

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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October 26, 2012

Carola Borja
Under Secretary for Climate Change
Ministry of Environment, Ecuador
Co-Chair, UN-REDD Programme Policy Board

Ibrahim Thiaw
Director of the Division of Environmental Policy Implementation
UNEP
Co-Chair, UN-REDD Programme Policy Board

Dear Co-Chairs:

The Indian Law Resource Center is a non-profit law and advocacy organization established and directed by Indians of the Americas. We have consultative status with the United Nations and the Organization of American States, and we have been advocating for indigenous peoples' rights to lands, territories and resources for over 30 years.

The purpose of this letter is to bring to your attention serious concerns brought to us by indigenous peoples in Ecuador, including those participating in Ecuador's National REDD Program, Socio Bosque. We believe that this may be of interest to you in light of the fact that the Government of Ecuador is presenting its *Semi-Annual 2012 Progress Report on Activities Implemented under the UN-REDD Programme Fund* during this, the ninth session of the UN-REDD Policy Board.

Note that the Government of Ecuador has been promoting petroleum activities in indigenous peoples' lands associated with Socio Bosque. The Government announced this month the opening of the 11th Round of petroleum concessions which will open up close to three million hectares of indigenous peoples' ancestral territory to development. The concession process

involves the territories of indigenous peoples participating in Socio Bosque. The Sapara nation, for example, which possesses legally recognized land title and has included part of their territory in a contract with Socio Bosque, has seen their lands placed into concession blocks by the Government, to be auctioned next month without their consent. While the Sapara people have entered into a REDD contract with the Government of Ecuador to preserve their lands and biodiversity, the Government is now severely undermining that effort.

We have received troubling reports from indigenous nations and confederations in Ecuador that the petroleum concession process is going forward without indigenous peoples' free, prior, and informed consent (see attached). In fact, various indigenous leaders have rejected any presence of petroleum activities on their territories, citing great risks to their rights and environmental integrity. Leaders have also criticized the recently passed Decree 1247, which establishes the protocol for free, prior and informed consultation in the licensing process, as failing to comply with international law, and for being developed without consultation of indigenous peoples.

These developments appear to constitute serious human rights violations, and they call into question the adequacy of protections for the rights of indigenous peoples in Ecuador's National REDD Program, Socio Bosque. As you are aware, under REDD safeguards and related policies, UN-REDD, which is funding Ecuador's National REDD Program, and FAO as the implementing agency, have an obligation to ensure that REDD projects are not contributing to violations of the rights of indigenous peoples.

We therefore respectfully request that the Policy Board in its oversight capacity undertake the following actions:

- 1) Thoroughly investigate the impact of the oil and gas concession process on Socio Bosque, on the rights of indigenous peoples, and on the objectives of the UN-REDD Programme.
- 2) Identify concrete actions to be taken by UN-REDD and the Government of Ecuador to ensure that the human rights of indigenous peoples, including rights to their lands, territories and resources, are fully protected, consistent with international law and relevant UN-REDD policies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Armstrong Wiggins', written in a cursive style with a large loop at the end.

Armstrong Wiggins
Washington Office Director

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CC:

UN-REDD Policy Board Indigenous Peoples Observers

Dr. Yemi Katerere, UN-REDD Secretariat Head

President of the Republic of Ecuador Rafael Correa

Minister Marcela Aguiñaga, Ministry of the Environment Ecuador

Minister Wilson Pastor, Ministry of Non-Renewable Natural Resources of Ecuador

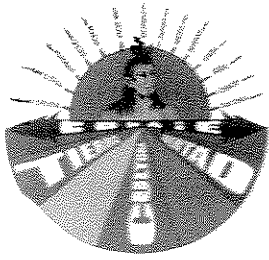
Mr. Max Lascano, Manager of Socio Bosque Program

Mr. Diego Zorilla, UNDP Country Representative, Ecuador

Mr. Jorge Samaniego, FAO, Country office Representative, Ecuador

Mrs. Margarita Astralaga, UNEP/ROLAC Regional Director

Ms. Barbara Hess, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Director
Ecuador Office



