

**U.N. Committee on the
Elimination of Racial Discrimination**

Examination of Colombia

17th and 18th Periodic Reports

**Colombia Continues to Ignore the Rights of the Raizal Peoples, as
an Indigenous Peoples living on Archipelago of San Andres, Old
Providence and Santa Catalina,
Including Over their Land and Sea Territories**

Alternative Report

Submitted By

Trees and Reefs Foundation

November 1, 2019

Supported by:

Archipelago Movement for Ethnic Native Self-Determination, Asociación Casa de la Cultura de Providencia y Santa Catalina Islas, Corporación Miss Raxi & Miss Graci, Cove Seaside Fishermen's Cooperative, Independent Farmers United Association, Movimiento de Veeduría Cívica de Old Providence, Raizal Indigenous Musicians Movement, Raizal Woman Cultural Foundation for Development and Community Integration, San Andres and Providence Islands Solutions Foundation

Prepared by and Contact:

Nicole Friederichs, Legal Representative
Matthew Gillis, Julie Guzman and Usama Hanif, Student Attorneys
Human Rights and Indigenous Peoples Clinic
Suffolk University Law School
120 Tremont Street
Boston, MA 02108, USA
nfriederichs@suffolk.edu
1 (617) 305 1682

I. Introduction

1. The Raizal are an indigenous peoples living in the Archipelago of San Andres, Old Providence and Santa Catalina located in the Caribbean Sea. The Raizal's relationship to the Archipelago and its surrounding seas is one that sustains and provides for them, both spiritually and nutritionally. However, they face obstacles to accessing, enjoying and protecting their land and sea territories. Their territory (both sea and land) is overrun with tourists and development, degrading their space and natural resources and from which they rarely. Colombia continues to fail to meet its obligations to consult in a meaningful manner with the Raizal on projects and decisions that impact their lives and territories, including on an international case that directly implicates the rights of the Raizal by redefining sea boundaries. It is because of these infringements on their rights that the Raizal's existence as a peoples, with a distinct culture and worldview, is threatened. And, it is because of these rights violations and concerns that the Raizal respectfully request the Committee on the Elimination of Racial Discrimination ("Committee") to call on Colombia to recognize the Raizal's rights to their sea and land territories, conduct meaning consultations with them on government projects and policies that will impact them and ensure that it does not taken any actions which will further damage, pollute and reduce the Raizal's sea and territories.

II. Reporting Organization

2. The mission of the Trees and Reefs Foundation is to defend and protect the environment, natural resources, and Raizal indigenous heritage and culture of the Caribbean islands of Old Providence, Santa Catalina, and San Andres and their traditional seas. Several other organizations support this report.¹

III. The Raizal Peoples as Indigenous Peoples

3. The Raizal have lived in the Archipelago of San Andres, Old Providence and Santa Catalina ("Archipelago") for nearly four centuries. They have a distinct history, language, culture, and set of customs and institutions, which predate Colombia and regard the islands and the surrounding seas of the entire Archipelago as their territory. They speak San Andres-Old Providence English Creole, which is similar to Jamaican and Belize Creoles, and have a diverse heritage based in the English Puritans and pioneers, African and runaway Caribbean slaves, and smaller groups of Chinese and East Indian escapees, indigenous Amerindians of the Nicaraguan Miskito Coast, and other Europeans.² The Raizal have always identified as "nietiv ailanda"³ (or native islander), the first peoples of the Archipelago, and more recently have adopted the term indigenous to describe themselves.⁴

¹ See the Addendum # 1.

² United Nations Human Rights Council, *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, Doudou Diène, 24 February 2004, U.N. Doc. E/CN.4/2004/18/Add.3. (Hereinafter "*Special Rapporteur on racism*")

³ According to oral tradition as well as historical documents, Raizal ancestors referred to themselves as "baan ya", "nietiv ailanda" and "fors taim pipl," in their own language.

⁴ The word "Raizales" is the Colombian Spanish word for "roots," in reference to the diverse roots of the Raizal. For examples Raizal statements of their indigenous nature, see Declaration of the Sovereign Indigenous Families of Afro-descendant Peoples of the Archipelago of St. Andrew, Providence and Ketleena to The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, 2001, (<http://www.icare.to/wcar/raizal.doc>); Declaration Of The Indigenous Raizal People Of The Archipelago, 2002,

4. The Archipelago and its surrounding seas are places of utmost importance to the Raizal. Their relationship to their sea territory has been described as “symbiotic...dating back centuries...”⁵ It is part of their “ancestral legacy and their birthright.”⁶ Furthermore, the sea is the largest source of economic stability for the Raizal. Poverty did not exist widely among the Raizal until the designation by Colombia of one of the islands as free port in 1953. Traditionally, the Raizal’s nourishment and cuisine consisted of seafood and breadkind⁷ during the week, and relying on an expansive trade system throughout the western Caribbean and exporting goods, predominately to the United States and Central America.
5. This livelihood changed when Colombia declared San Andres a free port.⁸ The development of the free port targeted mainlanders, attracting them to San Andres with jobs and foreign goods. The free port designation also prompted a period of assimilation, or Colombianization, of the Raizal by Colombia. For the next forty years, until Colombia’s new Constitution was approved in 1991, the Raizal were forced to learn a new language and adopt a new religion, with their own languages, religions and culture suppressed. Spanish was the only language taught in schools and in which business was conducted. English schools were closed, speaking English on school grounds was forbidden. As one Raizal who lived through this assimilation period stated, “[Colombia] claimed they wanted to make us bilingual, but instead made us illiterate in two languages.” Catholicism also was actively promoted and government jobholders had to be Catholic. Since nearly all jobs available to islanders were in the public sector, workers converted, becoming what islanders call “job Catholics.”⁹ In addition to such policies directly aimed at suppressing Raizal culture, the tourist trade – described below – caused a rapid population increase on the small Archipelago.¹⁰
6. Colombia does not embrace the Raizal’s identity as indigenous peoples and instead classifies them as Afro-Colombian.¹¹ (On government census forms, Raizal must choose between two constitutional designations: Raizal or Afro-Colombian; they would like to be known as

(<https://www.urosario.edu.co/jurisprudencia/catedra-viva-intercultural/Documentos/DeclaracionAutodeterminacionRaizal.pdf>); Territorial Rights of the Indigenous Raizal People, 2015, (https://www.academia.edu/23139203/Territorial_Rights_of_the_Indigenous_Raizal_People-Derechos_territoriales_del_pueblo_Raizal).

⁵ Verbatim Record of Preliminary Objections in the *Case Concerning Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea* (Nicaragua v. Colombia), CR 2015/22, Para. 4. (Hereinafter “*Alleged Violations*”)

⁶ *Id.*

⁷ Any starchy vegetable including green bananas, plantains, breadfruit, yams and other tubers.

