



**ETHNICITY, VIOLENCE AND EXCLUSION IN COLOMBIA:  
The Struggles of Colombia's Indigenous and Afro-Colombian Peoples**

A conference sponsored by Rights and Democracy,  
the Latin American Human Rights and Education Research Network (RedLEIDH), and  
the Centre for Research on Latin America and the Caribbean (CERLAC)

March 15-16, 2007 – York University, Toronto, Canada

Transcribed, adapted from written submissions, translated and annotated, with a summary  
by

**Marshall Beck**

**CERLAC Colloquia Paper**

December 2007

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### **CERLAC COLLOQUIA PAPER**

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## SUMMARY

Colombia's Indigenous and Afro-descended peoples confront monumental challenges in their efforts to live a decent life, where their basic material needs are satisfied, where they can enjoy their fundamental rights—economic, political, social and cultural—and where they are free from fear, coercion and overt violence.

To some extent, their experience is shared with many other Colombians who live in poverty, who are subject to intimidation or terror by armed groups, and who are effectively excluded from the political sphere. However, their experience also differs from that of other disenfranchised Colombians.

They face the additional barrier of historically entrenched racism. As ethnically distinct minority groups living in remote areas, they are far from the perception and concern of the mainly urban majorities. They have a special relationship to specific territories and lands that are under immediate threat. Their distinct life ways and languages are similarly endangered by the same forces. They are being disproportionately affected by violent processes of displacement. And the laws and norms designed to safeguard their particular rights and needs are, as yet, still to be clearly codified, ratified and enforced.

The presentations in this conference explore both the tribulations unique to these groups, and the overarching contextual challenges confronting all Co-

lombians who desire a more equitable, just and peaceful society.

This summary will review that broader, shared context before turning to the difficulties that weigh more heavily on Colombia's Indigenous and Afro-Colombian communities. In keeping with the focus of the presentations, it will emphasize the particular dynamics of the current conjuncture, and will explore the theme of official imagery versus reality in Colombian politics—a distinction, the presenters repeatedly insist, that urgently needs appreciation. The summary will close with a consideration of possible ways forward and the potential role for international civil society in supporting the struggles of Colombians to overcome their history of violence and inequality.

### *Inequality, violence, exclusion*

Colombia is afflicted with a highly exclusionary and authoritarian model of governance, characterized by astounding levels of political and structural violence, extreme social inequality, and an ever-narrowing space for public debate. The political sphere is dominated by a corrupt political elite allied with a regressive, landowning oligarchy and, in recent decades, with drug-traffickers. Though the country is relatively resource-rich, considered “mid-developed”, and has experienced economic growth in recent years, levels of poverty remain high and the country's income distribution ranks among the most inequitable on the globe. Many lack access to basic education, health-care, cultural opportunities, or the basic means to a dignified existence.

One speaker at this event described this exclusion as constituting a “silent war” with consequences as serious as those of the country’s armed conflict. Policies of recent years have only exacerbated the situation, by reducing the role of the state in the provision of services, and by opening the economy further to the forces of the market—forces that inevitably favour the economically most advantaged—and to penetration by transnational companies, without establishing a regulatory framework adequate to safeguard local economies, communities, and ecosystems. The pending Free Trade Agreement with the US, should it be approved, will only take the country further down the same path and, as one speaker observes, spell ruin for local, small-scale agricultural producers.

For part of the mid-20<sup>th</sup> century, under the so-called “national security” doctrine then promoted by the US throughout Latin America, Colombia’s state security forces and army were used to repress grassroots movements, critical social organizations, and other forms of political opposition that arose to challenge the unjust status quo. In latter years this function has been largely passed on to extreme right-wing, perversely violent paramilitary groups.

These groups, veritable private armies, emerged originally in the 1960s, principally to defend ranchers and other rural elites from the threat of claims upon their property, extortion or kidnapping by the left-wing insurgent groups that came into being in the same period. In time, however, they proclaimed themselves saviours of the fatherland against the threat of the insurgency and, under this pretense, extended their presence widely, sowing extreme terror and vio-

lence mainly against civilians, whom they alleged were either members or supporters of insurgent groups, though more often than not they were union or peasant leaders, Indigenous activists, human rights workers, overly inquisitive journalists or academics, oppositional political figures, or simply members of communities located in strategically important areas. Some 80 per cent of the violence associated with the armed conflict is attributed to the paramilitary, and it has been violence of the most repugnant kind, such as torture, mutilation, and dismemberment by chainsaw.

The make-up of Colombia’s paramilitary groups has overlapped significantly with the membership of the official security forces, and the actions of these groups, including the massacre of dozens of civilians and like atrocities, have often taken place with the apparent complicity or collusion of the armed forces, past whose roadblocks and checkpoints the paramilitary have regularly passed with suspicious ease. Church groups, international human rights observers, and other credible independent sources have consistently cited evidence indicating that the paramilitaries operated with tacit official support.

In this sense, as one of the speakers at this event notes, the revelations of the recent and ongoing “parapolitical scandal”, which has exposed links between political elites and the paramilitary, have hardly been revelatory to informed observers.

