

August 27, 2010¹

H.E.M Manuel B. Dengo
Ambassador
Permanent Representative
Permanent Mission of Costa Rica to UNOG
Rue de Butini
1202 Genève

Excellency,

I have the honour to write to you to inform you that in the course of its 77th meeting, the Committee examined the situation of the Térraba indigenous people in Costa Rica, in the light of the information submitted by non-governmental organizations under the early warning and urgent action procedure.

According to information received by the Committee, the government of Costa Rica, through its state-owned electricity company, has the intention of building a hydroelectric dam (the Diquis dam) that will flood at least ten per cent (10%) of the Térraba's people registered land. These lands include places with a sacred, cultural and archeological character for the indigenous community. The Committee expresses its profound concern at the information received, according to which the Térraba people has not been consulted nor have they been allowed to participate in the decision-making process. In addition, their requests to do so has been rejected by the State officials because they are believed to be premature , even though in the region, the construction of roads, shops and houses for the workers of the construction has already been completed.

The Committee pays great attention to the allegations that the construction of this dam will be a serious interference that will affect at great scale the traditional lands of the indigenous peoples, endangering their cultural and even physical survival, given that they are a small group of people. It also ensures that the massive and illegal intrusion of traditional lands by outsiders will have a significant negative impact with regard to the multiple relationships that indigenous peoples have with their lands. Also, the lost of traditional lands by the hydroelectric dam will further increase the current conditions of extreme poverty among the Térraba people.

In view of the above, the Committee wants to express its profound concern for the lack of guarantees for the Térraba people in this situation. The Committee reiterates, according to its final observations adopted in its 71 session in 2007 (CERD/C/CRI/CO/18, p.15), that the State Party should redouble its efforts to guarantee the right of indigenous peoples to land tenure. Also, the State Party should take measures in order to carry out the ruling of the Constitutional Court (Vote N0. 3468-02) to delimit the lands of the Rey Curré, Térraba and Boruca communities, and to get back the indigenous lands wrongfully alienated.

¹ Unofficial translation. The original can be found in Spanish at the Office of the United Nations High Commissioner for Human Rights' website:

http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/CostaRica27082010.pdf

The Committee requests that the State party provides information on the measures taken to ensure the effective participation of the Térraba people and the other indigenous peoples whose decision making regarding all aspects and stages of the dam Diquís plan has been affected, and to obtain the free, prior and informed consent in relation to this project. In this regard, the Committee requests the State party to provide additional and updated information on efforts taken to implement the concluding observations in regard to the Térraba people.

According to article 9 (1) of the Convention and Article 65 of the internal rules, the Committee requests the State party to respond by **January 31, 2011**. Kindly observe that the Committee will consider the adoption of a decision during the 78th session in March 2011 in case that no response is received from the State party.

Your Excellency, allow me to reiterate the wish of the Committee to continue to participate in a constructive dialogue with the government of Costa Rica, in order to assist in the effective application of the Convention.

I take this opportunity to assure to Your Excellency my highest consideration.

Anwar Kemal
Chairperson of the Committee on the
Elimination of Racial Discrimination