CONAIE

Confederación de Nacionalidades Indígenas del Ecuador

ACUERDO - CODENPE Nº 817 -31 de Enero del 2008

Creado Legalmente - 24 de Agosto de 1989- Acuerdo M.B.S 01734

NACIONALIDADES AMAZÓNICAS RECHAZAN XI RONDA PETROLERA

Boletín de prensa

En la rueda de prensa realizada el miércoles 24 de octubre de 2012 en la sede de CONAIE las organizaciones de base de la CONFENIAE y CONAIE expresaron ante la opinión pública nacional e internacional su postura oficial de las bases de la CONAIE, CONFENIAE y ECUARUNARI frente a la XI Ronda Petrolera y la supuesta consulta que viene realizando el Gobierno en el centro-sur de la Amazonía.

Los dirigentes de las nacionalidades Shuar, Achuar, Shiwiar, Sapara y el Pueblo Kichwa de Sarayaku anunciaron que no permitirán el ingreso abusivo de la industria petrolera en sus territorios. La nueva ronda petrolera pone gravemente en peligro la vida, la salud, la paz social y la integridad de la naturaleza y por tanto las nacionalidades que habitan el centro-sur de la Amazonía ecuatoriano no permitirán que se imponga un proyecto que destruya la naturaleza, y que ponga a las nacionalidades al borde de genocidio.

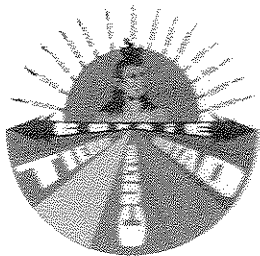
Las Asambleas de las nacionalidades y sus federaciones han hecho varios pronunciamientos expresando su negativa frente a la XI Ronda Petrolera, sin embargo el Gobierno insiste en anunciar que entregará los territorios indígenas a las empresas petroleras.

Las nacionalidades rechazan la llamada consulta previa que supuestamente está realizando la Secretaría de Hidrocarburos porque no cumple lo dispuesto por el Convenio 169 de la OIT, la Constitución del Ecuador y la Sentencia de la Corte Interamericana en el Caso Sarayaku. El reglamento en el que se basa la supuesta consulta no ha sido hecho con la participación de las comunidades que van a ser consultadas, no busca llegar al consentimiento de los consultados, no es libre porque se impone la presencia de los funcionarios del Estado en los territorios indígenas en contra de la voluntad de los pueblos y nacionalidades y no es informada porque no se entrega a las comunidades datos verdaderos y reales sobre los impactos ambientales y sociales de la actividad sino solamente propaganda e intento de fraccionamiento a las familias de las comunidades

Rechazamos los insultos y descalificaciones realizadas por el Presidente de la República en las cadenas sabatinas contra de los pueblos y nacionalidades que están en resistencia y sus líderes. Eso demuestra que es un gobierno autoritario, racista y cerrado al diálogo.

Las nacionalidades y organizaciones indígenas resistiremos a la invasión petrolera en nuestros territorios enmarcados en nuestros derechos constitucionales y nos convocaremos a una marcha pacífica por la defensa de nuestros derechos y nuestros territorios.

Quito, 24 de octubre de 2012.

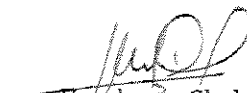


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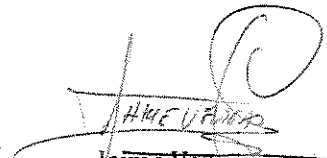
Confederación de Nacionalidades Indígenas del Ecuador


ACUERDO - CODENPE N° 817 -31 de Enero del 2008

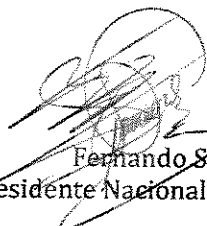
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Humberto Cholango
Presidente de la CONAIE



Franco Viteri
Presidente de la CONFENIAE



Jaime Vargas
Presidente de la Nacionalidad Achuar



Manuel Maiche
Presidente Nación Shuar



Fernando Santi
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Mario Santi
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Pueblo Kichwa de Sarayaku


José Vargas
Dirigente de Relaciones
Internacionales de la Federación Shuar
de Pastaza


Delfin Tenesaca
Presidente de ECUARUNARI