⁸ Law 127 of 1959 and the Regulatory Decree 445 of 1960 established the characteristics of the free zone. This new economic model resulted in the massive migration of traders and workers from Colombia to the island, causing an irreversible and disproportionate increase in the population and thereby reducing living, economic, and political spaces for the Raizal.

⁹ Unemployment rate among the indigenous population was estimated at 70% in 2003. (OHCHR, 2004).

¹⁰ In 2003, San Andres Archipelago (0.0043% of Colombia’s land mass) held 0.16% of the population. At 2,704 pkm², the density of San Andres island in 2002 was more than 70 times that of the national state. Departamento Administrativo Nacional de Estadísticas (Source available on request).

¹¹ Although Colombia has used the Raizal’s indigenous roots in their Counter-Memorial for *Alleged Violations*, Order of 15 November 2017, I.C.J. Reports 2017, Para. 14 and 40, the government has yet to recognize them as indigenous peoples under domestic law, depriving them of benefits unique to indigenous peoples.

Indigenous Raizal and included in the indigenous designation.)¹² However, respect of the Raizal as indigenous is important for several reasons. First, it would show respect of how the Raizal see themselves, as the first peoples of this sea and land territory. Secondly, recognition by Colombia would acknowledge the long history of assimilation, appropriation, and mistreatment of the Raizal. Finally, recognition would be a conduit for change and a way forward for the recognition of their rights under both domestic and international law.

7. The United Nations favors self-identification over a strict definition of who is indigenous.¹³ This is due to the diversity of indigenous peoples and that self-identification is a fundamental criterion underlying many human right documents.¹⁴ Several bodies of the United Nations have embraced the Raizal as an indigenous peoples, including the International Labor Organization¹⁵ and the U.N. Special Rapporteur on Racism, Racial Discrimination and Xenophobia.¹⁶ Even drawing on criteria utilized by different human rights bodies to define indigenous peoples, the Raizal meet those criteria.¹⁷ For example, the Raizal:
- Have historical and territorial continuity with their Amerindian ancestors,
 - Have a strong cultural and spiritual link to their land and sea territory,
 - Form a non-dominant, and culturally distinct peoples with a unique language, distinct language, culture and beliefs, and
 - Maintain and reproduce their traditions and cultures.

IV. Recognition and Respect of the Raizal’s Rights to their Sea Territory is Necessary to Their Survival as a People

A. Sea as Part of Indigenous Territory

8. The Raizal’s 400-year relationship to their islands and sea territory is one of deep spiritual connection and sustaining livelihood. As described by one Raizal individual, “For any Raizal

¹² Telles, Edward; Flores, René D.; Urrea-Giraldo, Fernando; *Pigmentocracies: Educational inequality, skin color and census ethnoracial identification in eight Latin American countries*, Research in Social Stratification and Mobility, V. 40, June 2015, Pages 39-58.

¹³ *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* (“Endorois Case”), African Commission on Human Rights, 276 / 2003, Para. 147 (“As far as “indigenous peoples” are concerned, there is no universal and unambiguous definition of the concept, since no single accepted definition captures the diversity of indigenous cultures, histories and current circumstances.”) Available at: https://www.hrw.org/sites/default/files/related_material/2010_africa_commission_ruling_0.pdf.

¹⁴ Indigenous Peoples, Indigenous Voices Factsheet; United Nations Permanent Forum on Indigenous Issues (available at https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)

¹⁵ The ILO’s CEACR issues observations under Convention No. 169 in its 103rd, 104th, and 105th ILC sessions on Raizal fishermen. (available at https://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:3182299).

¹⁶ The Special Rapporteur urged Colombia to take steps to resolve the special situation of the “Raizales” peoples, who claimed a distinct identity from other Colombians, and took note the Raizal’s “double marginalization.” *Special Rapporteur on racism*, 2004, Para. 2.

¹⁷ See e.g. *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, 276/2003, African Commission on Human and Peoples' Rights, 4 February 2010, para. 150-154 (available at: https://www.refworld.org/cases_ACHPR_4b8275a12.html); International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, 27 June 1989, C169, art. 1.

who understands their relationship with life, the sea is fundamental. The sea means to me just as the blood means to the body...without the sea we wouldn't exist." The sea provides many things for the Raizal, including sustenance and livelihood. Unfortunately, their rights to their sea territory are not recognized, respected or protected. Colombia has failed to recognize the Raizal's rights to its sea territory, an essential part to their cultural and economic survival.

9. The relationship that indigenous peoples have with their lands, territories and natural resources has been recognized over and over again by numerous human rights bodies and instruments.¹⁸ The relationship is one that is "profoundly spiritual...basic to [indigenous peoples] existence to all their beliefs, customs, traditions and culture."¹⁹ It is also one of production and subsistence, "economic viability and development of their communities."²⁰ Therefore, any understanding of these rights must include a profound appreciation of that relationship. It is a "special and comprehensive kind of relationship that is historical, spiritual, cultural and collective."²¹
10. Indigenous peoples around the world, especially those living on islands and in coastal regions, regard the waters which surround them, the seas and the oceans as part of their territory.²² For many, the seas and the lands are connected and they see themselves as peoples of the oceans or peoples of the seas.²³ Different indigenous peoples' origin stories are in seas and oceans.²⁴ This relationship is no different from how indigenous peoples relate to their lands and the United Nations Declaration on the Rights of Indigenous Peoples ("Declaration") recognizes the broad range of territories which indigenous peoples own, occupy and/or use, including seas and oceans. This is supported in both the text and the drafting documents of the Declaration.

¹⁸ *Saramaka People v. Suriname*, 2007 Inter-Am. Ct. H.R. (ser. C) No. 172. (Recognizing that indigenous people have the right to maintain their spiritual relationship with their territories. Court held that Suriname failed to adopt effective measures to recognize the use and enjoyment of the territory the Saramaka traditionally occupied and used.); *Mayagna (Sumo) Awas Tingni Cmty. v. Nicaragua*, 2001 Inter. Am. Ct. H.R. (ser. C) No. 79.

¹⁹ U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Study of the Problem of Discrimination against Indigenous Populations, U.N. Doc. E/CN.4/Sub.2/1986/8, Add. 4, at 39.

²⁰ S. James Anaya, *Indigenous Peoples in International Law*, 3 (2nd ed. 2004).

²¹ U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Explanatory note concerning the draft declaration on the rights of indigenous peoples: First Addendum*, U.N. Doc. E/CN.4/Sub.2/1993/26/Add.1 (1993).

