



# WOLA

## **Hostages in Our Own Territories: *Afro-Colombian Rights under Siege in Chocó'***

The Washington Office on Latin America (WOLA) visited the Middle and Upper regions of the Atrato River Basin in Chocó in March 2012. We conducted field visits and met with Afro-Colombian and indigenous communities and their territorial authorities, in addition to grassroots, women's rights, human rights, and displaced persons organizations. We also met with religious groups and Colombian authorities. The internal armed conflict is deepening in the Pacific region of Colombia and has resulted in an increase in abuses, displacements, and confinements of the local population. Afro-Colombian and indigenous leaders and human rights defenders face an alarming climate of insecurity. All of the armed groups commit abuses, and the mining boom is increasing violence and infringing on ethnic minorities' individual and territorial rights.

The department of Chocó is tremendously rich in biodiversity and natural resources. It is located in northwest Colombia, on the border with Panama. Chocó is inhabited principally by Afro-Colombians (80 percent of the population) with a smaller percentage of indigenous peoples (10 percent). The region has suffered from historic marginalization by the state. Since 1986, the internal armed conflict and violence have profoundly affected Chocó. While there was a decline in the rate of violence after the United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC) paramilitary group participated in the demobilization process in the 2000s, the conflict has worsened in recent years. The crisis caused by the para-politics scandal and corruption involving the political elites of Chocó have resulted in the plundering of the department's public resources. Federal authorities responded by taking control of the regional government. However, instead of resolving the problem, Chocó's debt has increased. Many Chocoans suffer from insecurity, unemployment, and poverty. Most of them do not receive basic government services. Most of the residents Quibdó, the capital of Chocó, do not have potable water. Fifty-two percent of the Quibdó's residents are Afro-Colombians that were forcibly displaced from their land in the last twenty years.

Since 2011, illegal armed groups operating in Chocó have carried out four armed strikes (May 2011 by the FARC, September 2011 by the FARC, and January 2012 by the

Urabeños).<sup>ii</sup> WOLA's March 2012 visit coincided with the latest armed strike by the FARC's Front 57. The order was clear: all transport (land, water, and air) in Chocó was prohibited between March 1 and 8. All transport vehicles, including "canoes, *champas*, and motorboats,"<sup>iii</sup> should not be used. The FARC's pamphlets seriously threatened whoever violated the order. The armed strike prohibited access to foodstuffs for Afro-Colombian and indigenous people living in rural areas, who have to travel in order to grow and harvest their crops. The armed strike resulted in a total paralysis of activity in the region because there are few roads and residents travel mostly by river.

Civilians in rural areas are trapped in regions where all of the armed groups are active. These groups operate in and around Afro-Colombian and indigenous territories. In these areas, confinement and displacement are commonplace. Anti-personnel mines are another major concern. Civilians' activities are restricted, food products are controlled, and many residents are extorted. Illegal groups commit abuses against civilians, forcibly recruit youth, and sexually exploit women and minors. The presence of armed groups has resulted in an increase in prostitution, as well as social and cultural disintegration.

### **Mining:**

President Juan Manuel Santos declared mining as one of the economic engines of Colombia's economy. Currently, 40 percent of Colombia's territory has been authorized or requested for mining concessions. The government has promoted legislation to facilitate the implementation of large-scale mining and has given out mining licenses in indigenous reserves and Afro-descendants' collective territories. The government has also affirmed that protests against the mining industry are illegal.

