

WCC-2012-Rec-175-EN

Strengthening the autonomy of Colombia's black communities for sustainable natural resource management in their areas, with special emphasis on mining

RECALLING IUCN's previous Resolutions and Recommendations that recognize, promote and call for the implementation of conservation policies and practices that will enable indigenous and local communities to steer their own path towards well-being, development and conservation, in accordance with international agreements and their right to self-determination;

RECALLING that in the context of the Vth IUCN World Parks Congress (Durban, 2003) the *Durban Accord* and *Action Plan* were adopted which ... recommend national reviews for an innovative protected areas management...;

FURTHER RECALLING Resolution 4.041 *Following up on actions called for by the II Latin American Congress of National Parks and Other Protected Areas (Bariloche, 2007)*, adopted by the 4th IUCN World Conservation Congress (Barcelona, 2008) which called for: "... the participatory planning of protected areas, applying the principles of good governance such as transparency, fairness, accountability and access to conflict management...";

BEARING IN MIND the provisions of International Labour Organization (ILO) Convention 169 on indigenous and tribal peoples (in Colombia, Law 21 of 1991) and the Convention on Biological Diversity (CBD) (in Colombia, Law 165 of 1994), along with the UN *Declaration on the Rights of Indigenous Peoples* (September 2007) and the *Draft American Declaration on the Rights of Indigenous Peoples*, which guarantee indigenous peoples' rights to self-determination, prior and informed consent and to the ownership, use, management and conservation of the biodiversity and natural resources on their territories, all of which have been ratified by Colombia;

FURTHER RECALLING that, through the Constitution, Colombia's legal framework recognizes, promotes and calls for the rights of Afro-Colombian communities to land, along with their right to participate in its conservation, in accordance with Articles 76 and 330 of the Law of 1993, and that Law 21 of 4 March 1991 stipulates that governments must consult interested peoples, promote their free participation and that consultations must be conducted in good faith through the "Prior Consultation Procedure";

BEARING IN MIND Article 39 of Law 99 of 1993, in which the Choco Region is considered a protected area under the concept of "special ecological reserve area", "... which seeks to promote the incorporation of the indigenous and black communities that traditionally inhabit the region in the process of conservation, protection and sustainable use of resources...";

BEARING IN MIND that although Colombia scarcely covers 0.8% of the world's surface area, it is classified as one of the planet's 17 megadiverse countries and that the biogeographical region of the Choco, in particular, is internationally renowned as one of the planet's greatest areas of biological diversity, its mountain forests covering different ecosystems and making this a sanctuary for a large number of endemic and endangered species;

CONCERNED that despite the fact that local communities have the right to land, the State continues to own the subsoil and non-renewable resources of these protected areas and that this has resulted in a number of concessions being granted to companies, creating an unsustainable situation in the area with more than 8,000 outsiders in search of gold, excavating land opened up by these companies, in an area of 807 inhabitants;

RECOGNIZING that, in April 2010, the Ministries of Environment, Mines and Transport, were warned that they should take responsibility for the problem and that they had to take

measures to mitigate the environmental and socio-economic disaster but that, to date, no progress has been made in this regard;

CONCERNED at the fact that gold prospecting is a much sought after activity and that, when undertaken illegally, it creates confrontation and conflict;

FURTHER CONCERNED that although the national legal framework supports local communities' participation in the decisions that affect their lands, this legislation is weak and full of loopholes, thus preventing the establishment of real participatory mechanisms;

BEARING IN MIND that concessions are only granted to large-scale mining activities and not to sustainable artisanal mining (*barequeo*) and that no distinction is made between this latter activity and the illegal, small-scale and unsustainable mining that is undertaken largely by outsiders;

RECOGNIZING that extractive activities are a development opportunity for governments but that, at the same time, if not managed appropriately, they result in serious risks for the local communities, governments and environment; and

RECALLING that the World Bank's 2004 *Extractive Industries Review* provided a thorough examination of the problems and challenges presented by the extractive industries around the world and concluded that three conditions must exist to guide investment in the extractive sector: public and corporate governance, effective public pro-poor and social policies, and respect for human rights;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. REQUESTS that governments consider a general legal provision that would safeguard protected areas from the extractive industries as well as those conducted underground and under water and related to non-renewable natural resources;
2. REQUESTS that the relevant institutions, such as the Inter-American Court of Human Rights, implement an adequate international monitoring system in order to impose sanctions on governments that do not implement their legal frameworks concerning rights to access land and other resources, with the aim of ensuring that governments recognize the legitimacy of a wide range of forms of protected area governance;
3. REQUESTS the Colombian government to:
 - a. grant concessions to local communities for artisanal gold mining which takes into account the social, environmental and economic aspects of this economic activity;
 - b. define:
 - i. a specific area for the sustainable development of this activity by the local community or by concessions to third parties (with the prior consent of the community and with corresponding compensation, following a compulsory and prior external environmental impact assessment); and
 - ii. a matching unexploited area as a conservation reserve;
 - c. make accessible the income and benefits generated from these activities; and
 - d. clearly define the process for local participation;

4. ENCOURAGES the Colombian government to adopt innovative approaches to protected areas governance, such as the adoption of IUCN Category VI for the Choco bio-region as a protected area with sustainable use of resources in which the protected areas conserve ecosystems and habitats, along with the associated cultural values and traditional natural resource management systems (with a low-impact and traditional use of resources that is compatible with nature conservation); and
5. URGES the Colombian government to include a participatory process for designating protected areas, in which all interested parties, including the State, decide from across a wide range of protected areas categories.

State and agency Members of the United States abstained during the vote on this Motion for reasons given in the US General Statement on the IUCN Resolutions Process.