²² *Report of the Special Rapporteur on the rights of indigenous peoples*, James Anaya -- Addendum -- The situation of Kanak people in New Caledonia, France, U.N. Doc. A/HRC/18/35/Add.6 at 11, available at <https://www.ohchr.org/Documents/Issues/IPeoples/SR/A-HRC-18-35-Add6.pdf>. (recognizing sea access is necessary for indigenous peoples who rely on it for "subsistence fishing and shellfish harvesting, and for ceremonies ... and clan identity.")

²³ The Maori in New Zealand and their Polynesian ancestors have been island peoples for many generations, believing they came from the sea itself. The Maori consider the oceans' depths to be the origin and source of all life. The islands are believed to be fish, pulled up from beneath the sea, and humans are thought to have evolved from aquatic beginnings. In Maori culture, the sea is believed to be the spiritual plane of existence and the source of all life. See <https://teara.govt.nz/en/tangaroa-the-sea/page-1>; <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/maori-view-their-natural-world>.

²⁴ *Blue Mud Bay Case (Northern Territory of Australia v. Arnhem Land Aboriginal Land Trust)*, (2008) 236 CLR 24 (Recognizing that sea territory is a part of indigenous peoples land. The High Court of Australia ruled that the intertidal zone, high and low water marks including river mouths and territories, should not be treated differently from indigenous land.)

11. Article 25 of the Declaration addresses indigenous peoples’ “right to strengthen their spiritual relationship with traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas, other resources to uphold their responsibilities to future generations.” Article 26 provides that “indigenous peoples have the right to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.” During the drafting of the Declaration, it was explained that “[t]he use of the term ‘lands and territories’ in this Declaration means the total environment of the lands, air, water, sea, sea-ice, flora and fauna and other resources which indigenous peoples have traditionally owned or otherwise occupied or used.”²⁵ Indigenous peoples’ right to their lands and territories includes sea territory, as well as the natural resources found in that sea territory.

12. Just like many other indigenous peoples living on islands or on coastal territories, the Raizal’s relationship to the sea is a fundamental part of their existence and part of their territory. As described by a Raizal individual,

[T]he sea is the only environment I know...some cultures have music; I have the sea thumping on the rocks. The sea is my doctor. The sea is my provider. The sea is the one who gives me a good rest in the nighttime. My life is built and constructed around the influence of the sea.

The Raizal will take a newborn baby to the sea, so that the child is comfortable with the water and to emphasize the importance of the sea. In the words of one Raizal, “we are not just an island. We and everything is one. We and the fish is one. We and the sea is one. We are one big community.” The Raizal are a sea-going people who use their sea territories for cultural practices and spiritual and life sustenance. Without recognition, respect and protection of these property rights, the Raizal’s existence as a peoples is threatened.

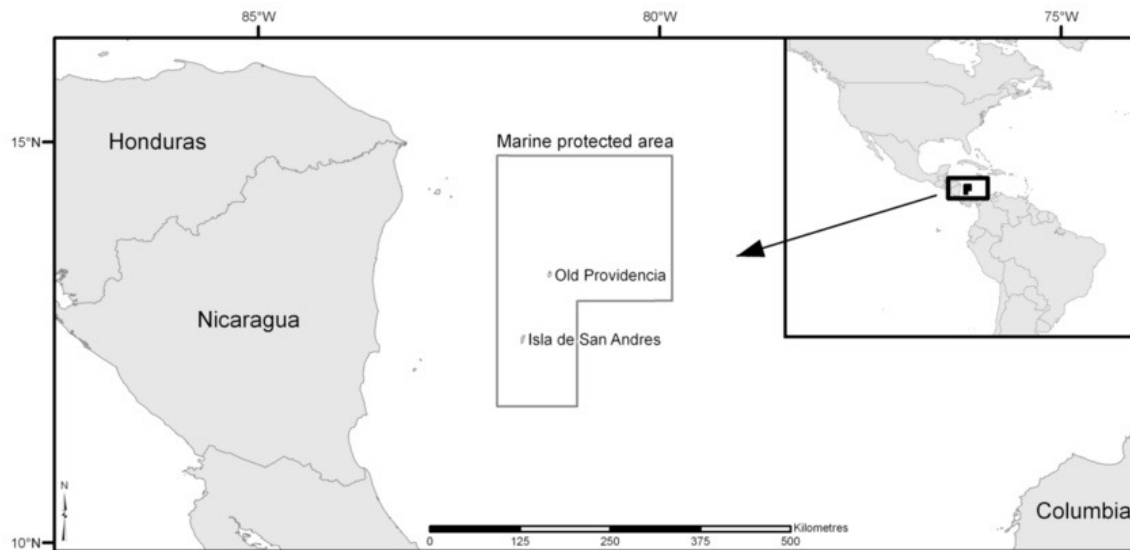
B. Industrial Fishing, Government Regulations and Marine Tourism Infringe on the Raizal’s Rights to Their Sea Territory and Natural Resources, Impacting Their Livelihood

13. Fishing is an essential part of the Raizal’s culture and economy and the Archipelago includes some of the largest and most productive marine ecosystems in the hemisphere. In fact, in 2000, the Archipelago was declared the Seaflower Biosphere Reserve by UNESCO, with the Seaflower Marine Protected Area (MPA) declared at the national level in 2005.²⁶ The Raizal sea territory has been identified as a major site of coral and fish diversity and is considered a

²⁵ U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Explanatory note concerning the draft declaration on the rights of indigenous peoples*, U.N. Doc. E/CN. 4/Sub.2/1993/26, Operative Para. 23 (1993) (emphasis added) available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G93/140/37/PDF/G9314037.pdf?OpenElement>; see also Para. 35-36.

²⁶ The marine area covers approximately 10% of the Caribbean and includes highly intact ecosystems representative of tropical marine and coastal environments, including mangrove swamps, seagrass beds, tropical dry forest, deep-water areas, and coral reefs. Additionally, the marine area includes one of the most extensive and productive reef systems in the western hemisphere, comprising two barrier reefs surrounding the islands of San Andreas and Old Providence. See Mow, J.M, Taylor, E., Howard, M., Baine, M., Connolly, E., Chiquillo, M. *Collaborative planning and management of the San Andreas Archipelago’s coastal and marine resources: A short communication on the evolution of the Seaflower marine protected area.* (2006). Moreover, the Archipelago supports several species of turtles, coral, and fish are listed on the World Conservation Union Red List. Studies conducted by the Institute for Marine and Coastal studies show that coral mortality in the coastal waters around San Andreas has reached 50%.

biodiversity “hot spot.” Biological studies have shown that the area is home to at least 57 species of coral and 273 species of fish. Historically, the local fishermen have been free to fish throughout the archipelago waters, with the exception of the Seaflower MPA conservation zones. Traditionally, the Raizal fished in the deep and open waters, seamounts and submerged banks but today, the Raizal are deprived of accessing their traditional fishing grounds.²⁷ The Seaflower Biosphere and the MPA are two methods chosen and designed by the Raizal to manage their sea territory.