In addition to the dirty war fought by its paramilitary proxies, the Colombian state, armed through the largest US military aid package in the hemisphere, has responded to the challenge of the left-

wing insurgency not with political solutions, but with military force, a heavy-handed law-and-order regime distinguished by a high incidence of arbitrary mass arrests, fear-mongering, and a belligerent, polarizing discourse designed to limit room for the articulation of alternative perspectives. Especially under the current, hard-line president, Álvaro Uribe Vélez, now serving his second term, and his “democratic security” policy, Colombia has become overwhelmingly militarized, including through the recruitment of civilians into a network of informants who are paid to provide information to the security forces.

As with the actions of the paramilitary, so too the actions of the state and its security apparatuses, ostensibly in response to the insurgency, have conveniently served other ends, such as the silencing of critical opposition and the promotion and defence of major infrastructural and economic projects, such as oil refineries and pipelines, of interest to the country’s elites and international investors. The insurgency has also provided a pretext for the criminalization of protest and dissent, just as the new globalized rhetoric on the “war on terror” has provided the president with new ammunition with which to stigmatize his opponents and critics, by labelling them “terrorists” or equivalent.

The left-wing insurgent groups, on the other hand, originally inspired by the example of the Cuban revolution and by their frustration with the façade of electoral politics used to legitimate oligarchic rule throughout the hemisphere, were founded with the aim of overthrowing the extant political and economic order and replacing it with some form of “socialist” alternative. Whatever their

motives, they too have come to regularly commit human rights abuses, albeit not on the same scale as the paramilitary, including kidnapping, the recruitment of minors, and the killing of civilians. They too have become overly concerned with military self-perpetuation, and have contributed to the narrowing of political space by similarly pressuring communities to “take sides” in the conflict, disallowing neutrality or the proposing of alternative political visions or initiatives.

### ***Indigenous and Afro-Colombian peoples: Targets of terror and displacement***

It is within this dismaying panorama that we must situate our understanding of the challenges confronting Colombia’s Indigenous and Afro-descended peoples. They are among the most disenfranchised of all Colombians, subject to extreme levels of exclusion. One significant indicator of this, and a window into the circumstances to which they are subject, is the fact that they are disproportionately represented among Colombia’s many internally displaced.

They are displaced from their homes and traditional lands by the violence and threats of armed actors. They are under pressure from both sides of the armed conflict; their lands have been overrun with military personnel or taken over by paramilitary groups. Under paramilitary occupation, their mobility is restricted; all material—including medicines, food, fuel, and other essentials—entering the community is controlled; curfew is imposed; various of their cultural practices are prohibited in the name of “social cleansing”; women and girls are sexually abused, raped and deliberately impreg-

nated; youth are forcefully recruited; those who speak out are labelled guerrillas and disappeared or killed. Sometimes entire communities are simply ordered to abandon their lands. Massacres and public acts of horrific brutality are committed against them to terrorize and control them, or to force them to flee.

They are displaced by the anti-drug policies of the Colombian government, supported and funded by the US. A major component of this policy entails aerial fumigation with toxic herbicides, supposedly aimed at the eradication of coca, but resulting in indiscriminate defoliation, the destruction of food crops as well as natural flora and fauna, and environmental contamination with negative human health consequences.

They are displaced by the incursion into their lands of seekers of wealth and exploiters of natural resources. The main perpetrator is usually the state, in conjunction with transnational capital (or aid from foreign governments, including Canada's), as in the case of major infrastructural projects such as the construction of hydroelectric dams, highways, ports, or oil pipelines. These intruders also come in the form of small-scale entrepreneurs, as in the case of illegal gold extractors.

These incursions are undertaken either with no pretext of legality, or are nominally justified through regressive legislative chicanery. The government either does not fulfil its constitutional obligation to undertake prior consultation with the communities to be effected by their projects, or stages sham processes, dividing communities and co-opting individuals for the appearance of community support.

These incursions are frequently accompanied and/or preceded by violent efforts at expulsion, often under the pretext of the armed conflict, and often committed by paramilitary groups. Indeed, many believe that the underlying motive for the violence inflicted upon these communities—from military incursions to paramilitary occupation to aerial fumigation—is to displace them from strategically important and resource-rich areas, for the purpose of realizing megaprojects, extracting valuable natural resources, and pursuing other elite-driven “development” projects.

These projects also often bring white colonists from the cities who take over community lands and corrupt locals with alcohol, consumerist values and a demand for prostitution. These projects also frequently result in severe ecological disruption, causing the destruction of traditional sources of livelihood, sustenance, natural medicine, and spiritual practices, introducing new disease vectors, and leading to immiseration, illness and malnutrition.

These combined forces lead to severe psychosocial trauma, material deprivation, family breakdown, community dissolution, and cultural erosion, whether through hardships experienced in their traditional lands or through the experience of displacement and dispersion. A presenter in this event likens these effects to genocide, and another speaks of how, despite the tremendous resilience demonstrated by Indigenous and Afro-Colombian peoples under these circumstances, the eventual—and perhaps intended—effect may be a total unravelling of the social fabric of these communities, and a loss among them of the basic skills of conviviality and civic par-



ticipation.

