



Mr. Lawrence Sacks  
Colombia Country Director  
USAID  
U.S. Embassy  
Bogota, Colombia

October 30, 2017

Dear Mr. Sacks,

We wish to thank the USAID Colombia mission for its willingness to dialogue with WOLA concerning its Colombia programming. We greatly appreciate the effort that is made by USAID to take into account our concerns and recommendations.

For over 10 years we reach out to all of our Colombia partners to prepare for the annual human rights consultation. We then compile that information and add to it our view given our continuous monitoring of events in Colombia. This year, we asked both recipients and non-recipients of USAID assistance as to how U.S. assistance can best be utilized to help address the security crisis facing human rights defenders and community leaders, consolidate peace in the territories and address the coca issue.

USAID should continue to be at the forefront of supporting consolidation of the FARC peace process on the ground. This assistance plays a vital complementary role in helping to secure peace, human rights and justice in Colombia. We agree with the USAID Mission's special attention to human rights defenders, Afro-Colombian, indigenous and victims' rights since these are sectors that require robust support. In addition to supporting the FARC peace process, for there to be a complete peace the U.S. should assist the peace process with the ELN and strongly encourage the effective dismantlement of illegal paramilitary and criminal groups.

We ask that you consider the following recommendations:

**1) *Security of Community Leaders and Human Rights Defenders***

As per our periodic WOLA urgent actions on the matter, guaranteeing protection of civil society in the post-accord requires an effective response. While it is a multi-layered problem (that suffers from complexity, remoteness of locations and a lack of political will to truly address it by numerous actors and institutions in Colombia) there are ways U.S. programming can help.

On the institutional side, USAID can help to solidify municipal protection plans, strengthen the capacities of the Defensoria and Procuraduria to have an effective territorial presence, and, improve the work of the Victims Unit of the Attorney General. The Attorney General's office needs to take stronger actions on threats and in putting (both intellectual and material) perpetrators of crimes against defenders into jail. Addressing corruption within the National Protection Unit (UNP) could help to improve both the reach and quality of their response. It can also enable them to cover more persons in need of protection. The Early Warning System (SAT) and other sophisticated Colombian coordination mechanisms amount to little unless they are accompanied by an enforcement mechanism that guarantees that the recommendations are implemented. Colombia needs to move from the diagnosis of the problem phase to actually addressing and responding efficiently to these crimes.

Proceeding with the development of collective measures of protection that have the buy in of the recipients (Afro-Colombian, Palenqueros, Indigenous and rural communities) is an area that requires revisiting. Five years ago, effort was made to advance with these and the U.S. Embassy played an important role. Unfortunately, they were not fulfilled. USAID can begin it again and guarantee its completion and application in the most vulnerable communities. Other entities of the U.S. government should take on a more proactive role in insisting that Colombian officials make this a priority.

With regards to civil society, USAID can help strengthen self-protection mechanisms in urban and remote rural settings until the protection and justice system are strong enough to prevent and fully secure the safety of targeted individuals. Much expertise exists within Colombia on how to manage and minimize threats. Engagement with the likes of PBI, CONPAZ and AFRODES on how their lessons learned and best practices could be useful and applicable to many other communities and groups. Also the autonomous mechanisms of the indigenous and cimarrones guards can be supported.

Related to the issue of security is that of criminalization of social protests. As Colombia moves towards the post-conflict it is important that the attitude of security forces shifts from seeing protestors as "internal enemies" to vibrant actors in the construction of change. The ESMAD's repressive tactics and its response to protests including the civic strikes in Buenaventura remain very problematic. Such response from the State only generates a climate where stigmatizing, threatening and attacking community leaders and defenders is seen as ok. Parallel to security efforts for activists, promotion of dialogue and constructive engagement with protest movements is required.

Lastly, it is important that USAID work with Colombian authorities to improve protection for recipients of its programs. We also encourage USAID to evaluate whether or not its support to

the Attorney General's office and UNP is inclusive of a gender and ethnic minority differentiated approach. If it isn't then it should be corrected. Reports we received indicate that the UNP is still having a lot of problems with being able to meet protection needs of Afro-Colombian, indigenous, LGBTI and rural communities.

## ***2) Underscoring Integration of Ethnic Minorities and Gender in Post-Accord Implementation***

We appreciate all of the steps taken by USAID and other U.S. government entities in supporting inclusion of ethnic minorities and gender in the FARC peace accord. Despite this, the big challenge of translating the Ethnic Chapter from a document into action remains. Addressing them will be crucial to the sustainability of the peace process in indigenous and Afro-Colombian territories and majority areas. We recommend that USAID support the Ethnic Commission by providing the tools necessary to develop a strategic plan for implementation of the Plan Marco de Implementacion. Also that it give the Ethnic Commission more support to be able to do its work effectively in the regions of Choco, Valle del Cauca and Nariño.