Map of the archipelago of San Andres, Old Providence and Santa Catalina and its surrounding banks and atolls, with the Seaflower biosphere reserve Marine protected areas within the archipelago. (CORALINA, 2010)

14. Colombia has consistently obstructed the Raizal’s access to their sea territory to fish through a highly bureaucratic fishing permit and license regulatory system.²⁸ The number of permits, licenses, or registration documents required to fish are immense and the process to obtain them expensive and inconvenient. The Raizal are required to have a variety of documents including vessel registration, captain’s license, seaman’s license, “anti-smuggling” certificate, and clearance for each fishing trip.²⁹ Additionally, the documents must be submitted in Spanish, which many fishermen do not speak, read, or understand.³⁰ Many of the documents have to be re-issued annually with new documentation and payment. Additionally, a new clearance is required for every fishing trip and clearances are not issued for trips carrying enough fuel to reach the Raizal’s traditional fishing grounds in the northern

²⁷ During the MPA planning process, extensive work was done with the Raizal fishers to map where they fish but the Archipelago waters are so huge and the Raizal traditionally fish throughout the region. While the Raizal have delineated fishing grounds for some species (found at the reefs, cays, fixed banks, etc.), others are found varies by season, from year to year, according to migrations.

²⁸ Howard, M., Dermer, P., Taylor, E. (2001). *A Case Study of Marine Protected Area Zoning: Archipelago of San Andres, Old Providence & Santa Catalina, Colombia*, 12-13 (available upon request) (“Howard 2001”).

²⁹ *Id.*

³⁰ Howard 2001, at 14.

cays region.³¹ According to the authorities, the purpose behind these documents is to manage fisheries, but in reality, they are to manage the local fishermen themselves.³²

15. Moreover, industrial fishing licenses are issued to large non-Raizal companies based on the mainland with no local office on the islands. These companies have greater resources to obtain documentation and have no language barrier, and therefore more readily are able to secure the necessary licensing. And, because these mainland companies do not employ Raizal and generally no products arrive in the Archipelago, the Raizal receive no economic benefit. Additionally, over-fishing by these companies and government regulations have resulted in extreme damage to the local economic condition of the Raizal and their sea territory as a whole. Lastly, an International Court of Justice (“ICJ”) decision, discussed below, impacts the Raizal on a daily basis. The decision prevents them from easily accessing their traditional fishing areas, including over 50% of their territorial seas and of the Seaflower MPA. When the Raizal do access these areas, it is with the risk of having their boats seized or paying hefty fines that they cannot afford.
16. Finally, with the annual number of tourists visiting the Archipelago now over 1,000,000, and with 90% directly involving the sea, tourism is a threat to the Raizal’s sea territory.³³ A 2002 study of ecotourism indicated that the majority of tourism activities and services occurred in the marine and coastal areas.³⁴ The majority of tourists participate in boat tours to popular tourist attractions and engage in water sports activities, such as swimming, diving, snorkeling, and jet skiing. The annual influx of tourists puts pressure on marine areas, beaches, cays, the islands’ potable water supplies and waste management infrastructure. Moreover, the study indicated that there was lack of suitable planning and environmental control of infrastructure development, and that certain infrastructure and facilities required improvement (e.g. solid waste disposal).³⁵ It also recommended that the current system should be replaced with ecotourism development that should address the negative impact on local culture through reduced visitor numbers, education and awareness training.
17. The Raizal feel a high level of resentment because of this take-over of their sea territory and the depletion of marine and coastal resources by migrants from mainland Colombia. The

³¹ *Id.*

³² *Id.*

³³ Botero, B., Miranda, J., Taylor, E. *Colombia’s Nomination of the Seaflower Marine Protected Area, Archipelago of San Andrea, Old Providence and Santa Catalina for Inscription on the World Heritage List*, 66. (available upon request); In 2015, 914,369 tourists visited the islands, up from 733,926 in 2014 and 678,850 in 2013. In 2016, the number of tourists was 937,346, which increased to 998,763 in 2017 and surpassed one million in 2018. *Annual data, Secretaría de Turismo Departamental de San Andrés, Providencia y Santa Catalina*, See Confirmado: superada la cifra de 900 mil turistas en 2015 (January 12, 2016)

http://www.xn--elisleo-9za.com/index.php?option=com_content&view=article&id=10743:confirmado-superada-la-cifra-de-900-mil-turistas-en-2015&catid=51:turismo&Itemid=80; Cerca de un millón de turistas arribaron a San Andrés en 2017 (January 10, 2018)

http://www.xn--elisleo-9za.com/index.php?option=com_content&view=article&id=14633:2018-01-10-23-42-47&catid=51:turismo&Itemid=80; Archipiélago sobrepasó el millón de visitantes en 2018 (January 16, 2019)

http://www.xn--elisleo-9za.com/index.php?option=com_content&view=article&id=16837:archipelago-sobrepaso-el-millon-de-visitantes-en-2018&catid=51:turismo&Itemid=80

³⁴ *Id.*

³⁵ *Id.*

tourist industry is almost exclusively run by non-natives and like the industrial fishing conducted by mainland companies, does not benefit the Raizal. As discussed in an ILO report on ILO Convention No. 169, fishing is the second largest economic sector on the island following tourism.³⁶ Recognizing the Raizal's rights to its lands, sea territories and natural resources would be a first step to addressing the economic inequalities that the Raizal face as well as ensuring that their sea and land space exists for future generations of Raizal.

V. Colombia Continues to Violate the Raizal's Right to Free, Prior and Informed Consent

18. Colombia has failed and continues to fail to consult with the Raizal on projects and decisions that impact them. This failure has robbed the Raizal of their opportunity to provide its voice and gives its consent to significant projects and decisions that ultimately have had a detrimental effect as a people. Any consultation with the Raizal has not given them sufficient time, nor with necessary information to make a decision; consultations are not meaningful and when conducted are done with so without a goal of reaching a consensus.
19. In CERD's 2009 Concluding Observations, the Committee recognized the efforts of Colombia in the creation of a government agency, the Commission for the Advancement of the Afro Colombian, Palenque and Raizal or the *Comisión Intersectorial para el Avance de la Población Afrocolombiana, Palenquera y Raizal* in 2007. (The purpose of the Commission is to submit recommendations to the government on how to aid the social, economic and overall development of these populations.) The Committee also reminded Colombia of "the importance of consultation with relevant communities in the elaboration of relevant development plans and affirmative action policies."³⁷ In response, Colombia provided a follow-up report to the Committee that described the its implementation of a 2013 Presidential Directive, with the purpose of establishing clearer steps for prior consultation to be administered more effectively.³⁸ Colombia also provided examples of prior consultation with protected groups.
20. For the Raizal, however, consultation has been neither consistently free, prior nor informed. The Raizal community often do not learn about projects until after construction has begun or are told their consultation is not necessary because a small number of individuals or a government official have already been consulted. The Raizal are also not fully informed about the new projects and are not frequently updated. As a community of peoples, they are not being consulted and the laws being created to ensure for prior-consultation are illusory.

