

May 26th 2015

Mr. President of the Republic of Colombia
Juan Manuel Santos Calderón
Casa de Nariño
Bogotá, Colombia

Mr. President,

As national and international civil society organizations, we respectfully write you to bring to your attention our concern for reoccurring events over the last year within the collective territory of the U'wa indigenous nation, in addition to our concern for the lack of compliance with and execution of the May 1 2014 agreements reached between the U'wa people and Colombian State. As such, we urge the Colombian State to take all necessary measures to guarantee the protection of and respect for life and integrity of the U'wa nation's collective rights.

As you know, the presence of oil operations within U'wa territory has attracted armed groups – both legal and illegal – bringing an imminent threat to the life and physical integrity of the U'wa people. Just last month, on April 5th of 2015, illegal armed groups set off explosives around the Caño Limón – Coveñas pipeline (locale of Cañaguata, Cubará municipality, state of Boyacá) affecting the peace and tranquility of the U'wa community and once again putting at risk the lives of the region's inhabitants. Two weeks later, on April 19th, another attack was carried out against the pipeline in the locale of Cedeño, within the jurisdiction of Toledo municipality, state of Norte de Santander and within U'wa ancestral territory. Consequently, the Cubugón and Arauca Rivers were polluted, setting off an environmental emergency caused by a spill of crude oil and leaving the department of Arauca without water.

These attacks are but some of the dozens that have affected the U'wa people over the last decade. In this sense, this letter deals with a problematic situation that implies both the unwanted presence of natural resource extractive megaprojects within U'wa territory and all the subsequent consequences, that is to say a double affront to the individual and collective rights of the U'wa people.

With hopes of arriving at a productive dialogue, the U'wa people met with the Colombia government various times during the first part of 2014. On May 1st of 2014, the U'wa people and the Colombian government came to an agreement that was the initial rapprochement between the parties following a series of attacks against the pipeline that threatened, as now, the life and integrity of the U'wa Nation.

As you know, the points agreed upon were the following: (i) allow for repairs to the Caño Limón – Coveñas pipeline, within land on the collective territory of the U'wa people (La China sector, Samoré township, Norte de Santander department), (ii) the burying of the Caño Limón – Coveñas pipeline where it passes through La China, (iii) suspension of operations of the Magallanes gas exploration platform (Troja locale, Samoré township, Norte de Santander department), (iv) complete *saneamiento* (buying out of non-U'wa landholders) of the U'wa Unified Reserve in a period of two years, with a proper budget dedicated for this task, (v) creation of the Santa Marta and

Pedraza reservations during 2014, (vi) recognition of the U'wa Nation's colonial land titles, (vii) creation of a technical team to carry out the environmental impact study for the Magallanes project and (viii) social, cultural, environmental and human rights compensation within the framework of the U'wa Safeguard Plan.

The U'wa People complied entirely with their commitment to allow for repairs to the Caño Limón – Coveñas pipeline in La China. The State has only complied with a temporary suspension of the Magallanes project, about which we should note that while the structure was dismantled there is still an existing environmental license overlapping U'wa territory. To date, the State has not complied with their commitment to bury the Caño Limón – Coveñas pipeline around La China, amongst other unattended commitments like *saneamiento* of the U'wa Unified Reserve, creation of the Santa Marta and Pedraza reserves, recognition of their colonial titles, payments for the technical team, and social, cultural, environmental and human rights compensation within the framework of the U'wa Safeguard Plan.

Additionally, on March 25th of this year, in a meeting with the Colombian State held in Cubará, Boyacá state, the U'wa Nation presented their Safeguard Plan, as mandated by the Colombian Constitutional Court through Dictate 004 of 2009. Governmental presence at the meeting was weak, even though the Safeguard Plan is the main mechanism for protecting the rights of indigenous peoples at risk of physical and cultural extinction, and one of the points within the May 1 2014 agreement.

Taking into account that May 27th of 2015 will be the next meeting for the follow-up process to the May 2014 agreements, as organizations that accompany the U'wa People we strongly urge the national government to respect and comply with the commitments that were agreed with the U'wa, in addition to the principles of effectiveness, efficiency and urgency plus the principle of good faith as agreed to in the dialogue process.

We would remind you, Mr. President, that the guarantee of fundamental human rights is a responsibility of the government and the U'wa Nation has been making a call to demand their rights as Colombian citizens, establishing (i) Recognition of the U'wa Reserve in agreement with the colonial land titles; (ii) Cancellation of the Magallanes Project and all other energy – mining concessions on their ancestral territories, in addition to the dismantling of the infrastructure located on the Gibraltar platform; (iii) End the interference to U'wa autonomy where the Reserve overlaps the Natural National Park El Cocuy; (iv) Guarantee proper oversight by the office of the People's Defender; and (v) Compensation of environmental, social, and cultural damages.

Finally, as national and international civil society organizations that accompany the U'wa People in this process, we will continue monitoring compliance with May 1st 2014 agreements between the U'wa Nation and Colombian Government, who we believe will ultimately guarantee the collective and fundamental rights, pillars of the social state of rights recognized both by the Colombian Constitution of 1991 and international law.

Sincerely,

(1) Amazon Watch (USA)

- (2) Asia Pacific Forum on Women, Law and Development (Asia Pacific region)
- (3) Autoridades Tradicionales Indigenas de Colombia Gobierno Mayor (Colombia)
- (4) Censat Agua Viva - Amigos de la Tierra Colombia (Colombia)
- (5) Center for International Environmental Law (USA)
- (6) Coalition of Immokalee Workers (USA)
- (7) Committee in Solidarity with the People of El Salvador CISPES (USA)
- (8) Democracy Center (Bolivia)
- (9) EarthRights International (USA)
- (10) Egiland Energy Producing Landlords Association in Aklaka Project (Nigeria)
- (11) Endémica Studios (Colombia)
- (12) First Peoples Worldwide (USA)
- (13) Fundación Cumare Cumaliboto (Colombia)
- (14) Global Initiative for Economic, Social and Cultural Rights (USA / Switzerland)
- (15) Indigenous Environmental Network (USA / Canada)
- (16) Indigenous Peoples Links - PIPLinks (United Kingdom)
- (17) International Rivers (USA)
- (18) Kairos Center for Religions, Rights and Social Justice (USA)
- (19) Kinorama Producciones (Colombia)
- (20) Maloka (Switzerland)
- (21) MiningWatch Canada (Canada)
- (22) Mujer U'wa (Colombia / USA)
- (23) Nairobi People Settlement Network - NPSN (Kenya)
- (24) National Fisheries Solidarity Movement (Sri Lanka)
- (25) Organización Nacional Indígena de Colombia (Colombia)
- (26) Peace Development Fund (USA)
- (27) Planète Amazone (France)
- (28) Pro REGENWALD (Germany)
- (29) Rainforest Action Network (USA)
- (30) Rainforest Foundation US (USA)
- (31) Rainforest Information Centre (Australia)
- (32) Riverwatch (Austria)
- (33) Saka Mese Nusa AlifURU Foundation (Netherlands)
- (34) Society for Threatened Peoples (Switzerland)
- (35) SumOfUs.org (Global)
- (36) USA Canada Alliance of Inhabitants (USA)
- (37) World Forum of Fisher People (Honduras)
- (38) Yaku Onlus (Italy)

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