

Quibdó, April 16, 2012¹

Mr. Barack Obama
President of the United States of America
Washington D.C.

Mr. Obama,

Given that the previous consultation mechanism was not applied by the US and Colombia prior to the passage of the FTA and that as such Afro-Colombians were not given the opportunity to negotiate minimum protection measures for their leaders and the leaders of their ethnic and social organizations. We would like to share with you some of the difficult realities facing our people and the damage that we will continue living if protection and prevention mechanisms are not put in place regarding this agreement. Also we would like to offer recommendations to the US government.

According to statistics from the National Statistics Department, Afro-Colombians encompass the lowest socio-economic indicators. In the Free Trade Agreement signed between your government and that of President Juan Manuel Santos, it is unclear to us how the FTA will improve Afro-Colombians' situation. Rather, on the contrary we believe that the FTA will exacerbate the exclusion faced by Afro-Colombians.

1. Prior Consultation, Planning and Large-Scale Development Projects

Colombia has ratified Convention 169 of the International Labor Organization, which requires its signatories to consult in a full and informed manner all development projects designated for ethnic territories. In the case of the FTA, no such consultation took place despite the fact that we are from the region with the largest Afrodescendant population and large scale economic projects are planned for our territories. These are territories that have also been hard hit by the actors in the internal armed conflict.

Our communities are not able to fully exercise the rights we have under the Colombian Constitution, Law 70 of 1993 and other regulations. Law 70 grants us rights to collective land titles for territories we have occupied since ancient times. After nearly 20 years of existence of this law, several of its key chapters have not been regulated (fully implemented). On the contrary, these chapters have been rendered invisible in new legislation. The lands were titled to our communities so that we could improve the quality of life of our communities and guarantee Afro-Colombians' survival in their territories. However, licenses have been granted in these same territories to multinational companies for mining, extensive monocultures, agro fuels and other large-scale economic projects that will only benefit investors. These activities will also lead to mass displacement of the legitimate owners of these territories. In 2011, the Afro-Colombian community councils of Cocomopoca were granted collective titles to seventy-three thousand hectares of land. At the same time, the authorities granted fifty-five thousand hectares of concessions to mining companies in the same area.

3. Public policies without a differentiated approach towards human rights, gender equality, generation and ethnicity.

Colombia has prevailed due to an economic model imposed from the central level, which does not respond to the dynamics, cultures, rights or the basic needs of the inhabitants of areas in the country's peripheries. It is a model that prioritizes extractive industries at the expense of the ethnic communities living inside the territories where the items to be extracted are found. According to domestic figures and international agencies, *Colombia was the only region of the continent where in 2011 social inequality increased*. Those most affected by the increase were Afro-Colombian children, youth and women.

4. Forced displacement, killings, threats and impunity.

Studies by the Catholic Dioceses and ethnic social organizations from the Colombian Pacific report *the highest rate of killings of Afro-Colombian leaders and women leaders in the last 15 years*. This high rate of killing is taking place in territories where large scale economic development projects are taking place that have caused the forced displacement of over half of the population in the Department of Chocó.

The Diocese of Quibdó, Apartadó and Istmina record more than 1,000 murders in the Atrato region from 1996 until today. These cases remain in impunity. Leaders and their organizations continue to receive death threats from the paramilitary organization the Black Eagles, the security forces and the FARC. Physical protection mechanisms implemented by the State institutions have not been effective in protecting persons in the few cases where these institutions have actually responded to the need for protection. This is evidenced by the recent March 23, 2012 murder of leader Manuel Ruiz and his 15 year old son, Samir Jesus Ruiz Gallo at the hands of paramilitary groups in the municipality of Riosucio - Chocó.

No displaced community that has returned to their territory has done so with dignity. Many leaders who demand to be returned to their lands are killed. Those who decide to stay in the city of Quibdó, are being systematically threatened and many have had their children murdered (in the first four months of 2012 more than 30 people have been killed in Quibdó, victims are found mostly among the displaced population).

