



Proyecto
Desarrollo de estándares y mecanismos para la protección de los Pueblos Étnicos frente a proyectos mineros y energéticos:
Aplicación de la consulta previa y el consentimiento previo, libre e informado en el contexto de un conflicto armado interno

***Workshop-Gathering on free, prior and informed consultation and consent
for Indigenous and Afro-descendent Peoples:
International and Colombian standards in the extractive sector***

**13-15 July, 2010 – Bogotá
Convento Las Carmelitas
Carrera 27 No. 43-14
2680069**

Agenda

Day 1 (July 13): Workshop with social organizations

Objectives:

- Present the NSI-PCN-RICL project to participating social organizations, and invite them to create a support network at different points in time and dynamics during the project.
- Facilitate the exchange of experiences, reflection and inputs into the topics of free, prior and informed consultation and consent processes in ethnic territories in Colombia
- Make progress with regards to reflection and identification of criteria with regards to minimum standards of FPIC from Indigenous and Afro-descendent perspectives

Agenda:

Co-chairs: Héctor Jaime Vinasco (Government Council -- Resguardo Cañamomo Lomapieta) and Clemencia Carabalí (Proceso de Comunidades Negras- ASOM, afro-descendent leader)

9:00-9:15am	Opening Ceremony: <i>Comments by Indigenous elder and afro elder</i>
9:15-9:30 am	Presentation of Agenda, workshop objectives and participants: Co-Chairs
9:30-10:30 am	Presentation of the project -International/National: <i>Viviane Weitzner and Gladys Jimeno (20 mins)</i> -Cauca: <i>Plutarco Sandoval (10 mins)</i> -Caldas: <i>Federico Herrera (10 mins)</i> - Questions (20 mins)
10:30-10:45 am	Break
10:45-12:00 am	<u>International Context: FPIC and the rights of ethnic groups – International standards and experience</u>

Rodolfo Stavenhagen, Former UN Representative on the Rights of Indigenous Peoples

- 12:00-1:00 pm **Questions and Discussion**
- 1:00-2:00 pm **Lunch**
- 2:00-2:30 pm **International Context: Free, Prior and Informed Consent – Some responses from International Financial Agencies, companies and home governments (with commentary on no-go zones)**
Viviane Weitzner, Senior Researcher, The North-South Institute
- 2:30-3:00 pm **Questions and Discussion**
- 3:00-3:30 pm **National Context: Reflection on experiences of free, prior and informed consultation and consent in Colombia and Directive 01 of the Presidency of the Republic (with commentary on no-go zones)**
Gladys Jimeno, National coordinator of NSI-ASOM-PCN-RICL Project, specialist in human rights and ethnic rights
- 3:30-4:00 pm **Questions and Discussion**
- 4:00-4:15 pm **Break**
- 4:15-6:15 pm **Working Groups**

Table 1: a) Identification of criteria with regards to protocols on free, prior and informed consultation and consent; b) identification of questions to be asked in the following workshops (to government, companies, others)

Table 2: a) Identification of criteria with regards to ‘no-go’ (and ‘yes-go’) zones with regards to extractive activities (on Indigenous Peoples lands, in territories of Black Communities, and in urban or agrarian communities); b) identification of questions to be asked in the following workshops (to government, companies, others)

CLOSING Day 1

Day 2 (April 14): Morning Session: Social Organizations, Plenary and Discussion (Same objectives as Day 1)

Objectives of morning sesión: Same as Day 1

Afternoon Session: Panel 1 with Government Representatives

Objectives of afternoon session

- To present and discuss the politics and practice of Indigenous and afro-descendent organizations and those of the Colombian state with regards to free, prior and informed consultation and free, prior and informed consent in the extractive sector (with an emphasis on the right to self-development).

Agenda:

Co-chairs: Efrén Reyes (Chief/Governor, RICL) and Plutarco Sandoval (Afro-descendent Leader and Local Coordinator, INS-ASOM_PCN-RICL Project)

8:30 -10:30am	Plenary: Presentation of the working group discussions and results; Review of questions for other actors and distribution of these
10:30-10:45am	Break
10:45-11:15 am	Development and Mining: National Benefits and Benefits for Ethnic Groups in Colombia. desarrollo y minería. Libardo Sarmiento, economist
11:15-11:45 am	Questions and Discussion
11: 45- 1:00 pm	Commentary and suggestions from Rodolfo Stavenhagen with regards to the conclusions from the Working Groups. Discussion.
1:00-2:00 pm	Lunch

