding human rights and the environment, under the guise of promoting development and increasing the productivity of some sectors.

They propose "**that abbreviated procedures should be approved for processes that now hinder development, such as royalty collection, prior consultation and environmental licensing** in which, without endangering judicial ordinance, their application can be simplified to augment and accelerate the productivity of key sectors in the economic growth of the country".

We find this proposal to be especially worrisome because we're seeing once more the type of discourse that antagonizes the human rights of the ethnic communities, such as the right to a free and informed prior consultation.

Once again they're trying to deny basic rights, comparing the right to enjoy a healthy environment and the guarantee of physical and cultural survival of ethnic groups to matters that "stop the development" of the country, blatantly disregarding the constitutional right that's been given to ethnic and cultural diversity by a nation that defines itself as a democratic, participative and pluralist republic¹.

We'd like to remind you Mr. President, to the Colombian business community and to the public opinion, that a free and informed prior consultation isn't just another procedure, it's a

¹ Colombia's Political Constitution, arts. 1 and 7.

fundamental right², closely related to the people's self-determination exercise and their potential to survive physically and culturally.

In that sense, supporting measures that approve abbreviated procedures would not only go against international standards and expose the state of Colombia to not fulfilling its international obligations³, but they would undoubtedly translate as the adoption of regressive measures in terms of human rights.

We'd also like to express our rejection of the new guideline by the Ministry of Internal Affairs⁴ that approves the use of virtual mediums for the Prior Consultation process, that in itself goes against the nature and purpose of said right, while at the same time manages to overlook the fact that most communities don't have access to information technologies.

On the other hand, we'd like to point out that the lack of rigorousness in the procedures and processes for the approval of extractive projects in indigenous territories would inevitably give the COVID-19 virus free entry into the territories, creating a grave risk for the communities.

On the contrary, we believe that in light of this public health crisis and the new context that it's created, all the environmental and social impact studies should be conducted again to include this new risk posed by the novel coronavirus.

We'd also like to note that it's during these types of crises that the protection and guarantee of human rights is the most important, and that every new measure and action should revolve around that mandate, especially for vulnerable groups such as indigenous populations.

Therefore, it's the state's duty during this crisis to strengthen any measure that would guarantee the rights and overall wellness of any of its populations and to not take advantage of said crisis by adopting new measures that would openly violate their rights.

The Colombian government and the companies have adopted policies and practices that reduce environmental guarantees over and over again⁵, which makes this new proposal far from surprising, but it is extremely objectionable that they are doing it in such a veiled and opportunistic manner during a social, economic, and ecological emergency.

² Colombia's Constitutional Court. Sentence SU-123 of November 15th, 2018. Magistrates:Rodrigo Uprimny Yepes and Alberto Rojas Ríos.

³ **Convention C169** of the ILO on indigenous and tribal populations in independent countries. **American Convention on Human Rights** (San José / CADH Pact), signed in San José of Costa Rica on November 22nd of 1969, at the Specialized Interamerican Conference on Human Rights. **American Declaration on the rights of indigenous populations**, Organization of American States, signed during the second plenary session celebrated on June 14th of 2016..AG/RES.2888 (XLVI-O/16). **UN Declaration on the Rights of Indigenous Populations** (A/61/L.67 y Add.1), signed by the General Assembly on September 13th, 2007.

⁴ Ministerio del Interior. Circular Externa del 27 de marzo de 2020. CIR2020-29-DMI-1000.

⁵ For example, the expedition of the 2014 Decree in 2014, related to environmental licensing.

If they are approved, these new policies will lessen environmental guarantees and violate fundamental rights, despite the existence of a constitutional and legal frame in Colombia that regulates states of emergency, the fact that the Constitutional Court has already released statements on the matter, and that there are international norms and standards that expressly state that during states of emergency human rights can neither be limited or restricted.