The mining boom has greatly affected indigenous peoples and Afro-Colombians. The Colombian government has granted 236 mining licenses in Afro-Colombian territories and there are 1,868 pending applications.<sup>iv</sup> In 2011, 168 licenses were granted in indigenous *cabildos* and there are 978 pending applications. Eighty percent of human rights violations occur in areas where mining and energy production has been concentrated in the past decade.<sup>v</sup> These regions also coincide with areas that have suffered the most forced displacements. Grupo Semillas, a Colombian NGO, reports that 89 percent of the indigenous and 90 percent of the Afro-Colombians assassinated in recent years were killed in these areas.<sup>vi</sup>

After eleven years of struggle to acquire a collective land title, the Afro-Colombian Community Council of Opoca (COCOMOPOCA) was finally granted the right to 73,000 hectares of collective land titles in September 2011. The collective land title covers 43 community councils, which include approximately 17,500 people. However, COCOMOPOCA found out that the government had already granted mining concessions for about 50,000 of the 73,000 hectares belonging to COCOMOPOCA. These mining concessions were granted without respecting the communities' right to free, prior, and informed consultation (FPIC). Colombian legislation declares that the state has the right to the subsoil and that only the ground belongs to whoever possesses the land title.

While multinationals and national companies have not yet begun to fully exploit the gold mines and other minerals in these areas, illegal mining is carried out within COCOMOPOCA's territories without the community's approval. Civilian and military authorities have not made significant efforts to seize dredgers and heavy machinery used for mining that often pass through police and military checkpoints. Illegal armed groups profit from mining operations; their presence and actions have caused forced displacement in all parts of Chocó where there is illegal mining.

Afro-Colombians, who have sustained themselves through artisanal mining for generations, are not allowed to work in the mines unless the armed groups grant them permission to do so. Armed groups often only permit the locals to work in the mines for limited periods of time in heavily contaminated environments. Most miners are employed by illegal groups, who provide individuals that they approve of with an identification card that provides them with access to mining operations. People without this card are not able to work in the mines.

Illegal mining gained momentum in 2007 when the heavy machinery used for mining began to arrive from Antioquia. Since then, the security situation for Afro-Colombian leaders has worsened. Almost all of the Afro-Colombian community council leaders face death threats and confront enormous obstacles to community organizing.

### **Impacts of Mining:**

Mining has adverse effects on communities' medical health and their economic sustainability. Mercury, cyanide, and other chemicals are used in illegal mining operations. The chemicals contaminate the rivers and wind up in the locals' fish and crops. Given that the population uses the river water to drink, bathe, wash clothes, and water crops, the contamination is adversely affecting their health. The recent flooding also destroyed many crops. Economic sustainability has weakened because the locals have restrictions placed on their work in the mines, while fishing and small-scale farming do not provide enough of an income. The timber industry is strongly controlled by illegal armed groups, and it is a risky business for locals.

In social and cultural terms, the mining operations are destroying the communities' traditional lifestyle. Many young women, some of whom are minors, have children with members of armed group and miners from outside the region. It is common for many of these men to abandon the young women after they tire of them and refuse to contribute to the child's upbringing. Women are often stigmatized for having a child with these men; furthermore, they consequently run the risk of reprisals from other armed groups. This often causes them to fall further into poverty because they must raise a family at an early age without support. In addition, the men expose the girls to sexually transmitted infections. Not all of the interactions are voluntary, and it is common for the men to demand relations "the easy way or the hard way."

Some Afro-Colombian cultural traditions call for parents to wait for the umbilical cord to fall off naturally after a child is born. The umbilical cord is then blessed with herbs, oils, and a prayer for the child to take on specific personality traits or those of a community

leader that they would like their child to embody. Afterwards, the umbilical cord is buried at the root of a tree. This cultural practice demonstrates that the well-being of a person is connected to the territory, and he or she can visit the site in order to gain strength through their connection with the land. Environmental damage has led to the destruction of some of these trees, hindering the practice of this tradition.

### **Displacement: A Constant Threat**

The major concern facing many of the communities is the high risk of displacement due to the activity of illegal armed groups, violence related to mining, and the destruction of subsistence farming. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that in January and February of 2012, some 5,500 people were victims of mass displacements in Colombia, and the departments of Chocó, Cauca, and Nariño were the most affected.<sup>vii</sup> Fourteen of these displacements were carried out within Afro-Colombian and indigenous communities. Mining and energy producing regions also have high murder rates for ethnic minority leaders.

