



# **Resguardo Indígena Cañamomo - Lomaprieta**

*Riosucio y Supía Caldas*

## URGENT ACTION

WE, THE INDIGENOUS AUTHORITIES OF THE CAÑAMOMO LOMAPRIETA RESGUARDO IN RIOSUCIO AND SUPIA CALDAS, COLOMBIA, DENOUNCE:

BEFORE STATE INSTITUTIONS AND AGENCIES ADDRESSING HUMAN RIGHTS, THE MINISTRY OF INTERIOR AND JUSTICE, THE ATTORNEY GENERAL OF THE NATION, THE PEOPLES' OMBUDSPERSON, SOCIAL AND CIVIL SOCIETY ORGANIZATIONS, INTERNATIONAL AGENCIES WITH A HUMAN RIGHTS MANDATE, NGOs AND GENERAL PUBLIC OPINION:

*The imminent situation of risk that currently faces our indigenous territory, stemming from the various mining companies that are present in the region, and that have as an objective exploration and exploitation of gold and other minerals in the areas around and in our Resguardo:*

## FACTS

1. In the month of September of this year, 6 people foreign to our Resguardo appeared in the school of the community of Panesso, which belongs to our Resguardo, having arrived in a black truck. From the school they moved into the community. Indigenous community members alerted the Indigenous Guard, and several members of the Guard then approached the unknown people, who identified themselves as engineers of the company Medoro Resources Ltd, a company that is currently undertaking gold exploration in the municipality of Marmato Caldas. The engineers said they were in the Resguardo to gather samples. The Guard asked the engineers if they had permission or authorization from the Resguardo Authorities, to which the company representatives responded that they did not. The Guard informed them that if they did not have permission from the Indigenous Authorities they could not be present in the territory or take any geological samples. The company representatives responded that they would speak with the Indigenous Governor at the Cabildo headquarters, and they left to go to the Escopetera Pirsá Resguardo.
2. The 17<sup>th</sup> of October of this year at approximately 9:00 am, more than six people again made presence in our Resguardo, this time at the entrance of the community of La Tolda, travelling in two grey trucks. Some of them had Medoro Resources identification cards, and wore jackets and hats with the company logos. They were accompanied by two police agents as well as personnel from private security. The Indigenous Guard approached them and asked them what they were doing there, and whether they had the



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necessary authorization from the Resguardo Authorities. The people said they did not have said permission. The Guard declared that they were in Indigenous territory and that there were laws and norms that obliged them, prior to entry, to consult with the Traditional Authorities and get agreement for their entry to and stay in the territory. Noteworthy is the fact that one of the company employees was taking photos of the area, and when the Indigenous Guard told him he could not, he appeared annoyed and started taking photos of the Indigenous Guard that were there, who let him know he could not do that. Finally, with annoyed tone, the company employees and agents left the area and made their way towards the Resguardo Escopetera Pirza.

3. In addition, one of the community members of La Tolda let us, Traditional Authorities, know that the company employees had offered to rent part of his parcel for three months in exchange for one million pesos per month, as this parcel was one of their exploration points.
4. We would also like to recall, that transnational mining companies have been putting pressure on our territory since 2008, with flyovers and exploration activities undertaken by the mining company Anglo Gold Ashanti, and the visit of the company Antioquia Gold to our community on February 6 of this year, with the objective of undertaking exploration; events which were denounced at the time each of them took place.

### **We reject:**

1. The way that the State has conducted its affairs without consulting us, issuing permits, titles and mining concessions to companies and individuals for exploration and exploitation on large areas of our territory.
2. The violation of our fundamental right to prior consultation, free, prior and informed consent and our right to have a say and agree to projects that affect our indigenous territories, as per article 330 of our Constitution; articles 6,7 and 15 of ILO Convention 169 on the rights of Indigenous and Tribal Peoples; and article 32, among others, of the UN Declaration on the Rights of Indigenous Peoples; the jurisprudence of the Constitutional Court in judgment T-1045A of December 2010 and judgment T-129 of 2011, among others; and international jurisprudence of the Inter-American Court of Human Rights in cases such as *Saramaka People v. Suriname*.
3. The presence of national and multinational companies in the interior of our territory of the Cañamomo Lomaprieta Indigenous Resguardo, jurisdiction of the municipalities of Riosucio and Supía Caldas, without prior agreement, companies who have as goals exploration and exploitation of our natural resources.
4. The large-scale open pit gold mine proposed by Canadian company Medoro Resources, now merged with the Canadian company Gran Colombia Gold Corp, in the municipality of Marmato, an area adjacent to our Indigenous territory. This will directly impact and affect our territory, and the future survival of the Embera Chamí People of Caldas.



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5. That the public force accompany representatives of these companies, as in so doing, they are violating constitutional principles and International Treaties on human rights, as well as ministerial policy contained in Directive No 16, which addressed the need for adequate coordination with indigenous Authorities with regards to entering Indigenous territories.

### **We demand:**

1. That the national government, and in particular the President of the Republic Juan Manuel Santos, fulfill its constitutional responsibility of upholding and protecting human rights in accordance with constitutional principles and as articulated in International Treaties and Conventions. As well, considering the framework of ministerial policy that embraces the concept of human rights, as a concept with special connotations, in that it refers to guarantees for a dignified and autonomous existence of collective peoples as something holistic and essentially collective. This is expressly referred to in the Permanent Directive No16 of 2006, issued by the Ministry of National Defense, as a sectorial policy of recognition, prevention and protection of Indigenous Peoples' communities.
2. That the Ministry of Interior and Justice, before initiating a process of prior consultation regarding any project that could affect our territory, hold meetings with us, Traditional Authorities, and other relevant authorities.
3. That the titles and concessions issued on our ancestral territory of Cañamomo Lomapieta, jurisdiction of the municipalities of Risoucio and Supia, Caldas, as well as any concessions that are currently being processes, be declared null and void for not having complied with the due process of prior consultation and free, prior and informed consent, as is ordered by the Constitutional Court in judgment T-1045A of 2010.
4. We also publicly request that the Canadian government assume responsibility for the activities of its transnational companies in our country and that it oblige its companies such as Medoro resources and Gran Colombia Gold Corp to respect: the national legal framework with respect to ethnic rights; national and international jurisprudence that orders that free, prior and informed consultation and consent processes be undertaken prior to any activity that could affect the cultural integrity of Indigenous Peoples, including exploration; and international commitments that Colombia has made by ratifying ILO Convention 169 on the Rights of Indigenous and Tribal Peoples, supporting the UN Declaration on the Rights of Indigenous Peoples, and ratifying the Convention for the Elimination of Racial Discrimination, among other international commitments. The Canadian State should monitor and ensure that its companies fulfill this legal framework; and, in so doing, mitigate the possibilities of human rights violations that could escalate armed conflict.



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We ask that you send your pronouncements to the following authorities and institutions:

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ANGELINO GARZÓN

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**AUTHORITIES OF THE CAÑAMOMO-LOMAPRIETA INDIGENOUS  
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*20<sup>th</sup> of October of 2011*

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