

September 2nd 2011¹

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 address you and thank you for the information sent to the Committee on July 29th 2011, in response to the letter dated march 11th 2011 in which the Committee makes reference to the examination of the situation of the Teribe indigenous people in the State party and the construction of El Diquís hydroelectric dam.

In this regard, the Committee, during its 79th session, has continued to examine the situation under CERD's Early Warning and Urgent Action Procedure, and takes note of the communication from the State party about the suspension of works in the right bank of the river and the advancements in the establishment of conditions to carry out a consultation process in accordance to the provisions in ILO Convention 169.

Also, the Committee takes note of the report of the Special Rapporteur on the Rights of Indigenous Peoples, Mr. James Anaya about the visit made to the State party on April 2011 (reference A/HRC/18/35/Add.8).

The committee wishes to express its concern on the information received about possible pressures on the Térraba indigenous community to support the project before the mentioned consultation is celebrated. The Committee would also like to express its concern on information received about statements made by the State party on the situation of El Diquís hydroelectric dam as a reason for not adopting the Autonomy Bill of Indigenous Peoples, which has been waiting the approval in Congress for 16 years.

In this regard, the Committee urges the State party to stop all operations on the terrain waiting for the celebration and results of the mentioned consultation. It also urges the State to ensure that the Teribe indigenous communities are not subject to any pressure before, during or after the consultation. Finally, it expresses its support to the work and recommendations of the Special Rapporteur, Mr. James Anaya, and it recommends to the State party to implement these recommendations contained in the report of the Special Rapporteur.

In this regard, it respectfully requests to the State party updated information on the situation before the celebration of its 80th session which will start in February 2012.

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/CostaRica02092011.pdf

Finally, I allow myself to reiterate to your Excellency the wishes of the Committee to continue participating in this constructive dialogue with the Government of Costa Rica and I take this opportunity to assure to you my highest consideration and esteem.

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