Underpinning this unconscionable lot of Colombia's Indigenous and Afro-descended peoples is a profound and persistent racism, which dismisses their rights; denigrates their capacities and the value of their civilization; and renders invisible their presence and their contributions to Colombian history and society.

### ***Conflicting cosmovisions***

One way in which Indigenous and Afro-Colombian value systems are most denigrated is through the promotion by Colombian elites of an ethnocentric (and class-biased) approach to "development" that contradicts entirely the lifeways and cosmovision of these peoples.

Speakers in this event suggest that these communities have an understanding and experience of land, its resources and the living things upon it as something indivisible, with which they have a relationship of reciprocal dependency, and towards which they retain a centuries-old responsibility as respectful caretakers or stewards. The land and its resources are integral to their livelihoods, cultural identity, spirituality, and sense of community. They have an appreciation for ecological diversity as being crucial to their own well-being, in providing them food self-reliance and security, a healthy environment, and natural sources of medicine.

In contrast, the elite vision of development that prevails in Colombia interprets land and natural resources as divisible commodities, to be exploited for maximal short-term gain. Thus, for example,

sub-soil mineral rights can be bought and sold independently of surface use or ownership rights. The profits to be made from petroleum or gold extraction override concerns about massive ecological and community disruption. Rich, diverse ecosystems are replaced wholesale with unsustainable export monocultures dependent upon chemical inputs and unpredictable international markets.

Whereas Indigenous and Afro-Colombian peoples generally envision rights in a collective sense, and define the "good life" as something shared community-wide, where "community" comprises not just humans but all beings, elite-driven development projects promote an anthropocentric and individualistic, market-oriented value system that champions individual enrichment and the pursuit of profit over other ends.

Thus, the projects that elites cynically proclaim will bring "development" to Indigenous and Afro-Colombian communities—projects that most often have a devastating effect upon these communities, bringing upon them immiseration and war, while benefiting only the powerful at home and abroad—these projects also carry, in their core assumptions, a profound and utter disregard for the worldviews and value systems of these peoples. Indeed, as one speaker notes, these peoples, with their distinct cosmovision, have instead long been seen by Colombian elites as an obstacle to what they consider to be "development".

### ***Image and reality:***

#### ***The current conjuncture***

The presenters at this event speak especially about how the historical trends and

power dynamics just reviewed are playing out in the current conjuncture. In their discussion of the immediate situation, they repeatedly emphasize the need to distinguish between, on the one hand, official representations of the current situation in Colombia, as put forward by the president, his domestic and international allies, and major mass media, and, on the other hand, lived reality on the ground. The presenters consistently assert that a wide chasm divides the two.

First and foremost, various presenters argue, the claims of the president and his supporters that Colombia has entered a “post-conflict” situation, where war and armed violence have been brought to a halt thanks to his hard-line policies and tactics of “peace promotion”, is patently untrue. The guerrilla groups are undefeated, negotiations toward the conflict’s end indeterminate, the military as engaged in counter-insurgency as before, paramilitary groups still active, and civilians still suffering the consequences.

While the government claims to be promoting a successful peace process, with paramilitary demobilization at its centre, various presenters point out that the paramilitary have penetrated the institutions of the state more extensively than ever before and that an active and pervasive re-mobilization of armed paramilitary groups is taking place throughout the country, as previously existing groups re-form under new names and new groups emerge. Speakers attest from first-hand experience to the fact that paramilitary terror continues unabated.

The “parapolitical scandal”, which has exposed strong ties between high political figures and paramilitary groups, is depicted by the president *et al* as a lim-

ited phenomenon that was exposed—and is being rectified—through the conscientious actions of his administration. Presenters insist that the scandal broke not as the result of the president’s efforts, but in spite of them, through the long-term work of human rights workers to expose this shameful state of affairs, and that, rather than vigorously investigating the problem and taking action to correct it, the president is now desperately trying to contain the scandal’s reach.

Various presenters point out that the “justice and peace law”, which the president *et al* tout as the means to (as its name proclaims) peace and justice, and which provides the framework for the paramilitary’s supposed demobilization, is a cynical farce designed to silence the victims of paramilitary violence while, in effect, ensuring its perpetrators’ impunity.

It also bears repeating that a more fundamental, underlying misrepresentation underlined by various speakers is that which posits the main conflict in the country as the conflict between the leftist insurgent groups and national security forces. Instead, the insurgency is seen largely to have been used as a pretext to justify a violent political project (and the continuing support for it from the US), characterized by the ongoing exclusion of the majority of the population and the violent displacement of vulnerable populations, to further the economic interests of domestic elites and international capital. For most of the presenters, then, the primary conflict in Colombia is a social one, and the main locus of political violence has not been in clashes between insurgents and government forces, but in the repressive actions of the paramilitary, acting as virtual proxies of the

state, against civilians.