³⁶ *Protection of Raizal small-scale fishers*, Colombia, 105th ILC Session, CEACR Observations (2015).

³⁷ *Concluding Observations of the Committee on Elimination of Racial Discrimination*, 28 Aug, 2009, U.N. Doc. CERD/C/COL/CO/14, para. 18 (<https://undocs.org/CERD/C/COL/CO/14>)

³⁸ *Information Received from Colombia on Follow-Up to the Concluding Observations*, 31 Aug 2016, U.N. Doc. CERD/C/COL/CO/15-16/Add.1, para. 36 (<https://undocs.org/en/CERD/C/COL/CO/15-16/Add.1>)

A. Colombia did not Consult with the Raizal on a 2012 ICJ Case Regarding a Territorial and Maritime Dispute with Nicaragua which Directly Impacted their Rights to their Sea Territory and Natural Resources

21. In 2001, Nicaragua filed an application with the International Court of Justice (“ICJ”) to institute proceedings against Colombia over “title to territory and maritime delimitation.” Much of the disputed area included the Raizal’s sea territory.³⁹ The ICJ held that the 1928 *Barcenas-Esguerra Treaty* granted sovereignty over the islands of San Andres, Providencia and Santa Catalina to Colombia, but redrew the maritime borders westward and granted Nicaragua a maritime exclusion zone extending 200 nautical miles from its Caribbean coast. As shown in the map below, this meant that 75,000 square kilometers that had belonged to Colombia now belonged to Nicaragua, including 34,345 square kilometers of the Seaflower MPA’s 65,000 square kilometers. The seas granted to Nicaragua include the Raizal’s sea territory. In its decision, the ICJ also gave Nicaragua access to underwater oil and gas deposits raising environmental concerns.

22. Despite the significant implications that this case could have on the Raizal, Colombia did not mention them in any of the written documents submitted, nor did they mention the Seaflower Biosphere Reserve and MPA. As noted above, the Biosphere and MPA are methods chosen and designed by the Raizal to manage their sea territory. Instead, Colombia mentioned the necessity of considering the position of third states such as Honduras and Costa Rica and how this case would impact them. As indigenous peoples, the Raizal had a right to be consulted and cooperated with by the



Colombia in a dispute that so deeply impacted them. Consulting with the Raizal would have provided Colombia with extremely useful and relevant information. The Raizal have a deep knowledge of the sea and where to fish for certain fish and were not asked what waters they fish. They could have explained the impact that a loss of their sea territory would have on them, how their dependency on the sea has shaped their way of living for hundreds of years, as well as their spiritual connection to their seas and reliance on the seas for their livelihood. Instead, the Raizal now face new obstacles in accessing their sea territory, inhibiting their livelihood and wellbeing.

23. The Raizal’s fishing area had already been impacted following the fixing of the northern maritime border with Honduras in the Maritime Delimitation Treaty of 1986 between

³⁹ *Territorial and Maritime Dispute* (Nicar. V. Colom.) 2012 I.C.J.124 (19 November) (Judgment) (<https://web.archive.org/web/20121202032457/http://www.icj-cij.org/docket/files/124/17164.pdf>)

Colombia and Honduras. The loss of the maritime border to Honduras forced the Raizal to file a request with Colombia's Constitutional Court arguing that they had not been consulted during this treaty process. The Court held that it did not have to hold compulsory consultation concerning maritime borders with "individual populations."⁴⁰ As explained above, the Raizal are not just an "individual populations" but an indigenous peoples with implicated rights. The lack of inclusion in this process further cemented the feeling of invisibility already felt by the Raizal.

B. Colombia Continues to Exclude the Raizal Peoples from the Pending ICJ Case

24. In September 2013, Nicaragua instituted proceedings against Colombia regarding Colombia's breach of the 2012 ICJ decision in *Nicaragua v. Colombia*.⁴¹ Nicaragua requested, among other things, that the Court obligate Colombia not to violate Nicaragua's maritime zones. In its counter-claim, Colombia argued that it is Nicaragua's Navy that seizes fishing products, gear and food from the Raizal fishermen. Colombia alleged "acts of intimidation and harassment," to the Raizal fishermen by Nicaragua.⁴² The Court admitted this counter-claim.
25. Although Colombia raised the Raizal in its counter-claim, the Raizal people were not initially involved and continue not to be fully involved in the counter-claim arguments. Colombia's *Unidad de Gestion del Riesgo* or the Unit of Risk Management, contracted a representative group of six Raizal professional men (three of whom remain as of October 2019) to provide oral and written information to Colombia's legal team and national government. However, this group has no representative function and there was no consultation with the Raizal as a whole over who should participate and how the process should proceed. The Office of the President selected the members. Many Raizal are unaware of this group and all of what the group does is done in secret. In the early stages, the small group was not provided information by Colombia's legal team nor involved in the process. More recently, some information has been shared with the Raizal members, but they were told not to discuss it with the larger Raizal community. Just as in the earlier ICJ matter, the Raizal must be consulted on the current proceedings. And, just as in the earlier ICJ matter, many of the Raizal's rights critical to their survival are at stake. They must be included and kept informed during the process in order to make informed decisions.

C. Other Examples of Colombia's Failure to Consult and Obtain the Free, Prior and Informed Consent of the Raizal

26. Colombia passed Plan Archipelago as a response to the 2012 ICJ decision, as it recognized that the decision may cause negative economic and social effects for the Raizal. The Plan was developed and is now being implemented without consultation with or any real knowledge of the Raizal and their needs. The plan includes numerous projects, most of

⁴⁰ As described in *Protection of Raizal Small-scale Fisher*, Colombia, 104th ILC Session, CEACR Observations 2014 (citing to para. 19 of ruling C-1022 of 16 December 1999).

⁴¹ *Alleged Violations*, 2013 I.C.J.155 (November 26) (Application Instituting Proceedings) (<https://www.icj-cij.org/files/case-related/155/17978.pdf>).

⁴² *Alleged Violations*, 2017 I.C.J. (Summary of the Order of 15 November 2017) (available at <https://www.icj-cij.org/files/case-related/155/155-20171120-SUM-01-00-EN.pdf>).

which are unknown to the Raizal until, and only if a project becomes visible to the local community. Several examples are given below.