For the aforementioned reasons, and because putting in practice the proposal of the business community would greatly affect human rights and the environment under the potential scenario of prioritizing extractivism and economic growth before the wellness and protection of people and the environment, the organizations and people that sign this letter:

1. Urge the President of Colombia and the government to respect their constitutional and international obligations in terms of human rights and the environment, especially those linked to the special protection of ethnic groups and vulnerable populations, and adopt measures that guarantee their wellness and rights during this sanitary emergency.
2. Because of this, we urge the Colombian President and the government to reject and not consider the proposal presented by the Hernán Echavarría Olózaga Political Science Institute, as well as any other that aims to lessen and restrict human rights.
3. We ask the President and all government agencies to guarantee the health and wellness of indigenous populations and the territorial and cultural rights across the national territory, with a special focus on a free and informed prior consultation.
4. We request that the President furthers the approval and ratification of the Escazú Accord, sending it as soon as possible to the Congress of the Republic, ensuring that the contents of this document in terms of environmental information rights, public participation in the decision-making process, and access to environmental justice as well as special protection for defenders are upheld and respected.
5. We ask that the President declares a temporary halt to all extractive activities, as they aren't essential during a pandemic and because they pose a great risk for the transmission and expansion of COVID-19 to ethnic communities.

To follow up on this serious matter, we ask international organizations with competence in this matter to rigorously monitor the situation to help us guarantee that human and environmental rights are preserved. We call for the Indigenous Populations Special Rapporteur of the UN, the Economic, Social and Cultural Rights Committee of the UN, the International Labour Organization, the Human and Environmental Rights Special Rapporteur of the UN, the Regional High Commission of the UN, the Permanent Forum for Indigenous Matters and the IACHR in particular for this matter.

And lastly, this [petition has been made public on Change.org](#) so that anyone from the general public can help and sign it, and together we can ensure that all of the human, territorial and environmental rights of Colombian communities be respected and protected.

Signatures:

- Agencia de Comunicaciones para la Paz
- Comunidad de Juristas Akubadaura (<http://akubadaura.org/>)
- Amazon Frontlines (<https://www.amazonfrontlines.org/>)
- Amazon Watch (<https://amazonwatch.org/>)
- Asociación Agroecológica Esther Cayapu, ASOESCA, La Sonora, Trujillo (Valle del Cauca)
- Asociación Ambiente y Sociedad (<https://www.ambienteysociedad.org.co/>)
- Asociación Consejo Regional Pueblo Nasa Kwesx Kxsaw, (Putumayo)
- Asociación de Autoridades Tradicionales y Cabildos U'wa
- Asociación de Cabildos Indígenas del Pueblo Siona - ACIPS (<https://asociacionpuebloziobain.es.tl/>)
- Asociación de Familiares de Víctimas de Trujillo (Asfavit), (Valle del Cauca)
- Asociación de Familias Agropecuarias con predios restituidos en Colombia, AFAREC, La Sonora, Trujillo, (Valle del Cauca)
- Asociación de Mujeres Desplazadas de Ríosucio, CLAMORES, (Chocó)
- Asociación de Víctimas de Inzá, "Sembradores de Paz", (Cauca)
- Asociación de Víctimas Nueva Esperanza, Argelia, (Cauca)
- Asokoinonia de Río Chiquito, Trujillo (Valle del Cauca)
- Cabildo Alto Sinaí, Villa Garzón
- Cabildo Alto Suspisacha, Piamonte
- Cabildo Cerro de Guadua, Puerto Guzmán
- Cabildo Çxhab Wala, Villagarzon
- Cabildo Juan Tama, Puerto Guzman
- Cabildo Kiwe Nxusxa, Las Delicias.
- Cabildo Kiwe U'kwe, Puerto Caicedo.
- Cabildo Kiwe U'se, Nueva Palestina, Valle del Guamuéz
- Cabildo Kiwe Zxiçkwe, Tierra Linda, Valle del Guamuéz
- Cabildo Kjwen Tama Luuçwe'sx, hijos de Juan Tama, Mocoa
- Cabildo Ksxa'w Nasa, Alto Danubio, Puerto Asís
- Cabildo Kwe'sx Kiwe. Puerto Asís
- Cabildo Kwe'sx Nasa çxayu'çe, Alto Coqueto, Puerto Caicedo
- Cabildo Kwe'sx Tata Wala, Puerto Caicedo
- Cabildo Nada Kiwe Puerto Leguizamo
- Cabildo Nada Tkuymatewe'sx, Orito
- Cabildo Nasa Fxi'w La Libertad, Puerto Asís
- Cabildo Pkid Kiwe, Los Guayabales
- Cabildo Sat't Tama, Puerto Asís
- Cabildo Thä' Tadx Kiwe, Loma Redonda, Villa Garzón
- Cabildo Yu' Çxihme, El Libano, Puerto Caicedo
- Cabildo Yu'kh Zxiçkwe, Selva Hermosa, Puerto Caicedo
- Cabildo Yu'lucuçx, Las Minas, Puerto Asís
- CENSAT Agua Viva - Amigos de la Tierra, Colombia (<https://censat.org/>)
- Centro de Estudios para la Justicia Social TIERRA DIGNA (<https://tierradigna.org/>)
- Colectivo de Abogados José Alvear Restrepo (<https://www.colectivodeabogados.org/>)
- Comisión Colombiana de Juristas (<https://www.coljuristas.org/>)
- Comisión Intereclesial de Justicia y Paz (<https://www.justiciaypazcolombia.com/>)

