

COLOMBIA



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ITEM 3: Development with identity and culture

STATEMENT BY

H.E. Dr. Fabio Valencia Cossio

Minister of Interior and Justice

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Please check against delivery

Mr. Chairman,

My delegation congratulates you on your election to chair this meeting. We express our satisfaction that a Latin American expert conducts this organ, the most important in the UN dealing with indigenous issues.

Colombia will refer today to progress achieved in economic, social and cultural rights, related to the pursue of a development process respectful of culture and identity of indigenous peoples.

Colombia currently has 1,392,623 indigenous people, which is 3.4% of the Colombian population. They integrate 4,141 indigenous communities corresponding to 82 peoples. For them, an area of 34 million hectares has been legally recognized as collective land, corresponding to 30% of the country. This area is almost equivalent to that of Finland or the Vietnam.

The government of Alvaro Uribe has strived to guarantee the rights of indigenous peoples and has placed greater emphasis to direct political dialogue by the President of the Republic, the Minister of Interior and Justice and the Deputy-Minister of the Interior, with a permanent presence in the reservations (*resguardos*) and indigenous councils, respecting the autonomy and the particularities of each people.

The Ministry of Interior and Justice is responsible for the design of the public policy on indigenous issues and in human rights affairs, the latter shared with the Office of the Vice-president of the Republic.

After indigenous peoples interrupted in 2007 their participation and dialogue with the Government in the existing consultation and agreement boards, we have recovered the political dialogue with national indigenous organizations, through the executive decrees, we have restored the existing consultation scenarios as the Indigenous Permanent Consultation Board, the Human Rights National Board and the Amazon Regional Board. During 2009, 14 meetings were held in these spaces; we have created new and special scenarios, such as the roundtable for the Awa people, a people particularly victimized by the narco-terrorist group FARC.

As to our regulations, three aspects to highlight: the Constitution enshrines the ethnic and cultural diversity; the ability to run for the Congress of the Republic both in the special indigenous jurisdiction that guarantee their representation and in the national

electoral jurisdiction, thus expanding that representation; the respect for indigenous judicial jurisdiction. In this sense, we have completed 18 pilot projects that harmonize indigenous and ordinary judicial jurisdictions. Also, we are projecting 5 indigenous justice houses, to apply their jurisdiction, which will be open late July this year. One of the Wayuu people started already in Uribia (Guajira).

The political commitment of this Government is reflected also on two major presidential directives related to indigenous issues. First, the Directive 016 of 2006 called "Sectorial Policy for recognition, prevention and protection of indigenous communities", in which precise instructions are given to the General Commander of the Armed Forces and the Director of the National Police to strengthen the policy of recognition, prevention and protection of human rights of indigenous peoples' communities in the country by the Public Force.

Secondly, the Presidential Directive No 01 of 2010 addressed to all administrative entities, both central and decentralized, at the national level, to ensure the fundamental right to prior consultation within the framework of the Constitution of Colombia and the ILO Convention 169. This directive determines a clear and unique methodology for the consultation process and the actions that require it.

The Government initiated in 2003 with 3 consultation processes a year, and has progressed to 107 per year in 2009, demonstrating the strengthening of consultation processes. Colombia reiterates its respect for the consultation process under the ILO Convention 169 seeking the balance between the development of the country and the rights of indigenous peoples.

The Ministry of Interior and Justice have coordinated the development of public policies with a differential approach. For example, with the Ministry of Education we have supported the ethno-education policy, aimed at rising educational standards in indigenous communities respecting always their right to self determination. With the Colombian Family Welfare Institute (ICBF) nutritional supplements are offered to indigenous children in programs that prevent school dropout and promote regular attendance. With the Ministry of Social Protection we have work to enhance medical care with differential approach, through 6 indigenous health providers.

Regarding forced displacement, we have designed the Comprehensive Plan to Support Indigenous Communities in High Degree of Vulnerability and Risk of Extinction, specially that caused by illegal actions of the narco-terrorist groups and criminal gangs. It was approved by the National Council for Integral Attention to the Displaced Population, and responds to Recommendation No. 5 of the previous rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples, Professor Rodolfo Stavenhagen.

This plan identifies intersectoral actions through consultation in regional workshops with departmental, national, local authorities and indigenous organizations with concrete institutional, budgetary and specific commitments.