27. Fort Warwick on Santa Catalina, locally known as “The Fort,” is a culturally significant site for the Raizal and is the oldest and most significant historical site on the Archipelago. Colombia plans to make renovations to the Fort that would make it more accessible for tourists. Fort Warwick was occupied by the French privateer Louis Aury from 1818 until his death in 1821, an important historical figure in Raizal history. The local legend is that Aury was originally buried at the Fort. The Raizal do not give their consent to such renovations that would turn the site into a “tourism park.” These renovations would violate the Raizal’s rights to preserve their identity, history and culture due to the historical and cultural significance and the sacredness the Fort holds for the Raizal.⁴³
28. A Convention Center, el Centro de Convenciones el Isleño, was built on the island without the consultation of the Raizal. The Center holds events in which the price to enter is so high the Raizal cannot afford to attend the events. The Center is located within the Isleño Decameron, an all-inclusive resort. A tourist who stays in the resort does not have to leave the resort and as a result, Raizal businesses rarely benefit from their stay. Furthermore, Colombia is well aware that the Raizal are particularly sensitive to and disturbed by development and expansion of the Isleño Decameron because the original Hotel Isleño and neighboring development, which was originally built when San Andres became a free port and was owned by the Colombian government, desecrated a Raizal burial ground, displaced Raizal families, destroyed a traditional right-of-way and seaside race track (horse racing is among the most culturally significant, traditional Raizal sports), and appropriated the North Ends’ best beach. Finally, the Raizal were informed of an airport extension in Old Providence but only consulted after the contracts were signed and after construction began.
29. Consultation and consent means without manipulation or coercion, sufficiently in advance of an activity being commenced, with time for the consultation process to occur and as providing relevant and satisfactory information on key points off the project. Consent is defined as a process where participation and consultation are central pillars. This duty on the part of the state is inextricably tied to indigenous peoples’ rights of self-determination and participation. Without implementing this duty and respecting these rights, Colombia strips the Raizal of their ability to effectively participate in the decision-making process of matters that will affect them as well as their right to determine their own futures.

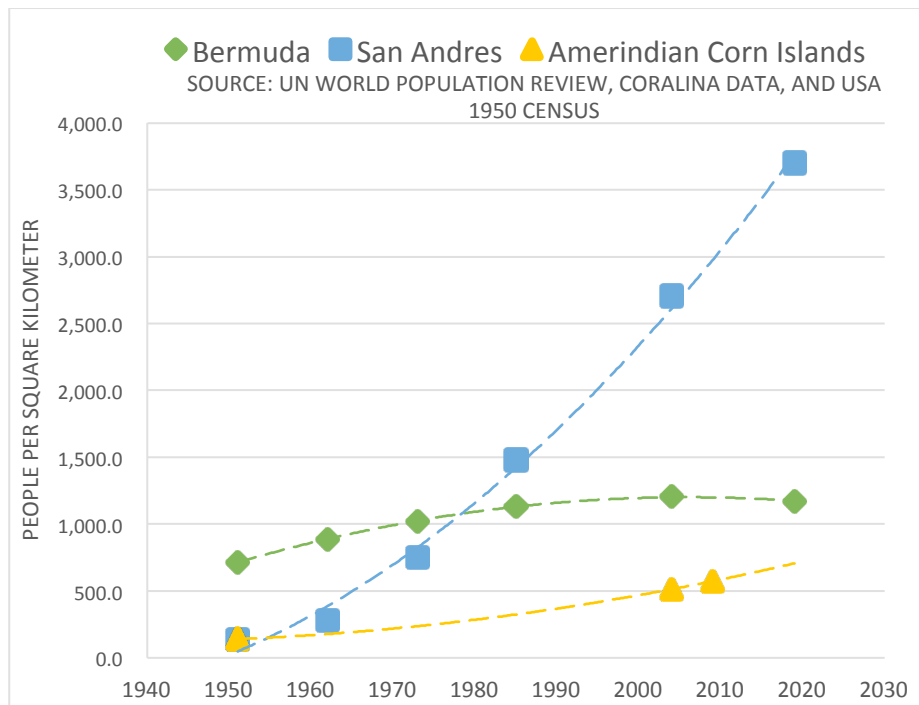
VI. The Raizal’s Ability to Regulate the Development of their Territories Is Thwarted by Uncontrolled Population Density Growth and Colombia’s Long History of “Colombianization”

30. The Raizal have a right to development and the right to means of achieving the right. For the Raizal, this right was self-guaranteed for a large portion of their history; the island’s

⁴³ On November 29, 2018, the Mayor of Providencia and Santa Catalina was provided a letter from the Director of Consultation in which she informs the Mayor that prior consultation is not necessary for the Fort renovations as it is a project for “recuperating the cultural tradition,” and will not impact their “collective rights and constitutionally protected rights.” The letter also states that the renovations will cause an “intolerable interference with their quality of life and customs.” See addendum #2.

remoteness meant that the community had a high degree of self-determination, effectively controlling their own resources, development, and economy until the mid-20th century. However, Colombia’s process of “Colombianization” to secure their interests in the Archipelago stopped this. Through authorized and incentivized mass immigration⁴⁴ along with targeted conversions and racial discrimination, Colombia effectively displaced the Raizal from their territorial lands and seas.

31. Working with available data, San Andres is the most densely populated oceanic island in the Western hemisphere. See table below. The next highest Caribbean island densities are those of Bermuda and St. Thomas, both dependencies of wealthy nations with access to technical and financial resources that provide high standards of living. San Andres lacks this political and economic stability, has a much smaller land area, and has a population density four times that of St. Thomas and more than twice that of Bermuda.⁴⁵ The more than 25,000⁴⁶ indigenous Raizal today are a displaced minority in their own traditional territory, and this situation threatens the entirety of Raizal culture, territory, and governance.



⁴⁴ Article 14 of Law 52 of 1912, gave the government the power to “grant free passage, on the nation’s ships, to the families of four or more individuals who wish to go to the archipelago to settle in it.”

⁴⁵ The population density of San Andrés, a very small ocean island, likely greater than 3,000 inhabitants per square kilometer, *Special Rapporteur on racism*, 2004, Para. 35, far exceeds the carrying capacity of the island. Compare this with their relatives in the Corn Islands of Nicaragua as seen in the chart above.

⁴⁶ *Population and Housing Register* (pilot census), Department of the Archipelago of San Andrés, Providencia and Santa Catalina, May 1999; *Special Rapporteur on racism*, 2004, Para. 35.