We also want to caution against the use of third party (NGOs, universities and other entities) as operators of indigenous and Afro-Colombian programs. Over the years, we've observed how this creates divisions and is not the best use of funds. Rather the work with Afro-Colombian and indigenous communities should be done directly with their traditional authorities, sector groupings and traditional grassroots leaderships. Too often in Colombia we see third party intermediaries take on the role of then telling these leaders and communities what to do. This is not only patronizing but also weakens their leadership capacity and is ultimately ineffective in getting change done on their communities. All inclusion programming should respect ethnic minorities' internal structures, democratically elected leaders and strengthen the capacity of these leaders to meet the demands of their constituents. USAID should work to see how it can directly fund such authorities and organizations. When it comes to the peace efforts, we suggest that bi-monthly meetings are held with Ethnic Commission representatives to address the direction of programming concerning ethnic minorities.

In terms of focus, helping ethnic minorities consolidate the peace and their full access to the transitional justice system are key. The High Level mechanisms pertaining to ethnic minorities and gender need to become fully functioning so they can make sure application of peace programs included a differentiated approach that takes into account ethnic rights, gender and the leadership of these populations. The dialogue between ethnic minorities and the government in the ethnic mechanism was broken because the Colombian government was not taking it seriously and only sending low-level officials without the capacity to make decisions. Also that of the over 80 legislative projects, decrees, and programs designed for the peace process, none were consulted with afrocolombians and only six with indigenous. It was also

disheartening to see that the entity set up to guarantee gender in implementation of the accords did not include an Afro-Colombian woman.

Efforts underway that build the economic development capacity of these populations including the work with the National Black Chamber of Commerce (NBCC) are important. Exchanging African diaspora experiences of self-empowerment, capital building and construction of markets is good. The work done by USAID to lift Afro-Colombian and indigenous displaced persons, youth and women heads of households in particular from poverty by working with the public and private sector to provide training and job placement should be expanded. This helps prevent impoverishment and recruitment of youth into illegal groups.

Lastly, we recall that the work done with ethnic minorities should be coordinated with the aims of the U.S.-Colombia Racial Action Plan (CAPREE) and the U.S.-Colombia Labor Action Plan. Breaking Colombian society's systematic racism and stigmatization of ethnic groups must happen simultaneously with these programs. Also, the programing must serve as an example to Colombian society when it comes to upholding labor rights, solidifying and expanding trade unions and upholding issues of race and gender within Colombia's labor sector.

In terms of labor, despite a reduction in homicides of unionists much still needs to be done in terms of subcontracting, securing collective bargaining and protecting/expanding labor unions. Sadly, retaliation against labor unions and the firing of workers for speaking up about injustices remains the norm. Lack of adequate enforcement of occupational safety guidelines also has led to the unnecessary deaths of workers, as was the case of 23 Afro-Colombian construction workers in Cartagena. We think supporting efforts of the Solidarity Center of the AFLCIO, National Labor School (ENS), Afro-Colombian Labor Council (CLAF) and Port Workers' Union are important.

### ***3) Guaranteeing that Multi-Level Civil Society is Proactive in Transitional Justice Efforts***

While supporting the development of the institutional architecture so that Colombia can reckon with its past is important (Comision to Address Illegal Armed Groups, Disappeared Unit, JEP and Truth Commission) we recommend that a balance is struck between USAID support to government institutions and civil society. The Colombian government has the domestic financing and sophisticated fundraising capabilities to fully fund its institutions. While Colombian civil society, victims, ethnic minorities, women, LGBT organizations are suffering the effects of global donor turn away from supporting Colombia. The reasons for this are many including the migration/refugee crisis and belief that Colombia is a middle income country that is in good shape and does not need support. Unfortunately, while true that Colombia is a rich country its wealth and resources are unequally distributed. Hence the internal armed conflicts

with the FARC and ELN and illicit economies. The U.S. must robustly fund civil society in Colombia and encourage other donors to do so.

