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Expropriation, Repression, and Death: The Colombia-U.S. FTA and the Rights of Afro-Colombian Communities

On April 6, the U.S. and Colombian governments signed an Action Plan to advance the passage of the FTA. This Plan concentrates on some aspects of labor union issues but completely ignores the critical human rights situation affecting afro-descendants and indigenous populations in Colombia.

The Black Communities' Process of Colombia (PCN) expresses its deep disappointment and concern regarding President Obama's openness to the approval of the FTA with Colombia. This openness is in spite of the clear opposition of a considerable sector of civil society in Colombia as well as in the United States, including the opposition of members of the U.S. Congress.

We recognize and value that the presidents have taken up, albeit only partially, the critical situation of Colombian laborers. However, we reiterate, as we have expressed in multiple occasions, that the negative impacts of the FTA are not confined solely to the labor field.

In Colombia millions of small farmers, Afro-Colombians, and indigenous peoples will see that the advantages offered to U.S. multinationals in the investment chapter of the U.S.-Colombia FTA (which are not topics of discussion in the recently signed Action Plan) will have profound territorial, social, cultural, and human rights impacts on these populations. The Action Plan does not tackle the roots of the labor and security problem, nor does it interest itself in the impact that the FTA will have on the rights of indigenous and afro-descendants prior to the FTA's approval and during its implementation.

While President Obama celebrates the progress on Colombian human rights, the black and indigenous communities, organizations, and leaders suffer from constant attacks on their rights which the President fails to recognize.

Only two months ago, on February 28, the Navy burned the houses of 119 residents of Bajo Calima, an area close to the Port of Buenaventura. The Navy was defending the interests of a large-scale economic project, the Industrial Port of Fresh Water S.A. (*Puerto Industrial Agua Dulce S.A.*), over the territorial rights of the families which had lived in the area for over seventy years. The Industrial Port of Fresh Water S.A. is part of the infrastructural development projects that the Colombian government is preparing for the implementation of the FTA.

Similarly, more than 3,500 Afro-Colombian families face displacement in five neighborhoods of *Bajamar* in Buenaventura in order to make way for a port expansion

and mega-tourism project. The government hopes that this project will open and connect the port with international markets via the Pacific. Likewise, the expansion of the Cali-Buenaventura highway, with the same intention as the port expansion, has caused environmental and social tragedies such as that of Zaragoza, which has cost the lives of at least 2,000 people.

The Peace Communities of Jiguamiandó and Curvaradó in Chocó and those of Cacarica in Urabá share the same fate. These emblematic cases of illegal and violent usurpation, where the Colombian government has used a carrot and stick policy against the communities, have taken the lives of 197 members of the Peace Community in Cacarica and a similar number of leaders of Jiguamiandó y Curvaradó.

The so-called “locomotive” of mining, the flagship of the Santos administration’s economic policies, has communities living in ancestral territories on the brink of expropriation and displacement (for example in Northern Cauca, Chocó, Guapi, and Buenaventura’s waterfront). The current mining code denies the customary rights of local miners that for years have practiced artisan mining as a means of subsistence.

Predatory projects such as those mentioned above, which are carried out in the interest of implementing the FTA, have affected and will continue to affect the food sovereignty of communities that have the possibility of developing alternatives that are economically, environmentally, and culturally sustainable. On the other hand, they have caused the internal displacement of 1.5 million Afro-Colombians, 78% of which live in poverty. Proposals such as the cooperative system not only perpetuate the impoverishment of Afro-Colombian communities forced into informal labor markets, but also undermine the unions’ struggle for labor rights that the Obama-Santos Action Plan supposedly protects.

In addition to the economic, cultural, and environmental impacts, we suffer from the constant threats, assassinations, and persecution of Afro-Colombian human rights defenders. Paramilitary groups known as the Black Eagles threaten close to one hundred organizations, Community Councils and leaders. These organizations include advocates for the internally displaced, such as AFRODES and PCN. Recent studies show that ten out of every one hundred black women receive death threats. Even when underestimated, more than fifty black leaders were killed in the past ten years for defending their rights. Impunity has reigned in every case therefore legitimizing perpetrators of violence.

The communities, Community Councils, organizations, and members of PCN are in solidarity with the discontent voiced by U.S. Congress members Hank Johnson, Jim McGovern, Louise Slaughter, Sherrod Brown and Linda Sanchez, among others. We will maintain our position against the Colombia-U.S. FTA until:

1. The FTA is substantially modified regarding its regulations on investment, and the mechanisms effectively guaranteeing the protection of the rights of communities where U.S. multinationals and their affiliates hope to invest are defined.

2. The Colombian government demonstrates, with concrete actions, its political will to respect and apply the communities' right to previous, legitimate, free and informed consultation and consent processes. This should be expressed through full compliance with Constitutional Court Order 005, Law 70 of 1993, and ILO Convention 169, in which the mechanisms and protocols for Free, Informed and Previous Consultation and Consent are specified. Likewise, political will should be expressed by the implementation of a legitimate consultation process for the National Development Plan "Prosperity for All" and the consultation and appropriation of resources for the implementation of Integral Development Plan for Black, Afro-Colombian, *Palanquera* and *Raizal* Populations.
3. The cooperative system is eliminated and a coherent policy to protect the informal sector of the economy is formulated.
4. The United States government evaluates, through an independent mechanism, of the true human rights situation (in particular the rights and situation of Afro-Colombians) and determines, applying the right of Previous Consultation and Consent, the pre-requisites that the Colombian government should complete in regards the protection of rights of these communities prior to the approval of any agreement.

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Mandate of the IV Assembly PCN, 2008