Bulletin No 22: Series on the rights of the victims and the application of Law 975*

“Urrá II”: A deadly threat to the Embera Katío indigenous people of the Upper Sinú region

The existence of the Embera Katío indigenous people of the upper Sinú River region is threatened once again by the construction of a hydroelectric megaproject on its territory. The construction of the Urrá I dam in the decade of the nineties has, up to now, the gravest effects on the life of this community. This macroproject constitutes an offense to the “spiritual relation” that this indigenous group has with its territory, as well as to its right to property, control and access to its lands - “a condition for the exercise of other rights, such as their right to food, to health, to adequate housing, to culture or to the practice of religion”. [1] Several communities were obligated to resettle forcibly and to change many of the traditional habits due to the environmental impact that the dam has brought with it. The hydro electrical mega project Urra II consists in building a dam with a capacity approximately ten times greater than that of Urrá I (7,400 hectares). Urrá II was shelved at the end of the decade of the 1980s because the World Bank withdrew its support to the project.

The process of building the Urrá I dam was flawed from the beginning because the Colombian state failed to comply with its legal and constitutional obligation to consult with the indigenous peoples if their territory is affected by any construction, in conformity with the explicit stipulations of ILO Convention No. 169.[2] In 1993, Inderena, the government body charged with environmental protection, gave permission for the construction of the dike without carrying out the process of previous consultation with the Embera Katío people and without taking into consideration the serious and irreparable environmental consequences that the work implied.

On November 11, 1997, the Ministry of the Environment, through Decree 828, denied the operating license on the basis of non-compliance with various prerequisites, among them the process of consultation and accord with the Embera Katío people.

On November 10, 1998, the Constitutional Court ruled in favor of protecting the fundamental rights of the Embera Katío community and ordered the government to suspend the environmental license until the consultation process with the indigenous people took place and agreement was reached on all compensatory measures necessary to mitigate the damage caused by the construction of the dam.

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The judicial demand by the Embera Katío people that their rights be respected led various sectors of society in Córdoba department to rally against them. On March 26 1999, the daily newspaper *El Universal*, of Barranquilla, published declarations by Senators Julio Manzur Abdala, Salomón Náder, Julio César Guerra Tulena, and José Eduardo Gnecco Cerchar, in which they questioned the position taken by the Embera Katío people regarding the construction of the Urrá hydroelectric plant, stating that the Constitutional Court’s decision protecting the rights of the indigenous group should be disregarded, and that the group “was staging an uprising.”

That same year the paramilitaries sent a setter to the government accusing the Embera Katío people of being guerrilla sympathizers. The following week, on October 5 1999, the Ministry of the Environment granted the environmental license for operating the dam, thereby disregarding the Constitutional Court’s sentence.

Since before the start of construction of the Urrá I dam, the Embera Katío community has been fighting tirelessly for its territory. During their heroic struggle, the members of this group have been subjected to multiple violations of their rights. The following members of the Embera Katío community, among others, have been assassinated or disappeared, presumably by paramilitary groups seeking to silence indigenous demands: Alonso Domicó Jarupia, Alejandro Domicó, Lucindo Domicó Cabrera, Rubén Darío Mosquera, José Angel Domicó Jarupia, Kimí Pernía Domicó, William Domicó, Cirilo Enrique Domicó Domicó and Armando Domicó Domicó.

Today, more than ten years after the construction of the hydroelectric plant of Urrá I, the Colombian State has not effectively repaired the disastrous harm done to the Embera Katío people. The sentence of the Constitutional Court has not been complied with, nor has there been truth or justice with regard to those responsible for the crimes committed against this indigenous people for demanding respect for their rights and voicing their opposition to the construction of Urrá I. Among those responsible are paramilitary groups that participated in negotiations with the present government.

Without having repaired the harm done, the government is now considering the construction of the Urrá II dam. President Álvaro Uribe said as much during a community council meeting in the department of Guajira: “Urrá I collects very little water and cannot regulate the waters of the Sinú River, as it is required. Urrá II can be a great in-depth solution. This morning I told Minister Hernán Martínez we should go in this direction - that before our period in government ends, if the people of Córdoba agree, we should try to award the license for the construction of Urrá II and solve this problem.”[3]

The above goes against the commitment signed by this very same government of not going ahead with this megaproject. According to the formal agreement signed between the national government and the Permanent Assembly of the Indigenous Cabildos [councils] of the Sinú and Verde Rivers of the Upper Sinú on April 8, 2005: “The national government ratifies the commitments made on November 22, 1994, and on April 19, 2000, to the Embera Katío peoples of the Upper Sinú, in which, in the framework of
the policy of development of the electricity sector, the government does not consider necessary, convenient, or viable the implementation of the hydroelectric project Urrá II. In consequence, the national government will abstain from promoting, authorizing, or building said project, be it through private or public initiative.”

The construction of Urrá II on indigenous territory may have fatal consequences, in addition to environmental damage to the region and cultural effects on the Embera Katío people. It must be remembered that the paramilitaries have turned the Embera Katío people into a military target because of their struggle against the construction of the hydroelectric plant. Until now the paramilitary commanders involved in these acts have not told the truth about this genocidal attack during the legal proceedings regulated by Law 975 of 2005. As long as the truth is not known and justice has not been served, there will be no reparation for the Embera Katío people. In any case, honoring the commitment of not building the Urrá II dam must be a central measure of reparation for this community and a necessary guarantee of non repetition of the serious violations committed against it.

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