

41st Congressional Black Caucus Foundation Annual Legislative Conference

Rep. Donald M. Payne Panel

“Still Shackled: Afro-Latinos in the 21st Century”

September 22, 2012

Presentation by Marino Cordoba of AFRODES USAⁱ

I wish to begin by thanking Representative Donald Payne for his leadership on Afro-Colombian issues and for the opportunity to speak with you today. It is a special privilege for me to speak on a CBC panel since were it not for various African American Members of Congress who intervened on my behalf I would most likely not be alive today.

My name is Marino Cordoba and I work with AFRODES USA. I came to this country nine years ago after surviving the aerial bombardment of my village of Riosucio (Chocó) in 1996 and escaping various assassination attempts due to my activism in defense of the territorial and human rights of Afro-Colombian communities.

I wish that I could say to you today that the human rights situation of Afro-Colombians today is much better than when I left Colombia. However, doing so would be a lie. Since I've left the situation for Afro-Colombians has deteriorated.

Today Colombia has 5 million IDPs, the highest total population of internally displaced persons in the world. Many of the displaced, up to 2 million, are Afrodescendants, mostly women and children who now live absolute poverty and facing racial discrimination in the shantytowns of Colombia's cities.

Our leaders continue to be killed and to receive death threats. Persons who defend land rights, both Afro-Colombians and others, are killed at an alarming rate. Afro-Colombian groups like AFRODES, COCOCAUCA, COPDICONC, and many community councils are not only subject to threats but robberies, and intimidation from illegal groups. This prompted leaders to call for a national protest on October 12 to defend the lives of our leaders and also say NO to the US-Colombia FTA that will only increase abuses against us.

Paramilitaries and guerillas continue to operate with impunity in our territories. My home Department of Chocó, where Zulia Mena is also from, has experienced un-going combat for the past six months generating the displacement of thousands and kidnappings of groups of persons. Another alarming fact is that in

Nariño Department in 2011 alone over 350 Afro-Colombians were killed. Impunity in cases committed against Afro-Colombians reigns.

Given that I am presenting to the CBC I would like to make a special plea to all of you today. Do not vote in favor of the US-Colombia FTA. Second, please take bold actions to protect the lives and the collective territories of Afro-Colombians.

The Labor Action Plan signed by Presidents Obama and Santos in April in a country where forming part of trade union amounts to a death sentence, is an important step forward in initiating long term work that seeks to guarantee effective protection for the human rights and labor rights of unionized workers. It should note that the majority of Afro-Colombians cannot even form trade unions and must be employed through subcontractors. As such conditions for Afro-Colombians in the sectors we work in are abominable.

However, we at AFRODES are profoundly worried that this Plan does not include conditions that protect the human rights, territory, and autonomy of afrocolombian and indigenous peoples. These being the groups primarily affected by the conflict and who are hard hit by violence due large scale development projects, agrofuels and large scale infrastructure projects. The implementation of an FTA without having addressed these conditions and guaranteeing that we can recover our rights and exert economic and cultural autonomy as stipulated in our Constitution and laws will deepen our exclusion.

Colombia has not implemented laws and public policies that our own Constitutional Court has ordered it to do so (Auto 005/2009, Auto 004/2009 y Auto 092/2009). It does not assign resources from its budget to implement the policies benefiting Afro-Colombians.

President Santos' flagship victims' law is inadequate in terms of the collective rights of ethnic communities. The part on victims of displacement is a step backwards with respect to the jurisprudence produced by the Constitutional Court in terms of prevention and protection of the rights of IDPs. Also the law was designed and passed without following the previous consultation process required by our communities. It will be done after the fact and consultations are scheduled to take place but that will be too late in terms of incorporating the concerns of our communities, making Afro-Colombian rights secondary.

The Colombian State has ratified international conventions such as Convention 169 of the International Labor Organization (ILO). By doing so, it has committed itself to guarantee that ethnic minorities are guaranteed the right to be previously consulted. Despite this fact, it has not adopted laws that require this. This has allowed for legislative and administrative decisions that affect communities move forward without these communities having a say in them. Precisely many communities that will be affected by investments tied to the Free Trade Agreement were not even informed of

the content of this agreement. This reality is worrisome given the historic tendency exhibited in afrocolombian territories whereby large scale development projects tied to foreign capital correlate with zones of the country that have experienced forced displacement.

In closing, I would like to recommend to you all to please act in favor Afro-Colombian rights by:

- 1) Voting **NO** on the US-Colombia FTA.
- 2) Designing a Plan of Action for the protection and promotion of Afro-Colombian and Indigenous human rights prior to passage of an FTA.
- 3) Investigating and prosecuting major crimes committed against the afrocolombian people.
- 4) Giving financial and Budget support for the ethnic development plans, plans and projects constructed by the Community Councils who manage the collective territories of the afrocolombian communities.
- 5) Joining us on October 12th in Bogota in our *March for Life and Anti-the US-Colombia FTA*. If on that day you can make public pronouncements in solidarity with the hundreds of Afro-Colombians who will be marching it will go a long way in ensuring their protection and that our voices are heard around the globe.

Thank you

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