



ORGANIZACIÓN NACIONAL INDIGENA DE COLOMBIA
ONIC
NIT. 860.521.808-1

STATEMENT BY THE ONIC OPPOSING THE APPROVAL OF THE FTA IN THE U.S. CONGRESS

Solidarity with the indigenous peoples at risk of extinction.

The National Indigenous Organization of Colombia (ONIC) considers recent statements on the U.S.-Colombia Free Trade Agreement (FTA) and the intention to ratify it a serious threat against the indigenous peoples that inhabit Colombian territory. In this regard, we ask in solidarity that the U.S. Congress abstains from ratifying this trade agreement that will cause grave violations and threats against the indigenous peoples of Colombia, who are at risk of physically and culturally disappearing.

The U.S. requires an improvement in regards to human rights within the conditions for approving the FTA with Colombia. However, in the case of the indigenous peoples of Colombia the human rights situation has not changed, and on the contrary it continues to be extremely worrisome. According to the ONIC, in 2011, there have been sixty cases of the violation of the right to life, where massacres and murders were the most frequent cause. In that same time period, there have been 27 victims of antipersonnel landmines and the displacement of more than 390 people. This situation is exacerbated by forced displacement from the territories, which perpetrated not only by illegal groups but also by the entities of the state. Forced displacement and the abandonment of the lands has become a lucrative business for the establishment of large-scale economic projects.

According to the Colombian government's National Development Plan 2010-2014 "Prosperity for All," rural poverty rates in Colombia were at 64.3% in 2009. This reality is based in entrenched phenomena such as the huge concentration of land holdings and the neglect of the state, among other things. This situation is much more serious in the Colombian context where 74% of the indigenous population lives in the countryside which is in the hands of large landholders.



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The principle Colombian exports are in the mining and energy industries, and their primary destination is the U.S. (according to the Ministry of Commerce, Industry and Tourism, mining and energy exports in 2010 made 25.905 billion dollars, as opposed to the 13.914 billion dollars made by other kinds of exports). An FTA would provide more guarantees and incentives for this kind of business, deepening the violations against the fundamental rights of indigenous peoples. These rights include the right to previous consultation which has been systematically violated in processes of negotiation in the exploration and exploitation of fossil fuels, minerals, and other kinds of large-scale economic projects (paradigmatic cases are found in Constitutional Court Sentences such as T-880 of 2006, T-769 of 2009, and T-129 of 2011, among others).

The indigenous population has traditionally based its economy and livelihood in gathering, hunting, and fishing. We have not found an escape from poverty in the current economic model where lands are destined to multi-national corporations and their extractivist model. These projects have forced the loss of sacred lands, biodiversity, and the contamination of water sources, among other things, but without any real benefit for the communities. The aforementioned is worsened by the National Development Plan 2010-2014 "Prosperity for All" which proposes to establish the "real right to the earth's surface" (*"derecho real de superficie"*). This "real right to the earth's surface" intends to establish long-term land rental projects with the excuse of generating legal stability for small-scale landholders in addition to foreign investors.

Food sovereignty is also at risk. The country will be inundated with foreign products. Due to supply and demand, the consumer will prefer a product that generates more satisfaction for a lower cost. Once the domestic industries are broken, we will be in the hands of transnational companies and dependent on their products, even the seeds needed for cultivating traditional indigenous produce such as corn.

Additionally, we would like to manifest our rejection of the effort by the Colombian legislature to provide protection and legal security for investors in the context of the FTA. Once the FTA comes into effect, new laws or the modification of old laws (a tenant of sovereignty in modern states) is given up by Colombia in the rush to guarantee the interests of large capital. This puts the interests of investors and multinationals above those of Colombian populations



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and the state, leaving regulations to judges or international arbiters for the resolution of conflicts in the context of the FTA according to “Customary Law.”

Recent experience shows that FTAs bring social phenomena that affect the working population, such as “Social Dumping,” a practice that deteriorates working conditions while lowering production costs for goods and services. This undermines the labor guarantees provided by the “Labor Plan” and determines them useless.

For the aforementioned reasons, we reiterate our call in solidarity to U.S. Members of Congress to not approve the FTA as a symbolic gesture from the people of the U.S. in support of the survival of the indigenous peoples living in Colombia.

NATIONAL INDIGENOUS ORGANIZATION OF COLOMBIA