



EU-LAT
Advocacy Network
Red de Incidencia

We remember Berta Cáceres and the urgency to guarantee free, prior and informed consent

EU-LAT Network and CIDSE; together represent more than 57 European and international organizations, echoing the requests of [COPINH supported by representatives of the European Parliament](#), demands justice, remembrance and guarantees of non-repetition for Berta Cáceres and urges the EU to guarantee free, prior and informed consultation of the communities affected by economic projects in their territories.

On March 2, 2016, Berta Cáceres, Lenca indigenous leader and coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH by its Spanish acronym), was murdered at her residence in La Esperanza, Honduras. On November 29, 2018, the court found guilty 7 of the 8 accused as direct perpetrators in the murder of the defender and the attempted murder of Gustavo Castro, and linked the company DESA with these events. The individual sentence is still awaited for the 7 persons found guilty. Meanwhile, COPINH continues to request that intellectual perpetrators be judged and is awaiting the hearing of David Castillo, former executive president of DESA.

Berta Cáceres lived defending the territorial and cultural rights of indigenous peoples, women, Garífuna peoples and the peasantry. In her last years, she was the victim of criminalization, due to her activism opposing exploitation of their territories by hydroelectric dams and extractivist activities without the free, prior and informed consent of the indigenous peoples living there.

The case of Berta reflects a reality faced by defenders of territory and the environment in Latin America. The conflict generated by the installation of the Agua Zarca hydroelectric dam adds to a long list of conflicts surrounding the exploitation of natural resources in the region. The same pattern is repeated at different times in different countries, generating social and environmental damages, as well as losses of life. To resolve these conflicts and prevent those that may come, it is urgent to take measures aimed at guaranteeing the free, prior and informed consent of the affected communities.

Beyond consultation, inherent in the concept of consent is the right of communities to reject extractivist activities. The formal recognition of the Right to say No would relieve them from engagement in forms of struggle of resistance in which they are often exposed to violent oppression. The context of energy access and decarbonization cannot be merely used as an excuse for the imposition of hydroelectric projects. Affected populations should participate in the management of natural resources to ensure that their exploitation has a long-term equitable benefit. Without the ability of regional communities to choose their sources of energy, corporations will continue to dictate the energy portfolio, and will do so in disregard of the needs of communities.

While we welcome the initiatives of some of the Latin American governments to formulate a national action plan for the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs), we believe these cannot be sufficiently enforced. It is urgent, thus, for governments to engage in the development of the UN binding treaty on transnational corporations and other business enterprises with respect to human rights, a much needed international law instrument to help address gaps and insufficiencies in the global legal framework. In complementarity with the UNGPs, at its current state the Binding Treaty focuses on prevention and legal liability across the value chain and access to remedy

with an emphasis on rights of the affected people. However, room for improvements in terms of protection of human rights defenders and enforcement mechanisms, among others, make even more so relevant governments engagement in the negotiations. Such binding instrument could provide necessary legal measures to prevent conflicts, avoid more violence and ensure access to justice for communities when confronted with the violation of their rights.

Since the murder of Berta Cáceres, civil society has recognized the systemic nature of the injustices she suffered, without forgetting this unique loss of life. Her family and her community are still denied access to justice. The EU-LAT Network and CIDSE urge the EU and its Member States to demand that the Honduran State adopt all necessary measures to ensure that the intellectual actors of the murder of Berta Cáceres are duly prosecuted, in line with the European commitment assumed in the matter of protection of the defense of human rights.