- Comisión Nacional de Territorios Indígenas CNTI (<http://cntindigena.org/>)
- Comité Ambiental en Defensa de la Vida (<https://www.facebook.com/oficialcomiteambiental>)
- Comité Cívico por los Derechos Humanos del Meta, CCDHM
- Comité para la Defensa del Agua y el Páramo de Santurbán (<https://www.facebook.com/comitesanturban/>)
- Comunidad Civil de Vida y Paz – CIVIPAZ, El Castillo, (Meta)
- Comunidades de Autodeterminación, Vida, Dignidad, CAVIDA, Territorio Colectivo de Cacarica, (Chocó)
- Confederación de mujeres campesinas, COMUCAN (Nariño)
- Consejo Comunitario de Cabeceras, Bajo San Juan, (Valle del Cauca)
- Consejo Comunitario de Comunidades Negras de la cuenca del río Tolo y zona costera sur - COCOMASUR (<https://www.cocomasur.org/>)
- Consejo Comunitario del Naya, (Valle del Cauca)
- Consejo Mayor de comunidades afrodescendientes del Territorio Colectivo de Jiguamiandó (Chocó).
- Corporación de Apoyo a Comunidades Populares, CODACOP (<http://www.codacop.org.co/>)
- Dora Lucy Arias Giraldo, abogada asuntos territoriales
- EarthRights International (<https://www.earthrights.org>)
- Endémica Studio (<https://www.endemicastudios.com/>)
- Espacio Humanitario Puente Nayero, Buenaventura, (Valle del Cauca)
- Familias afectadas por Minería, Galindez, Patía, (Cauca)
- Feliciano Valencia Medina
- Fernando Vargas Valencia. Consultor en Derechos Humanos y DIH
- Fundación Centro de Investigación y Educación Popular (CINEP/PPP) (<https://www.cinep.org.co/>)
- Fundación Foro Nacional por Colombia (<https://foro.org.co/>)
- Fundación Raíces (<http://www.fundacionraices.org/>)
- Indepaz (<http://www.indepaz.org.co/>)
- Jenny Paola Santander Durán, Investigadora Observatorio de Conflictos Ambientales
- Jerusalén, Villa Garzón
- Julio Fierro Morales. Profesor Universidad Nacional. Investigador geoambiental en Terrae.
- Laura C. Morales Ecóloga especialista en gestión ambiental urbana
- Movimiento Nacional Ambiental (<https://www.facebook.com/MovimientoAmbientaCol/>)
- Mühm Kiwe, Los Guaduales, Puerto Guzmán
- Observatorio de Conflictos, Ambientales (OCA) de la Universidad Nacional de Colombia (<http://oca.unal.edu.co/>)
- Observatorio de Expansión Minero Energética y Re-existencias (<https://www.facebook.com/pg/Observatorio.OMER>)
- Organización Nacional Indígena de Colombia (ONIC) (<https://www.onic.org.co/>)
- Organización Zonal Indígena del Putumayo - OZIP (<http://ozip.org.co/>)
- Organizaciones de poblaciones desplazadas étnicas campesinas de Montes de María
- Pensamiento y Acción Social (<https://www.pas.org.co/>)
- Proceso de Comunidades Negras en Colombia - PCN (<https://renacientes.net/>)
- Red ConPaz #SomosGénesis (<https://comunidadesconpaz.wordpress.com/>)
- Red de Comités Ambientales del Tolima