Afternoon Session: Panel 1: Perspectives from Representatives of the State

2:00-2:15 pm	Opening of Session with the State and Government: Words from an Indigenous and an Afro Elder
2:15-2:30 pm	Presentation of the agenda, workshop participants and the objectives of the workshop <i>Co-Chairs: Efrén Reyes (Chief/Governor, RICL) and Plutarco Sandoval (Afro-descendent Leader and Local Coordinator, INS-ASOM_PCN-RICL Project)</i>
2:30-3:30 pm	Perspectives from Colombia's Ombudsperson's Office with regards to free, prior and informed consultation and free, prior and informed consent and implementation in Colombia <i>Horacio Guerrero, Delegate for Ethnic Issues, Colombia's Ombudsperson's Office (45 minutes; Rodolfo Stavenhagen 15 minutes commentary)</i>
3:30-4:00 pm	Questions and Discussion
4:00-4:15 pm	Break

4:15-5:30 pm

Panel 1: Ministry of the Interior: Claudia Caceres, Director of the group on prior Consultation. Ministry of the Environment (presenter to be announced); Mines Ministry (presenter to be announced) Discussants: Representative of the UN High Commissioner's Office; Maria Clara Galvis, consultant working on human rights issues Chair: Gladys Jimeno, National Coordinator (15 minutes each government representatives; 10 minutes each discussant)

Key Questions for Government Representatives

ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples and other international instruments uphold the right to free, prior and informed consultation and consent as minimum standards for protecting ethnic rights. In addition, UN Special Representative on Business and Human Rights John Ruggie has developed a framework of responsibility with regards to human rights where it is clear that the State has the responsibility to protect human rights, the private sector has the responsibility to respect human rights, and there must be appropriate remedies available to ensure these responsibilities are fulfilled.

- 1. How is the State's responsibility to protect human rights implemented in Colombian policies and practice with regards to exploration and exploitation of natural resources on or affecting ethnic territories?*
- 2. What remedies exist with regards to demanding implementation of human rights given extractive sector activities in Colombia?*
- 3. Could you please elaborate on the above using concrete examples where the right to prior consultation and free, prior and informed consent has been recognized?*
- 4. What observations does your entity have with regards to free, prior and informed consultation and consent given its experiences?*

5:30-6:30 pm

Questions and Discussion

CLOSING Day 2

Day 3 (April 15): Multi-Partite Workshop: Panel 2 with Social organizations, Panel 3 with Private Sector and Workshop Conclusions

- 8:30 - 9:00 am **Review of Agenda**
Co-chairs: Viviane Weitzner (Senior Researcher, The North-South Institute), Gladys Jimeno (National Coordinator, NSI)
- 9:00-10:00am **Panel 2: Development and Free, Prior and Informed Consultation and Consent. Panellists: Carlos Rosero (PCN); Héctor Jaime Vinazco (RICL); Clemencia Carabalí (ASOM-PCN); José Goyes (CRIC). Chair: Federico Herrera – RICL. Discussant: Rodolfo Stavenhagen. (Each panellist will have 10 minutes, and the discussant will have 15).**
- 10:00-11: 00 am **Questions and Discussion.**
- 11:00-11:15 am **Break**
- 11:15-12:45 m **Panel 3: Anglo Gold Ashanti AGA, EPSA, OXY, Cosigo Resources, Medoro. Discussants: Cristina Echavarría, Association for Responsible Mining; Juan Fernando Jaramillo, Dejusticia. Chair: Viviane Weitzner, NSI. (each presenter will have 15 minutes; each discussant 10 minutes)**
- 12:45-1:30 pm **Questions and Discussion**
- 1:30-2:30 pm **Lunch**
- Key questions for companies:*
- ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples and other international instruments uphold the right to free, prior and informed consultation and consent as minimum standards for protecting ethnic rights. In addition, UN Special Representative on Business and Human Rights John Ruggie has developed a framework of responsibility with regards to human rights where it is clear that the State has the responsibility to protect human rights, the private sector has the responsibility to respect human rights, and there must be appropriate remedies available to ensure these responsibilities are fulfilled.*
- 1. How do you implement the corporate responsibility to recognize and respect human rights in your policies and in practice, and could you please illustrate this with concrete examples of how you have respected the rights of ethnic peoples?*
 - 2. Could you please give concrete examples of how you recognize and implement the right to prior consultation and free, prior and informed consent?*
 - 3. What activities and interests do you have in Cauca and Caldas?*
- 2:30-3:00 **Questions and Discussion from Panel 3 Continue**
- 3:00-3:30 **Responsibilities of Home States of extractive companies -- Madaleine Drohan, Member of NSI Board of Directors, Canadian journalist**
- 3:30- 4:00 pm **Final Thoughts and Reflections. Rodolfo Stavenhagen, Former UN Special representative on the Rights of Indigenous Peoples**

4:00-4:15 **Closing**, Viviane Weitzner, NSI and Project team

5:00-7:00 pm: *Evaluation Meeting with Social Organizations*

Objectives:

- Evaluate the situation and propose actions and commitments
- Evaluation

7:30 -9:00 *Dinner*

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