Despite these figures the Colombian government has not implemented the different orders of our honorable Constitutional Court nor its obligations and commitments aimed at guaranteeing the care, protection and collective reparations to Afro-Colombian displaced persons. The recent law on victims and land law provides for individual compensation. This is not sufficient in responding to loss of a displaced person's earnings, nor does it consider the status of the territories were in before the forced displacement took place and the damage caused to those territories after the displacement. The law does not create the conditions necessary to guarantee truth and justice for victims. It also does not include measures that guarantee non-repetition of crimes.

5. Violations of International Humanitarian Law

The most serious problems affecting the black communities today are related to mining, the environmental crisis and social crisis. Another serious problem for our communities is the presence of state and insurgent armed groups that encourage illegal and irrational exploitation of our biodiversity, especially energy mineral resources. These groups have their own interests in mind and they undermine any possibility of our communities' efforts to organize and resist against what they are doing.

The state and armed groups that operate outside of the law declare anyone a military target who does not meet its requirements. We have recorded over 50 complaints that include reports of killings and illegal occupation of public buildings. We have made these complaints known to regional, national and international mechanism and up until now no one has implemented any real justice mechanisms.

RECOMMENDATIONS

Colombia's Constitutional Court has expressed concern about the physical and cultural extermination of Afro-Colombian communities. At the Catholic Bishops meeting in Brazil on the Americas where the plight of afrodescendants was analyzed great concern was expressed in Article 90 of the document Aparecida on "the constant threats to the physical, cultural and spiritual Afro-Colombians." Given that these realities are not a thing of the past but the present reality of our people, leaders and organizations and taking into account that the implementation of the Free Trade Agreement between Colombia and the U.S. We believe that this FTA will worsen the situation faced by Afro-Colombians unless steps are taken to protect the human rights of Afro-Colombians. We believe that your government is not interested in contributing to the extermination of Afrodescendants in Colombia. As such, we ask that you use your government's good relationship with the Colombian government and the recent acceptance of the FTA to ask that Colombia respect and grant full enjoyment of the rights to Afro-Colombians in the following manner:

1. Implement the proposal for previous consultation adopted by the 58 member organizations that form part of the Interethnic Solidarity Forum of Chocó (FISCH) in all economic and other projects that will affect the life, culture, identity, traditional production practices and spirituality of Afro-Colombians in the Chocó. As a precautionary measure we ask that all exploration and concession licenses given to multinational mining companies without observing the previous consultation mechanism are suspended.
2. Develop, implement, and evaluate Colombia's current public policies so as to guarantee that they follow a differentiated approach that includes human rights, ethnicity, gender and generation.
3. Regulate (fully implement) Law 70 of 1993 with the active participation of social organizations and ethnic territorial authorities.
4. Formulate and implement policies that combat impunity, Report to the organizations of

the outcome of complaints concerning threats and assassinations of their leaders and fully guarantee protection of leaders and their collective territories.

5. Throughout the territories where Afro-Colombians reside fully implement the orders of the Constitutional Court that refer to the protection and restoration of rights of Afro-Colombian displaced persons and the victims of political violence.

6. Designate public resources that guarantee implementation of the economic development plans developed by ethnic organizations (“life plans”).

This letter is signed by the following organizations:

MOVIMIENTO DE VÍCTIMAS
ASOCIACIÓN DE VÍCTIMAS DEL CHOCÓ (ADACHO)
FUNDACIÓN MUJER Y VIDA
COMITÉ DE GESTIÓN Y DE VEEDURÍA
RUTA PACÍFICA
RED DEPARTAMENTAL DE MUJERES CHOCOANAS
ASOCIACIÓN DOS DE MAYO (ADOM)
ASOCIACIÓN CAMPESINA DEL BAUDÓ Y SUS AFLUENTES (ACABA)
CONSEJO COMUNITARIO DEL ALTO ATRATO (COCOMOPOCA)
CONSEJO COMUNITARIO DEL MEDIO ATRATO (COCOMACIA)
ORGANIZACIÓN DE BARRIOS POPULARES
FORO INTERÉTNICO SOLIDARIDAD CHOCÓ (FISCH)
CONFERENCIA NACIONAL DE ORGANIZACIONES AFROCOLOMBIANAS
(CNOA)

ⁱ Translation from Spanish to English provided by WOLA. For further information contact Gimena Sanchez-Garzoli, WOLA, gsanchez@wola.org