Similarly, the “drug war” is seen as a misrepresentation as well, an additional pretext for pursuing violent strategies of displacement, given that: influential rural elites and the paramilitaries themselves are profoundly implicated in the drug economy; the targetting of regions for fumigation and other eradication tactics tends to be selective and to coincide with other strategic interests; what most needs addressing is the question of demand as a public health issue, rather than supply as a criminal matter; and the policies vigorously pursued by the government, by unleashing global market forces on a vulnerable rural economy, actually push small producers toward coca production as a means of survival.

In terms of Indigenous and Afro-Colombian rights more specifically, the presenters noted a contradiction between the formal recognition of those rights at a lofty, abstract level, as in the Constitution of 1991 and some laws derivative of that document, and the lack of respect for those rights in practise, especially since Uribe assumed the presidency. The speakers also note a legislative counter-trend under Uribe, wherein regressive new laws (such as the Forestry Law and the Statute on Rural Development, among others) have effectively rendered hollow rights that were formally granted before.

More generally, the speakers prescribe skepticism against the government’s self-depiction as the defender of democracy, in light of its alliance with the most anti-democratic forces in the country (rural elites and the paramilitary), the primacy it has given heavy-handed military “solutions” over political ones, its

repressive “security” tactics, and its proclivity for silencing dissent through the reckless stigmatization of its critics and opponents.

### *What can be done?*

Despite their grim diagnosis of Colombia’s current situation, the presenters are not lacking in hope.

They concur that the military approach has proven utterly bankrupt and needs to finally be abandoned. They emphasize the need for alternative voices to be heard and alternative visions to be discussed, in order for the country to move beyond the status quo. They assert that their communities, Colombia’s most excluded, as well as other civil society sectors, have creative ideas to contribute to such a debate, and that there are many promising possibilities. They have visions to offer of a more pluralistic Colombia where human rights and basic needs come foremost, and where economic policies aim to benefit whole communities, not just elites. The challenge is to create the political space for this: that the broader public be open to supporting and engaging in such a debate, and that current powerholders be unable to effectively silence or shut it down.

The fact that the “parapolitical scandal” has broken signifies that certain sordid facts about the way the country has been governed, though already known to many, are being publicly aired for the first time, and this may open space for political debate. Similarly, the Colombian government’s acceptance of recent InterAmerican Court of Human Rights rulings that found the government re-

sponsible for a number of massacres is a significant acknowledgement of culpability that may also represent an opportunity for critical public dialogue.

The Colombian population's fatigue with war is another factor that may open room for the voicing of alternative approaches to the country's problems, including the insurgency. It was arguably this fatigue that most helped Uribe come to power: he was carried to office by people's desire for a saviour such as he purported himself to be, who could finally bring the prolonged conflict to an end. Many who supported him and his militaristic approach before may now lose faith and be eager to discuss alternatives, if his spurious claims to having brought peace are exposed as false.

International support for any initiative for change, however, will be much needed. In this sense, the presenters underlined that the fundamental task for members of civil society abroad, in places like Canada, is to become informed about the situation in Colombia, to probe beyond the official image, so as to educate their governments, influence policy choices, and hold those governments accountable when they play a less than constructive role.

Thus, an informed Canadian public could question Canada's support for the extremely questionable "peace process" currently being pursued in Colombia. It could question the use of Canadian aid to support megaprojects that are undertaken without due consultation and that have tremendously negative impacts on local communities, as with the URRÁ hydroelectric project, much discussed at this event. It could demand an inquiry into the impacts of the controversial Co-

lombian Mining Law that Canada played a significant role in drafting. It could demand that Canadian companies operating in Colombia comply with international standards of corporate social accountability, including especially the international benchmark requirement of "free, prior and informed consent" when it comes to undertaking projects likely to affect local communities. It could demand that Canadian policy be elaborated within a strong human rights framework. It could demand that aid to Colombia be motivated by principles of solidarity and universal humanitarian concern, not self-interest, and that this aid be especially geared toward strengthening Colombian civil society.

Beyond such a role for international civil society in individual countries like Canada, the speakers also see a place for an integrated hemispheric approach, where Latin American countries in particular unite to spearhead a supportive process aimed at resolving the humanitarian crisis in Colombia, much as was done with regard to the conflicts in Central America in the 1980s.

One speaker commented that Colombia's suffering communities, and those struggling there for justice and peace, feel very alone in their struggles. They have shown awe-inspiring resiliency and strength in the face of terrible violence. Despite official proclamations to the contrary, their situation is not improving. The closing words of one presenter surely demand a response: "Do not abandon us. We invite you to make a difference, to help us all to live in a world that is inhabitable, where all beings—women, men, nature itself—can unite as one in the concert of life."