32. Within the Archipelago, gaps in quantitative information about the true carrying capacity⁴⁷ and population of the islands make it impossible to decide crucial development decisions. The Raizal seek the data, funding, and law enforcement to sustain their Archipelago and their environment. As discussed before, the Archipelago, like many Island communities, had developed traditional resource-use patterns and customs to cope with natural limits, which were overwhelmed by Colombianization. Although Colombia has passed favorable legislation,⁴⁸ lack of enforcement and implementation of these laws has led to these rapid changes to the environment. Consequentially, the changes have impacted the ability of the Raizal to enjoy and benefit from their relationship to their land and sea territory.
33. The estimated number of illegal migrants living in San Andres is 20,000 (20 to 25% of the population). Funds and personnel are lacking to track down those who enter but do not leave, which is considered the main form of illegal immigration. Although the Raizal people appreciate the strong Constitutional mandate and national policy, the lack of clear administration and proper funding has led to failures in implementation. The Raizal seek (1) the necessary and urgent funding of the Oficina de Control de Circulación y Residencia (“OCCRE”), which controls and enforces residency laws, and (2) a study of the sustainable population density, the current population density, and the carrying capacity in an unbiased and informative way.
34. Additionally, Colombia’s inactivity and refusal to share the census and other development-related data also makes it difficult for the Raizal to make informed choices concerning the right to develop and sustain their environment. In 2015, this Committee requested such demographic information, noting “with concern the lack of information appropriately reflecting the demographic composition of the population of the State party, in particular socioeconomic indicators to assess progress towards the equal realization of the rights contained in the Convention.”⁴⁹ The Raizal seek both the data of past censuses and a new unbiased and comprehensive study to find the true population of both the Archipelago and the Raizal along with the carrying capacity.

VII. International Human Rights Legal Framework

A. International Convention Against All Forms of Racial Discrimination

35. Articles 2.1 and 5(c, d & e), which provide for the non-discrimination in cultural life, participation in government and property rights, are directly implicated by Colombia’s treatment of the Raizal peoples and its failure to recognize and protect their rights as

⁴⁷ The UN defines carrying capacity as the maximum number of users that can be sustained by a natural or manmade resource without endangering the character and quality of that resource at a sustained resource productivity over time.

⁴⁸ Recognizing the threat posed by rapid population growth, Colombia enacted policies “to limit the exercise of the rights of movement” and “establish controls on the density of population...in order to protect the cultural identity of the indigenous communities and preserve the environment and natural resources of the archipelago...” (Art. 310). Furthermore, Decree 2762 of 1991 (“the OCCRE Decree”) brings practical measures to the legislative intent of Article 310. Residency cards are issued through the power of the OCCRE Decree.

⁴⁹ *Concluding observations on the combined fifteenth and sixteenth periodic reports of Colombia*, U.N. Doc. CERD/C/COL/CO/15-16, 25 September 2015, para. 7.

indigenous peoples. Additionally, Colombia's obligations under Article 2.1 of the Convention to "take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups... for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms" are of particular relevance.

36. Furthermore, the Committee addressed similar situations and histories of problematic data production and lack of free, prior, and informed consent with other peoples in Columbia, issuing recommendations similar to those requested by the Raizal:
- Recalling its general recommendation No. 4 (1973) concerning reporting by States parties on the demographic composition of the population, as well as its previous concluding observations, the Committee reiterates its recommendation and urges the State party to collect and provide the Committee with reliable, updated and comprehensive statistical data on the demographic composition of the population. [...] the right to consultation as a fundamental right of both indigenous peoples and Afro-Colombians.⁵⁰

D. United Nations Declaration on the Rights of Indigenous Peoples

37. The Committee recognizes the United Nations Declaration on the Rights of Indigenous Peoples as "...a guide to interpret the State party's obligations under the Convention relating to indigenous peoples." Relevant provisions include:

- Article 3 (right to self-determination)
- Article 8 (prohibition on forced assimilation or destruction of their culture and the State party's obligation to prevent or redress any action that would lead to the destruction of their culture)
- Article 19 (duty to consult and right of FPIC)
- Article 25 (right to maintain and strengthen their "spiritual relationship with their traditionally owned or otherwise occupied and used... waters and coastal seas and other resources.")
- Article 26 (right to their lands, territories and resources and the right to own, use, develop and control the territories and resources. Obligation of the State party to give legal recognition and protection to those lands, territories and resources)
- Article 29 (right to protect and conserve their territories and obligation on the State party to implement programs for such "conservation and protection, without discrimination.")
- Article 32 (the right to "determine and develop priorities and strategies for the development or use of their lands or territories.")
- Article 38 ("States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures [...] to achieve the ends of this Declaration.")

E. The CERD Committee General Comments

38. The Committee's General Recommendation No. 23 addresses the rights of indigenous peoples. Of particular relevance to the concerns raised in this report, the Committee

⁵⁰ See *id.*, para. 7-8, 21.

recognizes the importance of the cultural and territory rights of indigenous peoples, calling on States parties to:

- (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;
- (b) Ensure that members of indigenous peoples are [...] free from any discrimination;
- (c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;
- (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent, and
- (e) Ensure that indigenous communities can [...] practice and revitalize their cultural traditions and customs and to preserve and to practice their languages.”

39. Additionally, the General Recommendation “especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.”

VIII. Suggested Questions for Colombia

40. Recognition, protection and respect of the Raizal’s relationship and rights to their sea and land territories by Colombia are an necessary part of ensuring that the Raizal are able to exercise all their rights as indigenous peoples, including their culture and livelihood. How does Colombia plan to ensure that these rights are not only recognized, but also respected by all and protected?
41. Colombia fails to meet its consultations obligations with the Raizal, with the ICJ case being one clear example of this failure with significant consequences. How does Colombia plan to ensure that consultation with the Raizal meets international human rights standards?
42. Despite legislation regulating migration, internal migrants from mainland Colombia continue to move to San Andres impacting the ability of the Raizal to enjoy their cultural, spiritual and property rights. How does Colombia plan to address the lack of law enforcement and funding for population control on the islands, as well as addressing the existing unsustainable level of population density?

IX. Suggested Recommendations for Colombia

43. The Committee recommends that Colombia ensure the Raizal are afforded the same rights as other indigenous peoples, including their rights to their land and sea territories.
44. The Committee recommends that Colombia amend its census forms to allow the Raizal to identify as indigenous/Raizal thereby expressing their diverse, indigenous roots and identify as the Archipelago’s First People.