Colombia's strength is its civil society (NGOs, afrocolombian and indigenous leaders, trade unionists, community activists, academics, experts, trade unionists, and journalists). It is important that USAID support this civil society's capacity to access, monitor and play an active role in the mechanisms set up by the peace accord (High Level Ethnic and Gender entities, CSIVI, Comision to Dismantle Illegal Armed Groups, Truth Commission and JEP). For all of these work in turning around the past and moving towards reconciliation, it will require that victims, organizations, lawyers, academics and experts can fully do their jobs. A special emphasis must be made in guaranteeing that victims, ethnic groups, women and LGBT organizations can present emblematic cases to the JEP and input into the Truth Commission's work so that the impact on ethnic minorities, women and LGBT is integrated. The accord is unique in how it integrates women's rights so how this plays out in the transitional justice process serves as a litmus test for other peace agreements moving forward. This post-accord period is a historical opportunity to break past cycles of systemic discrimination and inequality for afrocolombian, indigenous, women and victims. It can help to draw attention to broader societal problems of gender and racial inequality and the political participation of exclude sectors. By supporting civil society, USAID can help shift the national narrative of seeing civil society as an enemy or obstacle to progress into an essential part of building democracy.

NGOs and lawyers collectives in Colombia require support so that they can work to guarantee the dismantlement of criminal illegal structures, collect and analyze information, do litigation and support legal cases within the transitional justice framework. For them to be able to inform Colombian society and effectively do their work they require financing. Lawyers' collectives and NGOs will be a determining factor in the cases brought before the JEP. The U.S. can also help truth, justice, non-repetition and reconciliation by declassifying documents from the past 50 years of conflict.

Issue areas that are likely to gain a lot of traction in Colombia beyond the peace include the responsibility of businesses when it comes to human rights, and deforestation and environmental concerns in areas where the FARC demobilized.

#### ***4) Terrorism Legal Restriction on USAID Hampers Aid***

Lastly, we express our deepest concern about the legal restriction on USAID funding. We think that this seriously hampers USAID's ability to fully engage in the post-conflict environment and that it stops it from being able to address some of the areas most needed to build peace. While we agree that USAID can still support many aspects of the peace with the restriction it would preferable if it was limited in this manner.

The area that has taken up most of the discourse in Washington, DC on Colombia is that of the coca numbers and drugs. Great pressure is being placed on the Colombian government to do something about this but the U.S. is providing little help. Unfortunately, the remedies to what can be done about this are limited due to the restriction. In many ways this is not only unhelpful but contradictory.

When it comes to the drug chapter of the accord whose success is essential to guarantee change in coca production and drug trafficking, U.S. funding is also curtailed by the restriction. The U.S. (USAID and others) should be patient about the coca issue and try to help Colombia address it. There is no quick fix. All sustainable efforts require a long-term view. U.S. should not pressure Colombia into forced eradication efforts that break with the agreed upon arrangements of the drug accord with rural communities. As the recent Tumaco massacre and incidents in other parts of the country indicate, doing so will only lead to further conflict between Colombian authorities and rural farmers.

Rather the U.S. should invest in supporting the integrated rural development plans, PNIS, PDETs, PATR, regional infrastructure and markets and development programs for rural communities. The U.S. could also work with Colombia to strengthen money laundering efforts. It would be good for it to support and play a constructive role in the international conference on drugs that was agreed to in the Havana accords.

In so far as reintegration of ex-combatants, their full reintegration and capacity to live a non-violent legal life will determine the long-term success of the peace. USAID without this restriction could play a role given its experience in other Latin American countries in helping to solidify this. In particular, approximately 30% of ex-combatants are women and much could be done to help them transition into productive roles that help improve Colombian society. Also good plans to make former combatants forest wardens and guardians of the environment are hampered by the restriction. Beyond drugs and ex-combatants, the restriction also limits USAID's ability to help reconciliation and other efforts in many regions throughout Colombia. While we understand there is an OFAC license to work with a limited number of former child combatants, we think the waiver should be extended to include more areas.

Lastly, we would like to ask for further information concerning the following projects that were mentioned at the meeting:

- Buenaventura project between communities and the Port Authority
- Communities and mining project with AngloGold
- Projects in La Guajira

In closing, we reiterate that there are many aspects of the program that are working well. The purpose of this letter is to highlight the difficulties and recommend ways forward for improvement. We see positive results in the work done with CODHES, Pastoral Social, ethnic minorities, independent news outlets and LGBTI organizations. Some examples include the work supporting the Ethnic Commission and the LGBTI efforts in Bajo Cauca and Cordoba.

Again, we look forward to continuing this dialogue with you as Colombia moves forward with constructing a new post accord environment.

Sincerely,

Gimena Sanchez  
Senior Associate