**COLOMBIA:  
TRUTH AND JUSTICE IN THE  
SEARCH FOR PEACE**

- Martha Domicó, daughter of renowned Embera Katio leader Kimy Pernia Domicó<sup>1</sup>
- Luis Evelis Andrade, President of the National Indigenous Organization of Colombia (ONIC)
- Jorge Rojas, Director, Consultancy on Human Rights and Displacement (CODHES)

**JORGE ROJAS**

The so-called “parapolitical scandal”<sup>2</sup> is symptomatic of a larger crisis in the governance model under which Colombia has been ruled for the last 15 years. This political regime has been based on a confluence of interests between the most backward rural sectors (large landowners and ranchers), on the one hand, and drug-traffickers on the other. The rural economy of the landed oligarchy has become the principal venue for the laundering of drug money, and corrupt politicians have taken advantage of the resources commanded by this alliance to maintain themselves in power, despite the costs—which have been high, in the form of political terror and paramilitary violence. The ultimate expression of this governance model came with the election of President Álvaro Uribe<sup>3</sup> in 2002.

This political and institutional crisis has been brewing for 15 years or more, as

the prolonged armed conflict has generated an intolerable human rights situation and a devastating humanitarian crisis. The negative effects of this perverse alliance has been felt especially in particular political departments, where the landowning/drug-trafficking/paramilitary sectors have managed to install governors; but they have also gained control over part of Congress and more generally have penetrated all the institutions of the state. Their influence further extends into the world of private business, into the operations of transnational companies in Colombia, and into the media—they have gained significant control over public and private space, in what has become known as the “paramilitarization of the country”, although the phenomenon has been denied by the main actors involved.

Rather than acknowledging his government’s deep collusion with the paramilitary and the regressive sectors whose interests they defend, President Uribe instead proclaims that the government itself has unveiled the scandal thanks to its “democratic security” policy and its purported efforts to end paramilitarism, mainly through its so-called “Justice and Peace Law”.<sup>4</sup> The government has proven very effective at transmitting to the international community its grotesquely distorted interpretation, making out that the government is resolving the problem of paramilitarism and itself revealed the infiltration into the political system of a paramilitary mafia; indeed, an editorial in the 16 March 2007 *Washington Post* characterizes the scandal to be the result of the government’s efforts

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<sup>1</sup> See “Pernia Domicó, Kimy” in Glossary.

<sup>2</sup> See “parapolitical scandal” in Glossary.

<sup>3</sup> See “Uribe Vélez, Álvaro” in Glossary.

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<sup>4</sup> See “Justice and Peace Law” in Glossary.

to “advance towards peace”.<sup>5</sup>

Let there be no mistake that the revelations behind this scandal were brought to light not because of, but very much in spite of Uribe. He would not want so many of his friends in government and in the secret police to be denounced in the headlines today. The Justice and Peace Law, which the Constitutional Court found to be unconstitutional and sought to alter to ensure that it better served its purported aims, was designed to be more advantageous to the paramilitary than to their victims, and underlines how much the government is still working with the paramilitary. This relationship is reflected also in the fact that every measure is being taken by the government to protect the paramilitary members who come forward to take advantage of the benefits offered to them by the Justice and Peace Law; a special armoured court room has even been devised to protect them in their hearings.

Meanwhile, the media has managed to bring the issues behind the parapolitical scandal into the realm of public debate, despite being directly threatened by the president against doing so. For example, Uribe has outright threatened journalists who dared to publish interviews about the links between the director of the state intelligence agency and the paramilitary.<sup>6</sup> Some academics and NGOs also

took risks in order to expose similar forms of official collusion, and international pressure will be needed to ensure that we get to the bottom of the issue.

In terms of the armed conflict: Sad to say, Colombia is far from being in a “post-conflict” situation, despite the claims of some to the contrary. There is no military solution to the conflict, as many of us always knew. Far from overcoming conflict by the military route, it has been a great debacle; and we have called for the pursuit of a path of negotiation without success. The paramilitary are re-arming at frightening levels; paramilitary structures have not been undone. The growing numbers of paramilitary members include those who never re-entered civilian society, like Vicente Castaño; those who were re-integrated into civilian life but who now want to go back; and those who were never officially recognized as paramilitary, but who basically are—for example, drug-traffickers who are now emerging as paramilitary leaders.

In terms of the guerrilla groups, the FARC<sup>7</sup> remain militarily strong. They continue to show resistance and have not been defeated militarily; they refuse to release their hostages and continue to violate human rights. The ELN<sup>8</sup>, on the other hand, are involved in difficult peace negotiations with the Colombian government in Cuba, and the government is trying to block their reintegration into civilian life.

The government also fans the flames of polarization by accusing opposition politicians of being guerrillas in civilian dress. Meanwhile, through Plan Colom-

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<sup>5</sup> “Rethinking ‘Plan Colombia’: U.S. Aid Should Focus on Getting Justice Done,” by Marcela Sanchez, Special to washingtonpost.com, March 16, 2007 (<http://www.washingtonpost.com/wp-dyn/content/article/2007/03/15/AR2007031501555.html>).

<sup>6</sup> See: <http://www.ifex.org/en/content/view/full/81542> and <http://www.ifex.org/en/content/view/full/73755>

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<sup>7</sup> See “FARC” in Glossary.

<sup>8</sup> See “ELN” in Glossary.

bia,<sup>9</sup> the US channels \$1.6 million per day into Colombia for use on such things as anti-drug fumigation efforts and counterinsurgency.

