



PRESS RELEASE - CNTI

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Aerial spraying with glyphosate: Why are indigenous peoples demanding prior consultation?

While Colombia's central government might assert that its aerial spraying programme to eradicate illegal coca crops does not negatively affect any indigenous peoples, its impact on indigenous, Afro-descendant and peasant communities will be irreparable. Despite a confirmed overlap with ancestral indigenous territories covering over a million hectares, the Ministry of the Interior continues to deny the presence of these communities so it can impose aerial glyphosate spraying without prior consultation.

This was confirmed by Camilo Niño Izquierdo, Indigenous Technical Secretary of the Comisión Nacional de Territorios Indígenas (CNTI/National Commission of Indigenous Territories in English), who explained that the CNTI has been able to use data from the geographic information system to produce a map of the affected areas, which shows that more than 1,133,000 hectares of the aerial glyphosate spraying programme will impact 40 indigenous communities.

"Of the 170 municipalities subject to spraying, indigenous peoples are definitely present in 54, which the national government is not recognising, in the six spraying hotspots," says Camilo Niño, indigenous leader of the Arhuaco people.

It is important to note, as shown by the map overlaying indigenous areas with areas covered by the aerial glyphosate spraying programme, that at least four of the six spraying hotspots are covered by indigenous applications to the National Land Agency for the recognition of ancestral territories, which, although not formalised as reservations, are used and occupied by indigenous peoples.



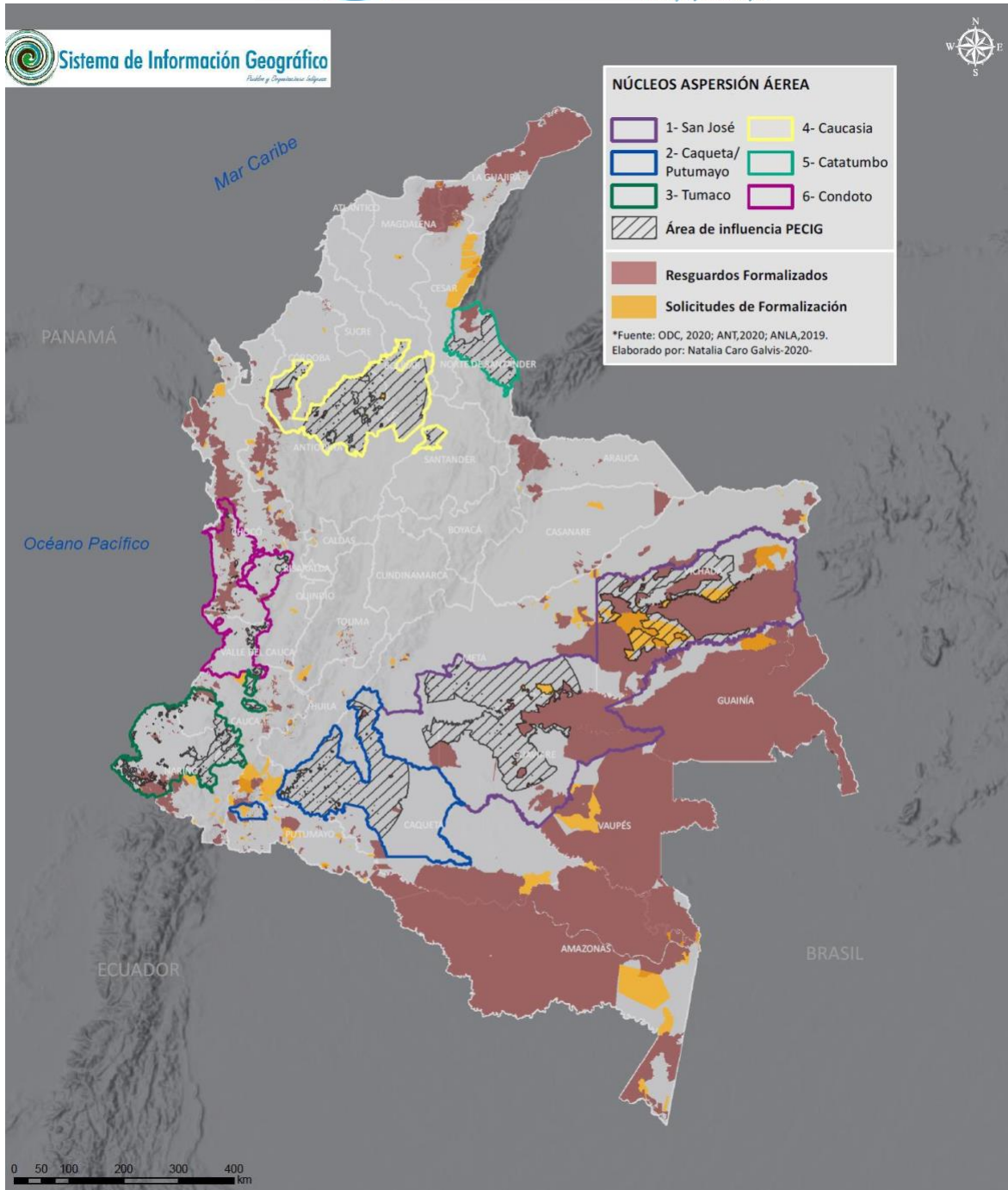
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Previous page: Map of indigenous territories overlaid with the area covered by the glyphosate aerial spraying programme. Source: CNTI.

