



Dr. Ken Yamashita
Mission Director
U.S. Agency for International Development
Cra. 45 #24B-27, Gate 2
Bogota, Colombia

Dear Dr. Yamashita,

We were happy to learn that USAID opened up its \$61.4 million dollar five-year grant for improving the socio-economic status of Afro-Colombian and Indigenous communities. We think that it is positive that USAID is widely publicizing the grant, encouraging a more open and transparent application process and asking a wider set of contractors, NGOs and institutions to present proposals.

As such we have been monitoring the proposal submission process closely and wanted to take the opportunity that the March 10th USAID civil society consultation grants us to re-state some concerns and offer recommendations for the second step of this process. It is our hope that USAID will consider the concerns and recommendations made by our Afro-Colombian partners in the letter sent to you on April 19, 2010. We appreciate the concerted effort under your leadership to change USAID programming in a manner that guarantees more transparency, efficiency and the implementation of projects that better assist Afro-Colombian communities.

In this vein, we recommend the following:

- Full implementation of USAID's amendment to the guidelines for proposal applications that discourages exclusive agreements between applicants for this grant and local Colombian groups. We have received reports that applicants are seeking exclusive agreements and that this is generating tension, divisions and pressure on Afro-Colombian and Indigenous leaders and groups. Whoever receives this grant will need to respect and work with the designated authorities of the Afro-Colombian and Indigenous communities.
- U.S. legislation designated this funding for Afro-Colombian and Indigenous communities. As such, it is important that whomever USAID determines to be its contractor for this grant previously consult with and

actively integrate the organizational structures set forth in Law 70 of 1993 for Afro-Colombians and mindful of Article 330 of the Colombian Constitution for the indigenous cabildos. If a project is going to be implemented in a collective territory then it must be previously consulted in a free, transparent and informed manner in accordance to guidelines set forth on this by Colombia's Constitutional Court with their own legitimate authorities. Furthermore, the contractor must report on the methodology used for each of these consultations and ensure that these reports are available to the public in order to guarantee transparency and oversight.

- USAID must ensure that the chosen grantee and its implementing partners do not impose projects that the communities do not agree with or are considered problematic or harmful by the residents of that community. In addition to guaranteeing implementation of a previous consultation mechanism, USAID must also ensure that organizational structures (i.e. Afro-Colombian community council, Indigenous cabildos, regional and national ethnic organizations and credible grassroots groups) of Afro-Colombian and Indigenous communities are strengthened by the grant and that these leaders capacity to implement projects themselves is built up. We, the undersigned organizations, are happy to assist and facilitate these processes.
- Whoever receives the grant should support the creation of an Inter-Ethnic Committee of Afro-Colombian and Indigenous representatives that is democratically elected by Afro-Colombian and Indigenous cabildos. The Committee should serve as the interlocutor with USAID and its contractor. This Committee's purpose would be to guarantee that the previous consultation mechanism is properly implemented between USAID, the contractor, the appropriate territorial authorities, and credible grassroots groups. The Committee should also guarantee the implementation of Colombian Constitutional Court Orders 004 and 005, in addition to the communities' territorial development plans at the regional and community level, into the economic development strategy. Prior to designing and implementing the next phase of the USAID ethnic minorities' grant, USAID should revisit its current Afro-Colombian strategy and develop its Indigenous strategy with the persons elected to this Committee.
- Efforts must be made to make sure that these projects do not divide the Afro-Colombian and Indigenous peoples by favoring one group over another, as well as cause divisions within these ethnic groups. It should also make an effort to not make sure tensions are not created between mayors, municipal authorities and the traditional ethnic leaders by facilitating open, transparent and constructive dialogue between these entities when it concerns both jurisdictions. To guarantee that divisions do not take place among members of the collective territories, we recommend that USAID's contractor directly consult with the community

councils and cabildos in question as well as the regional and national organizations that encompass those groups. In urban or non-titled settings we recommend that grassroots groups formed by these ethnic minorities are consulted.

- The grantee must respect the autonomous decision making process of Afro-Colombian and Indigenous communities responsible for the area or urban center where the project will be implemented. In urban areas with a high number of internally displaced persons, it is essential that the contractor follows the recommendations made by Colombia's Constitutional Court on Afro-Colombian and Indigenous internally displaced persons. We also recommend that the contractor frame and design its projects geared for IDPs based upon USAID's own policy on internal displacement and the CODHES/Brookings Project guide on implementation of the UN Guiding Principles in Urban Settings.
- Contractors, NGOs (both U.S. and Colombian), and personnel that form part of the implementation of this grant should be fully screened to guarantee that they do not have any ties, alliances or other links with illegal armed groups and politicians under investigation with links to paramilitaries, their successor organizations, guerilla groups, organized crime networks or narcotics traffickers.
- USAID's implementing partners should not employ persons who have been investigated for corruption or ties to illegal armed groups, narcotics traffickers, or their benefactors (including politicians, private sector, etc.). Rigorous background checks should be made of all personnel involved in the application of such grants.
- USAID's land protocol must be fully applied in all territories where USAID projects are to be implemented. USAID should contract independent evaluators with expertise in Afro-Colombian and Indigenous rights to analyze this project after two years of implementation and again at the end of the project.

We thank you for giving us the opportunity to provide our input in this process and look forward to our continued dialogue on these important matters.

Sincerely,

Gimena Sanchez
Washington Office on Latin America

Nora Rasman
TransAfrica Forum