



Plenary sitting

B8-0168/2017

14.2.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation of human rights and democracy in Nicaragua, the case of Francesca Ramirez
(2017/2563(RSP))

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on behalf of the S&D Group

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European Parliament resolution on the situation of human rights and democracy in Nicaragua, the case of Francesca Ramirez (2017/2563(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
- having regard to the UN Sustainable Development Goals,
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- having regard to the Indigenous and Tribal Peoples Convention (No 169) of 1989 of the International Labour Organisation (ILO)
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by UN General Assembly on September 13, 2007,
- having regard to the Inter-American Convention on Human Rights on Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands And Natural Resources,
- having regard to the EU Land Policy Guidelines of 2004 providing guidance for land policy development and programming in developing countries,
- having regard to the UN Guiding Principles on Business and Human Rights of 2011,
- having regard to the human rights clauses of the EU-Central America Association Agreement and the EU-Central America Partnership and Cooperation Agreement (PCA), in force since 2013,
- having regard to EU Action Plan on Human Rights and Democracy (2015-2019),
- having regard to the 2015 study on 'Addressing the Human Rights Impact of Land Grabbing' commissioned by its Subcommittee on Human Rights,
- having regard to Special Law 840 for the development of infrastructure in Nicaragua, 2013
- having regard to the EU action plan on human rights and democracy 2015-2019, as adopted by the Council of 20 July 2015,
- having regard to European Parliament resolution of 21 January 2016 on the EU's priorities for the UNHRC sessions in 2016 (2015/3035(RSP)),
- having regard to the American Declaration on the Rights of Indigenous Peoples adopted by the Organization of American States (OAS) on June 15, 2016,

- having regard to the Declaration by the Vice-President/High Representative, Federica Mogherini on the occasion of the International Day of the World’s Indigenous Peoples of 9 August 2016,
 - having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union,
 - having regard to Rules 135 of its Rules of Procedure,
- A. whereas in 2013 Nicaragua passed Law 840 which granted a 100 year concession for an inter-oceanic canal through Nicaragua to a private Chinese company HK Nicaragua Canal Development Investment Company Ltd (HKND).
 - B. whereas it gave HKND powers to expropriate lands, exempted the company from local tax and commercial regulations; whereas it also guaranteed HKND that there would be no criminal punishment for breach of contract;
 - C. whereas the Chinese company estimated the cost would be 50 billion dollars and broke ground in December 2014; whereas it has made no visible progress since then,
 - D. whereas no environmental impact study was conducted and no prior consultation was launched with indigenous peoples; whereas the canal would be three times the length of the Panama canal and twice as deep; whereas the canal’s proposed route will go through indigenous lands and would displace between 30000 and 120000 indigenous people
 - E. whereas scientific organizations have expressed alarm that the canal would cut across Lake Nicaragua, endangering Central America’s largest source of fresh water; whereas scientific organizations have asked Nicaraguan government to suspend the project until independent studies are completed and publicly debated
 - F. whereas in April 2016 an organization called the National Council for the Defence of Land, Lake and Sovereignty, presented a measure to the legislature to repeal the law allowing the canal’s construction; whereas despite the fact petitioners collected 7000 signatures, 2000 more that the threshold signatures to ask that any measure be reviewed by the National Assembly, the National Assembly rejected the measure.
 - G. whereas Francisca Ramirez, Coordinator of the National Council for the Defence of Land, Lake and Sovereignty, presented in December 2016 a formal complaint over acts of repression and aggressions experienced in Nueva Guinea in her way to the capital to march against the Grand Interoceanic Canal; whereas on that date one of her trucks had been damaged, and seized along with another vehicle that belonged to her.
1. Calls on the Nicaraguan Government to respect its international human rights obligations in particular the UN Declaration on the Rights of Indigenous People signed in 2008 and ILO Convention 169
 2. Calls on the Nicaraguan Government to protect indigenous peoples’ lands from impacting of mega-projects of development that affect the life supporting capacity of their territories, placing indigenous communities in conflict scenarios and exposing them to the practice of violence
 3. Calls on the Nicaraguan Government to increase the voice and contributions of indigenous peoples in the design and implementation of national environmental strategies and to improve the implementation of the right to prior consultation and to free and informed consent in relation to policies, legislation and development projects potentially impacting on indigenous peoples’ rights and traditional livelihoods, in

accordance to ILO Convention 169 and UN Declaration on the Rights of Indigenous Peoples;

4. Supports the right of environmental and human rights defenders to express their protest without retaliation; calls EU institutions and Member States to reinforce their assistance through the Instrument for Human Rights and the Development Cooperation Instrument towards this end.
5. Calls Nicaragua to effectively launch an independent environmental impact assessment and to make the whole process public; calls Nicaragua to fully implement ILO Convention 169 and to start a public binding consultation as soon as possible
6. Urges Nicaragua to suspend the Grand Inter oceanic Canal works until it is proven its environmental adequateness
7. Urges the EU institutions to monitor this situation and , if needed be, to assess the potential measures to be taken in the framework of the Association and Political Dialogue and Cooperation Agreement.
8. Welcomes the decision to return the two trucks back to Francisca and recalls the need to compensate her; calls Nicaragua authorities to ensure her dignity and wellbeing.
9. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States, the Secretary General of the Organisation of American States; The Euro Latin Parliamentary Assembly; the President, Government and Parliament of the Republic of Nicaragua