Displaced persons' living conditions are very grave. Interviews revealed that while the majority of displaced people in Quibdó are surviving, the authorities pay virtually no attention to their security, housing, and economic needs. Even though several Constitutional Court Orders, including Order 005 of 2009, were developed because of concerns in Chocó, and despite significant financial support from the international community for displaced persons, there are few positive results on the ground. Currently, internally displaced persons (IDPs) live in misery, and their situation has not changed in the last 20 years. Relatives are also forced to accommodate newly displaced persons, which leads to overcrowding.

Many displaced persons have not received support from the government. Those that have received support say that the process was tremendously difficult, and, once received, the support was inadequate. We have heard stories of people waiting up to two years in order to receive assistance. Internally displaced persons indicated that they are often treated as outcasts by local authorities when they try to seek benefits. Many of them also complain that they are forced to go from one office to another, a process known as “carousel of the victims.” In many instances, the victims have to wait long periods of time simply to speak with someone. Plans are underway to place all of the institutions under the same roof in order to resolve this, but the building site has yet to be chosen.

Internally displaced persons expressed concern that the little assistance offered is “clientelistic,” which is to say that it makes them dependent on the state. This kind of support does not help them “get back on their feet” or create a self-sustaining economic project that allows them to become self-sufficient. At times, internally displaced persons have received grants for projects, but the size and structure of the grants are mismanaged, and, as a result, people spend the money on economic projects that fail.

The majority of urban internally displaced persons live on privately owned lands in the northern area of Quibdó. Internally displaced persons have been forced to settle in

these areas and construct housing because the state has not provided adequate alternatives. When housing has been constructed for IDPs, a combination of corruption and inadequate design for hot weather prevents sustainable solutions, especially for large families. These neighborhoods are far-removed from the center of Quibdó, and it is expensive for IDPs to travel to central areas where they try to sell fruits, foodstuffs, and other items in order to sustain themselves.

The lack of security is very worrisome for displaced communities. At least 12 young IDPs were murdered in the northern area of Quibdó since the start of 2012. WOLA was shown copies of death threats and a pamphlet circulated by the paramilitaries. The pamphlet declared a curfew beginning at 8:00 p.m., and individuals that did not obey the curfew would be targeted by the military. The paramilitaries had also initiated a social cleansing campaign where, for example, people accused of robbery would be punished by having their hands or feet cut off by machetes.

This is especially difficult for the families who have suffered from the trauma of displacement due to violence and conflict. The paramilitaries also forcefully recruit young people. In certain cases, the recruitment is supposedly “voluntary,” where the paramilitaries take advantage of the youth’s desperate economic situations. The youth are also forced to join “micro-trafficking” rings, small-scale drug business run by the paramilitaries. These forms of recruitment are also a factor that generates the division of families.

### **Attacks against Leaders:**

Security for IDP leaders is a significant issue. Paramilitaries have threatened to kill at least ten leaders of women’s, indigenous, and Afro-Colombian organizations. Afro-Colombian and indigenous leaders have also been declared military targets. Many leaders have received individual and collective threats and fear for their lives daily. They must work and live in an environment where they constantly fear for their own lives as well as that of their children. The paramilitaries search for the children of IDP leaders in order to terrorize the leaders. This has led some leaders to send their children to schools far from Quibdó in order to protect them from harm. Other leaders have suffered the irreconcilable loss of their children. Calls for authorities to set up protective measures for these organizations and their leaders have fallen on deaf ears.

Although the police are present in the area, locals have informed us that the police work in collusion with illegal groups and/or miraculously seem to disappear when paramilitaries are abusing the youth. Everyone is afraid to discuss or denounce these crimes, and the law of silence prevails. The rate of impunity is almost 100 percent when it comes to assassinations. We also found that it is difficult for police to control the security situation due to the heavily armed nature of the paramilitaries and guerrillas. Paramilitaries have killed several police in recent years.