- Red defensa del Agua la vida y el Territorio, (Cauca)
- Resguardo de Chimiadó, Murindó, (Antioquia)
- Resguardo Emberá Humanitario Ambiental SO BIA DRUA, Jiguamiandó, (Chocó)
- Resguardo Humanitario Santa Rosa de Guayacán, Calima, (Valle del Cauca)
- Resguardo Humanitario y Biodiverso Unión Agua Clara (Valle del Cauca)
- Resguardo Jerusalén San Luis Alto Picudito
- Resguardo Jxkase Kiwe, El Descanso, Puerto Guzmán
- Resguardo Kiwnas Çxhab, Alto Lorenzo, Puerto Asís
- Resguardo La Florida, Mocoa
- Resguardo Naexal Lajt del pueblo Jiw, Mapiripán, (Meta)
- Resguardo Nasa Çxhab, Puerto Asís
- Resguardo Nasa Uh Los Gavilanes, Jardines de Sucumbíos, Ipiales
- Resguardo Sek Kaanxi thä' Kiwe Alpes Orientales, La Floresta, Alto Coqueto
- Resguardo Sikuaní de Caño Ovejas, Mapiripán, (Meta).
- Resguardo Txitx U'kwe Kiwe, Porvenir La Barrialosa, Puerto Guzmán
- Resguardo Wounaan de Juin Phu Buur, Cacarica, (Chocó)
- Resguardo Wounaan del Río Pichimá Quebrada, Litoral San Juan, (Chocó)
- Resguardo Yu'ukwe Kiwe, Aguaditas, Puerto Guzmán
- Rodrigo Negrete Montes, abogado, especialista en temas ambientales
- Rosario Rojas Robles Universidad Nacional de Colombia
- San Luis Alto Picudito, Villa Garzón
- Santa Rosa de Juanambu, Villa Garzón
- Sindicato de Defensoras y Defensores de Derechos Humanos - SINDHEP
(<http://www.sindhep.org/>)
- Territorio Interétnico y Ambiental San Pedro de Ingará, San José del Palmar, (Chocó)
- Víctimas de la masacre de La Chinita, Apartadó, (Antioquia)
- Zona de Biodiversidad Andalucía, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad Caracolí, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad Cariñito, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad Colectiva El Hobo, Territorio Colectivo de Jiguamiandó, (Choco)
- Zona de Biodiversidad El Árbol del Pan, Territorio Colectivo La Larga Tumaradó (Chocó)
- Zona de Biodiversidad El Paraíso, Familia Cabezas, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad El Paraíso, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad El Retorno, Territorio Colectivo de Pedeguita y Mancilla, (Chocó)
- Zona de Biodiversidad Isaac Tuberquia, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad La Esperanza, Familia Polo, Territorio Colectivo de Pedeguita y Mancilla, (Chocó)
- Zona de Biodiversidad La Yulina, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad Los Robles, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Biodiversidad Mary Hernández, Territorio Colectivo de Pedeguita y Mancilla, (Chocó)
- Zona de Biodiversidad Mi Tierra, Territorio Colectivo de Pedeguita y Mancilla, (Chocó)
- Zona de Biodiversidad No Hay Como Dios, Territorio Colectivo de Curbaradó, (Chocó)
- Zona de Reserva Campesina Perla Amazónica, (Putumayo)
- Zona Humanitaria Andalucía, Territorio Colectivo de Curbaradó, (Chocó)
- Zona Humanitaria Argénito Díaz, Territorio Colectivo de Curbaradó, (Chocó)
- Zona Humanitaria Camelias es Tesoro, Territorio Colectivo de Curbaradó, (Chocó)

- Zona Humanitaria Caño Manso, Territorio Colectivo de Curbaradó, (Chocó)
- Zona Humanitaria Caracoli, Territorio Colectivo de Curbaradó, (Chocó)
- Zona Humanitaria Centro Jigua, Territorio Colectivo de Jiguamiandó, (Chocó)
- Zona Humanitaria Costa Azul, Territorio Colectivo de Curbaradó, (Chocó)
- Zona Humanitaria Nueva Esperanza en Dios, Territorio Colectivo de Cacarica, (Chocó)
- Zona Humanitaria Nueva Esperanza, Territorio Colectivo de Jiguamiandó, (Chocó)
- Zona Humanitaria Nueva Vida, Territorio Colectivo de Cacarica, (Chocó)
- Zona Humanitaria, Vida y Trabajo La Balsita, El Paraiso, Municipio de Dabeiba, (Antioquia)