45. The Committee recommends that Colombia, in consultation with the Raizal, establish a plan to address the current issues regarding the protection of the Raizal's sea territory, including access, licensing and environmental.
46. The Committee recommends that Colombia create a more effective, transparent and informative method of consultation and information sharing with the Raizal, and with representatives chosen by the Raizal themselves and in accordance with their own procedures.
47. The Committee recommends that Colombia (1) share the data of past censuses with the Raizal, (2) carry out a new unbiased, comprehensive study to discover the true population of each island and the accurate number of Raizal living in the Archipelago, and (3) complete a comprehensive, scientifically viable carrying capacity study.

Addendum # 1

The List of Supporting Organizations and Their Missions

1. Archipelago Movement for Ethnic Native Self-Determination (AMEN-SD)

Advance self-determination, reparations, and sustainable development for the Raizal people of the Archipelago of San Andres, Old Providence, and Santa Catalina.

2. Asociación Casa de la Cultura de Providencia y Santa Catalina

Coordinate actions to promote long-lasting culture, civic responsibility, and education within the community.

3. Corporación Miss Raxi & Miss Graci

Develop and promote health, culture, sports, social welfare, education, environment, and entrepreneurship for women, girls, and their families to enhance quality of life through shared benefits.

4. Cove-Seaside Fishermen's Cooperative

Promote cooperative activities to attain social and economic benefits and welfare for the members.

5. Independent Farmers United Association (INFAUNAS)

Promote the welfare of Raizal farmers in the Archipelago.

6. Movimiento de Veeduría Civica de Old Providence

Defend and enhance attributes of the Raizal culture (identity, dignity, history, and patrimony, among others), recover the belief system, and promote oversight of public goods to enhance democratic, civic participation in all processes, plans, projects, and programs.

7. Raizal Indigenous Musicians Movement (RIMM)

Strengthen the Raizal culture and present a visible, united front for the Raizal people to secure benefits in their own territory and to promote full participation in cultural life.

8. Raizal Woman Cultural Foundation for Development and Community Integration (RAIWOFD)

Improve quality of life of the vulnerable Raizal community in the traditional villages by identifying and promoting artistic and cultural talent.

9. San Andres and Providence Islands Solutions Foundation (SAISOL)

Oversight of actions in the Raizal territory pertaining to education, health, culture, and other services.

Addendum #2



MININTERIOR

Al responder cite este número:
OFI18-47732-DCP-2500

Bogotá D.C. jueves, 29 de noviembre de 2018

Señor
BERNARDO BENITO BENT WILLIAMS
Alcalde de Providencia y Santa Catalina Islas
Palacio Municipal, Santa Isabel Sector Town
San Andrés, Providencia y Santa Catalina
E-mail: alcaldia@providencia-sanandres.gov.co

Asunto: Respuesta a su solicitud radicada mediante el EXTMI18-45882 del 01 de noviembre de 2018.

Respetado Señor Bent Williams, reciba un cordial saludo.

En atención a su solicitud de certificación de presencia o no de grupos étnicos, en el área de influencia del proyecto, obra o actividad (POA): **"CONSTRUCCIÓN DEL PARQUE CULTURAL DEL FORT WARWICK/FUERTE DE LA LIBERTAD EN LA ISLA DE SANTA CATALINA"**, este Despacho se permite manifestar, que no se requiere la expedición del acto administrativo de certificación, y por consiguiente tampoco se debe adelantar el trámite administrativo de consulta previa. Lo anterior en razón a las siguientes consideraciones:

1. De acuerdo a su solicitud, el proyecto obedece al interés por ejecutar el proyecto de: **"CONSTRUCCIÓN DEL PARQUE CULTURAL DEL FORT WARWICK/FUERTE DE LA LIBERTAD EN LA ISLA DE SANTA CATALINA"**.
2. Debe entenderse, que la consulta previa según la Ley y la Jurisprudencia está ligada a preservar la identidad de las comunidades, garantizando su autonomía y asegurando que cualquier proyecto, obra o actividad que pueda afectarlas directamente les sea consultada. Por lo tanto, la consulta previa solo debe agotarse en aquellos eventos en que el proyecto, obra o actividad afecte directamente los intereses de las comunidades étnicas en su calidad de tales, es decir, que su obligación solo resulta exigible cuando la actividad pueda: **"(...) alterar el estatus de la persona o de la comunidad, bien sea porque le impone restricciones o gravámenes, o, por el contrario, le confiere beneficios (...)"**.
(Negrita fuera del texto)

¹ Sentencia C-175 de 2009

3. Dentro de la solicitud, y como descripción de actividades se indicó que las mismas están orientadas a: *"Consiste en la rehabilitación y puesta en escena de las ruinas del bien de interés cultural de la Nación Fuerte de La Libertad o Fort Warwick, mejoramiento de un embarcadero de naves menores y el mejoramiento del Sendero a la cabeza de Morgan y la construcción de un mirador, a la cabeza de Morgan.*

A la fecha el proyecto cuenta con los permisos del Instituto Colombiano de Arqueología e Historia ICANH- Ministerio de Cultura y la Corporación Autónoma Regional y Desarrollo Sostenible CORALINA".

4. De acuerdo a su solicitud el proyecto obedece al interés que se tiene por recuperar ese bien de interés cultural e histórico donde San Andrés, Providencia y Santa Catalina se declararon colombianas el 23 de junio de 1822; lugar histórico del cual podrá disfrutar la comunidad raizal y los turistas que visiten la Isla.
5. Cabe recordar que uno de los pilares fundamentales de nuestra Constitución Política, está enfocada a que toda la población colombiana goce de unos derechos fundamentales, constituyéndose en la oportunidad que promoverá una base hacia el desarrollo social sostenible, actividad ésta en la cual no hay una afectación directa a sujetos colectivos susceptibles de derechos constitucionalmente protegidos, entendida dicha afectación directa como una intromisión intolerable a su calidad de vida y costumbres..

Así las cosas, considera esta Dirección, que ante la situación planteada por el solicitante, para el proyecto: **"CONSTRUCCIÓN DEL PARQUE CULTURAL DEL FORT WARWICK/FUERTE DE LA LIBERTAD EN LAS ISLA DE SANTA CATALINA"**, no se requiere la expedición del acto administrativo de certificación, pues como quedo claro en líneas anteriores, este proyecto responde a **un tema de recuperación de la tradición cultural**, respecto del cual no es predicable una afectación directa a sujetos colectivos, susceptibles de derechos constitucionalmente protegidos, entendida dicha afectación directa, como una intromisión intolerable a su calidad de vida y costumbres, y por consiguiente tampoco se requiere adelantar el trámite administrativo de consulta previa.

Cordialmente



ADRIANA LUCÍA DÍAZ VELOZA
Directora de Consulta Previa (e)

Elaboró: Flor Romero de Chacón
Aprobó: Dra. Adriana Lucía Díaz Veloza

TRD. 2500.250.12
EXTMI18-45882