## **Government Institutions: Threatened by Guns and Corruption**

Some state institutions (the Human Rights Ombudsman, the Attorney General, and the Inspector General) confront enormous obstacles in their attempts to defend the rights of displaced persons. One of the problems officials face is insecurity in rural areas. On March 11, the FARC distributed a pamphlet in the nearby town of Riosucio indicating that they were taking over the city center and would combat all state institutions, including prosecutors, city councilors, and human rights ombudsmen, because they were corrupt.

Another problem affecting officials is an immense work load. Each time a new law is passed at the national level, which is frequent, the list of tasks that the regulatory bodies must accomplish grows. However, this is not matched by an increase in either budgets or staff at the regional level. These offices are understaffed yet over prescribed in the number of tasks they are expected to accomplish. Furthermore, the restructuring of state institutions means that projects are further delayed until these changes are finalized.

The October 2011 elections brought a new wave of leaders to the capital of Chocó. For twenty years, the Sánchez de Oca family dominated politics in the Lower Atrato and Quibdó. Paramilitary infiltration in Chocó led to the incarceration of various members of the Colombian Congress due to their connections with illegal groups. The combination of politics, clientelism, para-politics, and endemic corruption has been harmful to the residents of Chocó.

Zulia Mena, the first Afro-Colombian woman to be elected to Colombia's Congress to represent black communities after Law 70 was passed in 1993, was elected mayor of Quibdó. Locals have high expectations that she will bring about rapid change. According to a recent national poll, Zulia Mena is ranked as the fifth most popular mayor in Colombia.<sup>viii</sup> However, Chocó's new leaders face an increasingly more complex security situation, in addition to practically non-existent budgets, corruption, rampant clientelism, and a significant number of displaced people affected by systematic poverty. Mayor Mena has made it a priority to bring together the government and civil society to construct a joint plan to help Quibdó tackle its unemployment rate of 23 percent, which is the highest in the country.

### **Santos Visits Quibdó:**

On March 12, 2012, President Juan Manuel Santos held a meeting of the Colombian Security Council in Quibdó in response to an armed blockade orchestrated by the FARC. For WOLA, it was striking to witness how the President and his cabinet's visit was manipulated by the media, given the lack of security in the region and the degree to which the population's basic needs are not satisfied. The government arrived and left on the same day and failed to interact with the leaders of grassroots organizations or the Afro-Colombian territorial authorities. On the day of Santos' visit, a strong military presence created the illusion of public order. However, before and after the President's visit, illegal groups continued to exercise control over the population. Many locals

expressed to WOLA that these visits further illustrate the state's racism towards Afro-Colombians. Government officials arrive and promote their military and political agendas, promising money for projects that will mostly benefit the state and outside economic interests. They take pictures for the newspapers claiming to be rescuing Afro-Colombians, but the high-level delegations leave without ever catching a glimpse of the reality on the ground.

In a closed meeting with government authorities, the president announced the creation of a new battalion based in Riosucio, the "Meteor Unit." The unit will patrol the roads between Chocó and Risaralda and includes 300 additional new police officers. President Santos indicated that Chocó would serve as the new headquarters for his "Path to Prosperity" program and that he will invest 20 billion pesos into the renovation of the sea wall area of Quibdó. He also promised to lend his support to Quibdó's bid to host the National Games in 2018 and the new stadium would be built for that purpose. Furthermore, he announced an increase in funds to support infrastructure, health, and educational projects. The president also noted that the *Colombia Humanitaria* program, which is in charge of providing support for victims of flooding, has invested about 115 billion pesos to help those affected.