We have promoted productive projects for indigenous communities. For example, the hotel in Tierradentro (Cauca) attended and administered by indigenous (ethno-tourism). We have promoted partnerships with the National Federation of Coffee Growers for the marketing and export of coffee from Tierradentro, which is now in the stores Juan Valdés in the world.

We have made every effort to comply with agreements made with indigenous peoples, even those adopted by previous governments. This is the case of the Social and Community *Minga*, in which we recover more than 2,000 previous commitments made by national governments with our indigenous brothers from the late 80s, and through a process of dialogue and consultation we agreed actions related to 400 issues, commitments and deadlines to meet.

Our goal to pay this social debt has been improved, as long as there are institutionally and economically viable solutions, and progress is certainly made in education, land and environment, despite the complexity and disparity of views that persist in these and other subjects. For example, in relation to the terrible massacre of the Nile in 1991, a commitment was made then, as a State reparation for the indigenous Paez people, to recognize property on 15,663 Hectares; at the beginning of the present Government only 800 Has had been recognized; today, after 8 years, we are at 84% percent of compliance, pending 2,200 hectares that are already prioritized by the indigenous peoples concerned, with resources in the national budget by 8,000 million pesos, allocated based on official evaluation; we are awaiting the response of the peoples concerned to leave 100 percent satisfied this commitment before the end of the Government of President Uribe.

On the other hand, in the last two years, about 50 intercultural and inter-ethnic conflicts have been addressed in a comprehensive and sustained manner. Conflicts that took years of radicalization have been overcome and have resulted in case-law developments, prevention strategies and deepening of coordination mechanisms that are translated into regional approaches and strategies.

By the Decision 004/2009 issued by the Constitutional Court in the context of the Sentence T-025 of 2004, the Government has had the opportunity to design a national program of guarantees for indigenous peoples that is being subjected to the prior consultation process with the totality of indigenous peoples and communities in the country, for its further implementation.

14 of a total 34 Safeguard Plans have been also designed, implemented and set, as ordered by the Constitutional Court, agreed individually with each people and its legitimately recognized authorities.

From 2008 to 2010, 46 ethnological surveys were carried out, and 6 agreements were signed to carry out other 40 ethnological studies, for a total of 86 at the end of this year. This, in order to establish the recognition of indigenous communities, their subsequent registration and promotion of their rights.

As noted above, the national census of 2005 recognized 3.4% of the total national population as indigenous people; 49.6% are women. From these figures, we understand the fundamental role of indigenous women in the survival of the peoples; for this reason, several spaces have been provided for indigenous women to meet internally even if they do not belong to a national organization. We have agreed with them a program for protection of indigenous women, which first phase will be completed in the second half of this year and the second phase in 2011. Its focus emphasizes training topics, cross-cultural practices and customs.

Under the protection program of the Ministry of Interior and Justice, we have agreed the relevant measures of individual and collective security for indigenous people, with differential approach. We now have 283 leaders covered in the program, and 1,171 measures implemented. For example, satellite phones, support in transport or relocation, among others.

We have developed 16 risk maps according to vulnerable populations, which take into account the presence of indigenous people as a criteria to determine what preventive measures are taken in an area.

We have prepared the document of economic and social policy CONPES, which design a comprehensive policy for the communities living in the Paez river area (Cauca), which is a model for attention and relocation for communities affected by volcanic activity.

Regarding the Declaration on the Rights of Indigenous Peoples, we maintain our position to reaffirm our support for its spirit in accordance with our constitutional and laws. As you can verify, the policies mentioned here are in line with the aspirations reflected in the Declaration.

To give certainty to the stability and continuity of indigenous policy, even in the next change of government, we are developing an economic and social policy document CONPES, before completing the term of President Uribe, which will be the framework of a State long term policy, which will include public policy guidelines that we have agreed with all the national indigenous organizations, as well as the methodology of design and consultation of the 34 Safeguard plans to replicate in 48 additional plans, so the 82 indigenous peoples of Colombia have a plan articulated with their culture and identity.

The Government policies will continue fighting for the protection of human rights of indigenous peoples, their culture, customs, their land, respect for their own education and jurisdiction, all framed in compliance to the Colombian Constitution. We will continue to make every effort to protect indigenous communities affected by violent actions of illegal groups and government agents that oppose the policy of the government of Alvaro Uribe Velez.

Finally, I take this opportunity to thank on behalf of the Government of Colombia, the United Nations cooperation offered in some of the above mentioned initiatives, in particular those aimed at strengthening the protection and promotion of rights and the development with identity for indigenous peoples.

Thank you Mr. Chairman.