We are far from a resolution to these conflicts, and must redouble efforts to promote peace and respect for human rights in Colombia.

### MARTHA DOMICÓ

The hydroelectric mega-project URRRA<sup>10</sup> has had a devastating impact on the Embera Katio people of Alto Sinú. The origins of the project date back some 40 years, when plans were first announced; it was realized as a joint venture of the Colombian government with investment from four foreign governments, including Canada.

Its realization has entailed the violation of the human rights of the Embera Katio at various levels. The impact of the project on the quality of life and the physical environment of the community has been severe—our lands have been flooded; our resource base, the river, has been altered so that it no longer provides us with our main food source of fish; our health has been devastated by malnutrition, as well as by malaria and other mosquito-borne sicknesses that have exploded since the river has been turned into standing water. Our rights were violated also in that the project was undertaken without consulting us, although such consultation<sup>11</sup> is required by the Constitution. We have also been under constant pressure to be acquiescent, and our leaders have been persecuted and

killed for protesting the project. At least five community leaders have been killed by the paramilitary for speaking out, including my father, Kimy Pernia Domicó, who is presumed dead after having gone missing five years ago.

It is worrisome how our leaders are not allowed to speak up, to complain, to demand respect for mother nature, for water, for the river, and for all the beings in this environment. The project is a poison to the Embera Katio; it has harmed us. My father worried about this threat; my people, the earth felt sick with its threats.

These injustices are not unique to the department of Córdoba, but prevail all over the country, wherever oil, mining, or resource extraction projects are being pursued. This form of economic development does not benefit people, only companies. There must be greater monitoring and stricter regulation at the level of international investment. My father was simply demanding respect, the right to consultation, and respect for human rights; he wanted to participate in a discussion on how to regulate investment, so that it is not just about channelling profits to people in power. The governments of other countries should not support this kind of “development”.

The Embera Katio live in poverty, in war, with misery and death; and the government is on the side of the investors. The government gives support for war but not for the environment. The new president (Uribe) is only producing more war.

They call it the “Justice and Peace Law”—where is the justice and peace? They disappeared my father; I have been five years without knowing where he is,

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<sup>9</sup> See “Plan Colombia” in Glossary.

<sup>10</sup> See “URRA” in Glossary.

<sup>11</sup> See “prior consultation” in Glossary.

and there is no sign of the truth coming out now. Mancuso<sup>12</sup> did not mention my father directly, but spoke of other disappeared people, and tried to justify their disappearance by saying they were collaborators of the guerrillas, or members of an armed group. They try to taint the victims of paramilitary violence as being subversives and deserving of their fate. This is painful and untrue; it is wrong to be treating victims this way. The Embera Katio people who were killed were not bad people or subversives; they had done nothing wrong. Why don't they investigate these killings and bring the truth to light, instead of allowing the killers to speak ill of the victims?

They should speak the truth, without abusing other people; they should tell the truth about my father and other murdered leaders. They never admit to having killed innocent people, though many have been killed in Colombia. Why do they attack, disappear and kill Indigenous leaders who are merely defending their rights and Mother Earth?

What kind of justice is the government offering? If you speak the truth about the innocent victims, you are punished. Victims cannot demand anything; there are 20 cases of people who have been targeted for demanding to know where their disappeared relatives are. They kill activists for demanding their land, and not just Indigenous people, but peasant leaders too. A new paramilitary group called "Aguilas Negras" is killing or disappearing people who speak out, in an effort to silence us.

Why are they doing this to people who are only defending their rights? There is an unholy alliance between government

and the paramilitary, and they are not doing anything for the victims. Legality has been turned on its head. The Embera Katio are only demanding their rights; asking that the government and the killers tell the truth; asking for justice, for compensation for damages. We are not responding with war, but in harmony as is our way: to live with others, with nature, to demand respect and justice and truth. Countries who are supporting war in Colombia should reflect on how they are destroying, displacing people, and causing more war. The Colombian people just want to live in peace; war is being forced upon them.

#### LUIS EVELIS ANDRADE

I dedicate this presentation to the memory of the many grassroots Colombian leaders—peasants, Indigenous, Blacks—who have been killed for their struggles, and especially to Kimy. The speakers in this conference are a group of men and women, of Afro-Colombians, Indigenous people, peasants, and intellectuals, who, if they have not been direct victims of the war, have all seen it and shared it with many people.

There are 1.3 million Indigenous people in Colombia, representing some 3 per cent of the total population. They have lived with the consequences of social exclusion, war, and the imposition of destructive economic and development models in their territories.

There are now three major threats confronting Indigenous peoples in Colombia.

The first is the lack of public policy aimed at ensuring their inclusion and the

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<sup>12</sup> See "Mancuso Gómez, Salvatore" in Glossary.



resolution of their problems. There are no public policies to address their needs or guarantee their rights. Government policies instead encroach upon Indigenous lands, without recognizing the identity, forms of government, or ways of life of Indigenous people, including their approach to conviviality, their ways of relating—not just within their own communities, but also to other social subjects.