At present, more than 1,000 applications for indigenous reservations are outstanding with the National Land Agency. These historical applications embody the debt owed by the Colombian State to the indigenous peoples in terms of the recognition of their land rights. This constitutes a violation of indigenous peoples' territorial rights and puts these peoples, who enjoy enhanced protection under the constitution, at serious risk of physical and cultural extinction.

As can be seen from the map, the overlap between the area covered by the spraying programme and the indigenous territories with land titles presents a risk of indirect contamination through water runoff and wind dispersion.

Will the spectre of aerial spraying return?

In response to the most recent decision of the administrative judge of Pasto (October 2020) allowing the public consultation on aerial glyphosate spraying to be opened up to a broader constituency, the Indigenous Technical Secretariat of the CNTI has made the following public clarifications.

It is true that the judge decided not to take disciplinary action against nor to seek criminal prosecution of the officials from various bodies, in particular the National Environmental Licensing Authority (ANLA) and the Anti-Narcotics Directorate of the Police, for failing to comply with the protection ruling, as these bodies and officials were able to demonstrate to the judge that they have taken various steps in recent months to enact the ruling.

However, despite no penalty being imposed, the judge did call emphatically on these bodies to continue working on alternative ways to implement the ruling that will effectively realise the right to genuine, large-scale and effective participation in the public environmental hearing for all rural populations, especially indigenous, Afro-descendant and farming populations that could be negatively impacted in various ways by aerial glyphosate spraying.



While the decision does not take action against any officials, the judge did reiterate the call for the continued construction of linkages and coordination between the various State bodies, as well as concerted action with local populations and territorial bodies to put the ruling, as far as participation is concerned, into practice.

As regards prior consultation, it should be clarified that the judge handed down his decision based on what he had been told by the bodies, especially the ANLA and the Anti-Narcotics Directorate of the Police, which in turn relied on a recommendation from the Ministry of the Interior's Directorate of Prior Consultation certifying that prior consultation with indigenous or Afro-descendant peoples should not be necessary here.

For lawyer and coordinator of the CNTI legal team, Jennifer Mojica, "this is totally false and has misled the court insofar as it has distorted reality and induced the judge to err in deciding not to enforce the indigenous peoples' right to prior consultation. We have been able to confirm that when the environmental management plan for the glyphosate spraying programme was amended, only indigenous reservations and land held collectively by Afro-descendant communities which have a formal land title issued by the State were excluded. However, untitled ancestral territories, such as sacred sites, traditional passes or places where offerings are made, are also required to be excluded, but in reality, they are not being excluded from the areas covered by the spraying programme. Indigenous and Afro-descendant communities will therefore be directly affected by the harmful effects of glyphosate on their lives, integrity, health, environment and water sources."

Is it not right then to consult indigenous peoples about the Duque Government's planned reinstatement of the aerial spraying programme?

Of course it is. It is clear to the CNTI that there is a deficit of information on how many applications for land titles have been made and how many hectares are awaiting protection. "Of the more than 1,000 applications for indigenous reservations outstanding with the National Land Agency, information is only available on the area covered for 400, which amounts to approximately 3.5 million hectares," said Camilo Niño.





He added that studies have already been conducted by these government bodies on the lands awaiting legal recognition. The national government should therefore be taking into account information that is being gathered or that is already held by the Ministry of the Interior, as well as figures and data from other institutions, including the National Land Agency.

According to the Indigenous Technical Secretary of the CNTI, the Ministry of the Interior is basing its analysis on registered territories, and failing to take into account areas that are occupied, used and managed by indigenous communities but that have not been formally recognised.

"These territories and sacred spaces will be directly affected and the genuine and effective participation of the communities must, therefore, be guaranteed, through prior consultation, given the impact of aerial spraying with glyphosate," stressed Camilo Niño, indigenous leader of the Arhuaco people. "We believe that it is vital to understand that for indigenous people the concept of territory goes beyond territories that have been legalised and formally recognised by the State."

The CNTI reiterates that the non-recognition of indigenous territories is a violation of indigenous peoples' rights that puts these communities, which enjoy enhanced protection under the constitution, at serious risk of physical and cultural extinction.

To conclude: the map accompanying this press release confirms that the aerial spraying programme will directly impact indigenous peoples and that the Ministry of the Interior and the ANLA's assertions to the contrary are false. It is undeniable that Colombia's government bodies have only excluded indigenous reservations and community councils with land titles.

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