

Free, prior and informed consultation must be a fundamental condition before any projects are implemented in indigenous peoples' territories

“The EU must take steps to develop and implement a binding normative framework to ensure respect for and protection of the human rights of communities affected by projects implemented by European companies.”

Brussels, April 26, 2013: on April 24, the Human Rights Subcommittee of the European Parliament – part of the Committee on Foreign Affairs – hosted an important hearing on extractive industries and indigenous peoples.

The various speakers from Africa, Latin America and Oceania stressed the need for full respect of free, prior and informed consultation before the implementation of any mining projects, as stipulated in Convention 169 of the International Labour Organisation (ILO). Unfortunately the extractive industry has obvious negative effects on the environmental conditions and lives of indigenous peoples inhabiting areas rich in resources for mining and energy projects. Extractive industry projects are generally accompanied by human rights violations, forced displacement and the militarisation of areas where communities carry out their daily lives.

Presenting the situation in Latin America by using cases from Guatemala and Colombia, Juana Mulul Castro stated that in most cases no real processes of free, prior and informed consultation are undertaken despite the existence of ILO Convention 169. *“We must be heard so that we can decide what kind of development we want. Our collective rights are being systematically violated by allowing the implementation of extractive projects. We have the right to say No to protect Mother Earth and our communities”* stated Juana Mulul Castro.

The latest report from the Office in Colombia of the United Nations High Commissioner for Human Rights expresses concern that, after a *“broad participatory process”* on the right to consultation, *“not a single best practice was identified”*. The report also recalls the fact that *“in the case of groups at risk of extinction, the right to prior consultation constitutes not only a right to participation but also a veto mechanism to guarantee their survival”*. For Vincent Vallies - Oidhaco¹ spokesperson *“the UN report offers further proof that what representatives of indigenous and Afro-descendant communities from Colombia have said on various occasions to the European Parliament is right. It is time for our countries to recognize this serious situation and to stop being complicit in such violations”*.

Last month the European Parliament adopted two resolutions related to Corporate Social Responsibility, and the European Union is currently evaluating its policy on the implementation of the United Nations Guiding Principles on Business and Human Rights. *“The European platforms CIFCA and ODHACO are insisting that the EU must take steps to develop and implement a normative framework that ensures respect for and protection of the human rights of communities affected by projects implemented by European companies”* concludes CIFCA² spokesperson Susanna Daag.

Barbara Lochbihler – Chair of the Subcommittee on Human Rights - stressed the need for improved monitoring of the European Parliament resolutions and assured that the recommendations made during the hearing will be taken into account.

¹ Oidhaco – International Office on Human Rights – Action on Colombia is a European network with more than 30 member organisations working on HR, Development and Peace

² CIFCA is a network of thirty-five non governmental human rights and development organisations, solidarity committees, independent research institutions, individuals (academics and consultants) and public advocacy networks with offices in Europe.