Although it is encouraging that the president would visit Quibdó and promise to improve the situation there, many locals view this visit solely as a spectacle for Colombian and international media. Few locals have seen the impact of the funds intended to help those affected by floods. Although President Santos spoke of the need for "transparency," it is difficult to be optimistic that it will actually be implemented unless there are requirements to publicly report the use of national, regional, and local funds specifically designated to the region. These funds must be rigorously monitored. An increased police and military presence in Chocó is likely to also exacerbate insecurity for rural and urban populations, unless collusion between the public security forces and illegal armed groups is seriously tackled. Furthermore, the armed forces should be monitored so that their actions are in compliance with international humanitarian law and oriented towards protecting the lives and collective territorial rights of rural populations, rather than just protecting economic interests.

Instead of militarizing Chocó, the President and regional governmental authorities should have heeded the call made by Afro-Colombian women during a march held a few days ago in Quibdó for the armed actors to negotiate a peace settlement. The women who participated in this peace march explained their motivation to promote nonviolence and peace by saying that they, as women and mothers, bear the brunt of the military approach towards conflict resolution. They argue that these efforts have come at a great human cost that has destroyed many Afro-Colombian communities and that it is therefore time to come to a peaceful solution to the armed conflict. They promote nonviolent methods for ending the structural, conflict-generating problems that the country faces.

## **Human Rights and Territorial Rights: Absent from the Official Discourse**

The debate and discussion surrounding the president's visit failed to include human rights and how to strengthen the protection of the collective land rights for Afro-Colombians and the displaced. Colombia has made little progress in implementing Constitutional Court Order 005 for Afro-Colombians, which includes specific mention of communities in Chocó such as the Middle and Lower Atrato, the municipalities of Istmina (San Juan), and the regions of Jiguamiandó and Curvaradó. The locals informed us that Order 005 was not officially disseminated in Chocó communities until 2011, two years after it was emitted.

At the national level, Colombia has not developed a database that includes an objective analysis of statistics on the phenomenon of internal displacement and its effects on Afro-Colombians, even though the Constitutional Court has required the government to do so. This helps explain why reliable data does not exist on this population. Also, there has not been a differentiated approach to address the specific concerns of Afro-Colombian IDPs. The lack of adequate data and the absence of a differentiated approach make it impossible for the national government to sufficiently develop, plan, and execute an adequate strategy to deal with the Afro-Colombian displaced population. This means that the problem is also less visible and less likely to receive attention. Furthermore, Order 005 requires that the government develop a plan to prevent, protect, and assist Afro-Colombians, in addition to developing plans to assist 62 communities. However, these orders have not been implemented three years after the ruling. In order to improve the rights and conditions of the internally displaced and to protect communities, the Colombian government should prioritize application of Order 005.

Another issue that should be prioritized by the national, regional, and local governmental authorities is the huge gap between the national government's vision for regional economic development and Afro-Colombian collective land rights. During the last twenty years, economic development in Chocó has benefited corporations, foreigners, and the political elite. It has not benefited the majority of the population. Even worse, the wood, palm oil, mining industries, in addition to infrastructure projects, have had ties to illegal armed groups. The violence that has resulted from these ties has generated displacements. With the imminent implementation of the Free Trade Agreement between the United States and Colombia, economic ties will deepen between American corporations, multinationals, and extractive industries in Colombia. Unless safeguards are put in place to protect these communities, they are likely to suffer further abuse and displacement.

According to the International Labor Organization's (ILO) Convention 169 and the Colombian constitution, Afro-Colombians and indigenous have the right to free, prior, and informed consultation (FPIC) for all economic projects carried out on their territories. COCOMOPOCA's ethnic authorities are not being consulted in regards to the large-scale mining operations that are being planned for a significant portion of the COCOMOPOCA territory. Under the Santos government, there has been a blatant



disregard for FPIC processes, and efforts to undermine proper implementation of FPIC continue. This is evidenced by the passage of Law 1448 (also known as the Victims' and Land Restitution Law), which failed to respect Afro-Colombian and indigenous communities' right to FPIC. The consultation that supposedly took place for Law 1448 was deficient.