In Colombia, there is high formal recognition of ethnic rights, in the Constitution and in the country's laws, but the socio-economic situation of Indigenous and Black peoples belies these formal guarantees. Indigenous and Black communities in Colombia are in a silent war; they lack medical access, educational opportunities, or the basic conditions to make their lives more dignified.

This silent war is more deadly than the armed conflict; it has a higher mortality rate than that conflict. And what is worse, this silent war also involves the media hiding the contributions of these communities; the media demonizes their ways of doing things, makes them seem unworthy, renders invisible their ways of living and relating; their actions, their forms of justice. But ultimately, it is the state that is the most responsible for violating their human rights by pursuing policies harmful to them, while failing to fulfill the promises of the Constitution.

The second threat is the armed conflict. President Uribe tries to deny that the conflict continues, but at the same time uses it to obtain international support for his security policy, which means he receives resources to further militarize the country and to train more torturers. At bottom, the government is seeking to

control territories to get at the resources they contain, and is deeply implicated in acts of torture, the massive violation of human rights, extra-judicial and collective executions, disappearances, the breaking of humanitarian law and the flouting of the collective rights of Indigenous and Afro-Colombian peoples.

The paramilitary take over peoples' lands and goods; they appropriate civilian property in the name of the war; they prohibit the presence of humanitarian observers; they block the entry of food and medicines and humanitarian aid. The army and paramilitary both treat the Indigenous and Black communities as if they were guerrillas, as enemies of the state. Insurgent groups, on the other hand, accuse these communities of being allied with their enemies. As they say in Cauca, they are caught between the sword and the stone.

The third threat to the Indigenous and Afro-Colombian communities is the activity of multinational corporations on their lands in the development of mega-projects. The government tries to silence these communities on this subject. Not only is there a lack of state policy to guarantee their rights, there are regressive or aggressive policies being pursued that actively undermine the rights of Indigenous and Black communities; policies that result in armed conflict and the murder of community leaders.

The government accuses members of these communities of being guerrillas when they are not, when their only offence has been to speak out and to criticize the government's granting multinational interests access to their lands. Indeed, the armed conflict is linked to economic interests; the displacement and

murder of members of these vulnerable communities has nothing to do with the guerrilla struggle and everything to do with national and international economic interests.

These interests bear a high responsibility for the humanitarian crisis in Colombia, but do not wish to acknowledge it. Funding provided by foreign governments that is supposedly going toward promoting “democratic security”<sup>13</sup> is actually going toward maintaining armies, some of which exist just to protect the property of multinationals and to kill those who dare to question their operations—like the trade union leaders killed by paramilitaries protecting Coca Cola<sup>14</sup>, or like Kimy who was killed by those hired to protect the URRRA dam project. It is the same elsewhere in the country, like in Chocó where they are developing the palm oil and biofuel industries—outspoken members of the Black communities there, opposed to these projects, are being killed by members of armies who are paid by multinational companies, like BHP Billington, and who are also funded at the international level by people like US President Bush, who is interested in developing biofuel as an alternative to oil.

Armies are being financed, but this is not creating security—it is leading to murder

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<sup>13</sup> See “democratic security” in Glossary.

<sup>14</sup> Colombian trade union SINALTRAINAL called for an international boycott of Coca Cola products in response to the intimidation, kidnapping and murder of workers in Coca Cola bottling plants by paramilitary members who were allegedly acting on behalf of the Coca Cola Company to drive down wages in Colombia. With the help of the United Steelworkers of America, SINALTRAINAL filed a lawsuit against the Coca Cola Company in 2001. The boycott campaign continues to date. See: <http://killercoke.org/>

and massacres, including of women and children. No doubt the government will claim these women and children were guerrillas, though we all know there are no three-year-old guerrillas.

Meanwhile, the Justice and Peace Law is unacceptable. Under the pretext that this is actually a peace process, the Colombian people, especially the victims of paramilitary violence, are told it requires them to make sacrifices. The government points out that in Sierra Leone, Guatemala, El Salvador, Peru, and Rwanda, where there were justice commissions, people had to make sacrifices, but the Colombian state cannot justify institutionalizing impunity by referring to other imperfect processes.

And Colombians might be willing to make sacrifices if the truth was actually told, but not when lies are being paraded as truths; lies like the one that says Kimy was killed because he was a guerrilla. Colombians are not willing to make sacrifices for a process that is false, for a truth commission ridden with lies.

The Justice and Peace Law also sets a bad precedent for Colombian society. Its lesson is that whoever wants recognition, respect, or access to political life must be violent.

Its other message, its claim to be achieving agrarian reform, is also a lie. There is no reform. Lands are being taken from vulnerable communities and given to others; resources are being robbed. The state invented a war on the pretext of fighting terrorists, drug-traffickers and guerrillas, when the intent is to rob people of their land.

The Justice and Peace Law also legiti-

mizes impunity, and cuts off victims from seeking international avenues to justice. The InterAmerican Court of Justice only recognizes the claims of individuals, not collective claims, but when individuals speak out they are killed, though Uribe says there are no more paramilitary.