Law 1448 does have sufficient resources for effective implementation at the national level and, particularly, in Chocó. The Public Policy Monitoring Commission on Displacement (*La Comisión de Seguimiento a la Política Pública de Desplazamiento*) reported that the budget should be at least 200 trillion pesos. Within that budget, reparations are not guaranteed because victims will end up living in conditions similar to those to which they were subjected to before leaving their territory. In terms of land restitution, the Colombian government has not specified where this land will come from, and, in many cases, those who have attempted to return to their lands have been assassinated. The government does not seem to have the political will to protect these leaders. The law also impels victims to negotiate land ownership with the corporations and landlords who were behind forced displacement, territorial dispossession, and the killing of hundreds of leaders. It is unfortunate that senators, ministers, and the President immediately started asking the international community for money to implement the law after it was approved; the Colombian government itself should be the entity financially and politically backing implementation of the law.

Finally, the international community, and the United States government in particular, should be actively involved in Colombia to support a politically negotiated solution to the armed conflict. They should publicly express concern about the humanitarian crisis in Chocó, especially in terms of protection and displacement. The Colombian authorities should take appropriate and effective steps to protect displaced, Afro-Colombian, and indigenous leaders. The Inter-Ethnic Solidarity Forum (*Foro Interétnico de Solidaridad, FISCH*, a coalition of community councils, indigenous councils, and religious and human rights organizations in Chocó) has promoted a regional agenda for peace since 2005. They propose a negotiated solution to the conflict with an ethnic-territorial perspective. However, neither the Colombian state nor the armed groups have expressed their willingness to take this on. Furthermore, in 2006 and 2007, the Ministry of Defense issued Ministerial Directives 006 and 007 in order to strengthen the politics of recognition, prevention, and protection of the human rights of the indigenous and Afro-Colombian peoples after several United States Congressmen spoke out in favor of the protection of the Afro-Colombian and indigenous communities. Notwithstanding, these policies have not been observed by the military or police.

International monitoring of the public security forces is necessary, as is support to dismantle the collusion between members of the public security forces and illegal armed groups. The United States government should withhold military funding for Colombia until Colombia has complied with the U.S. human rights conditions for the disbursement of these funds. These conditions are also aimed at fighting corruption and clientelism, as well as promoting transparency in the regional and municipal governments of Chocó. The United States monitors USAID funding for indigenous and Afro-Colombian

communities in Chocó. The extent of these funds, as well as where and how they are being applied, should be made publicly available to civil society in Chocó. The U.S. Congress must make a concerted effort to mitigate the negative consequences of the FTA between the United States and Colombia and request full and prompt application of Constitutional Court Orders 004 and 005, in addition to a serious FPIC process. The United Nations is invited to follow up on the implementation of effective policies in Colombia with a focus on relevant approaches to gender, age, sex and ethnicity, in the context of the Year of Afro-Descendants and the UN's concern for the situation of indigenous peoples.

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<sup>i</sup> Written by Gimena Sanchez-Garzoli and Anthony Dest, WOLA

<sup>ii</sup> An armed strike paralyzes a region's transportation infrastructure. Anyone caught in transit is considered a military objective of the armed group calling the armed strike.

<sup>iii</sup> [http://www.wola.org/sites/default/files/downloadable/Andes/Colombia/2012/March/FARC\\_Files.pdf](http://www.wola.org/sites/default/files/downloadable/Andes/Colombia/2012/March/FARC_Files.pdf)

<sup>iv</sup> *Minería en Colombia: A qué precio?*, PBI Colombia, Boletín Informativo no. 18, Noviembre de 2011.

<sup>v</sup> Ibid.

<sup>vi</sup> Ibid

<sup>vii</sup> UNOCHA. Monthly Humanitarian Bulletin, February 29, 2012.

<sup>viii</sup> <http://www.territoriochocoano.com/secciones/politica/2033-encuesta-revela-imagen-positiva-de-la-alcaldesa-de-quibdo.html>