Indigenous and Afro-Colombians will keep fighting for their vision of life, for justice, for their identity and the recuperation of their memory. They hope Canadians will be allies in their struggle; that Canadians will question the support that their government, sometimes hypocritically, is giving to the government of Colombia, which is so abusive of human rights. Canadians should demand that the “democratic security” policy of the Colombian government be unmasked. The policies of President Uribe do not resolve, but aggravate, the problems of Indigenous and Afro-Colombian communities.

## DISCUSSION

**Jorge Rojas** responded to a question as to why Uribe won a second mandate in the 2006 elections, and for more information about the parapolitical scandal:

The media and the government are projecting their own distorted vision of reality about Colombia and Uribe: that there is now no armed conflict, that the Peace and Justice Law is effective, that there are no more paramilitary groups, all thanks to Uribe. The international community, as well as many Colombians, thinks that Uribe knows what he is doing, and that those who are critical of him and his policies are just whiners and moaners. Within Colombia, there has

been so much death and people are so tired of the conflict, anyone promising salvation—any messiah in a storm—captures people’s hope, and this has been the case with Uribe and his misleading discourses.

In this context, it is difficult for critical voices to be heard; it is difficult to gain access to Congress, or the media, to promote peaceful solutions to our 20-year conflict, solutions different from the ones being imposed on us, which involve paramilitary groups trained in torture techniques by the US and Israelis, and that are grounded in close ties between the paramilitary and our politicians. The parapolitical scandal is just an expression of this two-decade long situation.

To create an opportunity to transform these policies, support is needed from international civil society; foreign governments can do more to prevent this from continuing. The peace process is a fiction; the Justice and Peace Law is simply covering up crimes with a cloak of impunity. This alliance of the government, the paramilitaries, and US support is something that critical observers from outside Colombia have been commenting on for years, but it has only recently come to public exposure in Colombia; only now, thanks to this scandal, is it getting airplay, which may create an opening for dialogue on these questions.

“Parapolitical” refers to the ways in which politicians participated in the creation of paramilitarism. Officials of the state and of the armed forces contributed to the formation of these groups and assisted them logistically. The so-called national security doctrine of prior years, in which the army was used to

suppress any kind of popular organizing that in any way threatened the status quo, violating human rights in the process; this role was passed over to the paramilitary. The army and the police set up the paramilitary, which even use the same methods of torture as the state security organs. Everyone knew that the government was behind paramilitarism—except, apparently, the politicians.

The whole parapolitical phenomenon is now being investigated not because of the president, but because of pressure from human rights groups and the courts. Uribe denies knowledge of this sordid arrangement; he denies that the political establishment had anything to do with the paramilitary. Still, his foreign minister had to resign and is now in prison; the father of this minister, who came to Canada and got support, is in flight and sought by Interpol. They pretend not to know—that all this took place behind their backs; but now eight senators are in prison and one has to wonder how many more will fall. Uribe denied it all before, but now that it has been exposed he is saying that it is due to him that the truth has come to light—that he is the one who has been trying to get to the bottom of things.

These are some of the ways he fools people into supporting him and thinking he represents peace, security and democracy. But what kind of democracy is Uribe's, anyway? How many really support it? The government was not elected by a majority; of 27 million votes cast, he received only 12 million. Moreover, he was elected through the support of the paramilitary; paramilitary-backed senators were the sole candidates in many jurisdictions; they ran unopposed. This is not genuine democracy. Votes were also

bought with bribes, and in many cases people were threatened that there would be negative consequences if they did not support paramilitary candidates.

**Luis Evelis Andrade** commented:

After 43 years of conflict, it is clear that war is not the path; arms will not provide the solution. Victims don't feel represented by Uribe's government, however popular it supposedly is, nor do they feel represented by guerrilla groups that are increasingly distant from people's needs. To continue this war is irrational: political suicide. But how can we resolve the conflict institutionally when institutions are infiltrated by paramilitary and drug-traffickers?

Colombia needs to take the route of democracy and dialogue. A mafia must not decide the fate of the country; this would be to no one's benefit. These are not matters for the military to decide. There needs to be full participation by all levels of society in the resolution of this conflict. It is a difficult challenge, but there are very courageous people in Colombia trying to do just this—like the Indigenous people and the Afro-Colombians, who are struggling to defend their culture and land despite repression. Colombians also need an America, a united continent, behind them. There is a place for integration among the people of Latin America; there is a role for a united continent in helping Colombians to resolve this conflict.

## **POLITICAL VIOLENCE, EXCLUSION AND ETHNIC MINORITIES IN COLOMBIA**

- Germán Burgos, Senior Associate with the Latin American Institute for Alternative Legal Services (ILSA)
- Luís Evelis Andrade, National Indigenous Organization of Colombia (ONIC)
- José Santos Caicedo Cabezas, Process of Black Communities of Colombia (PCN)

### GERMÁN BURGOS

The dynamics of exclusion in Colombia are complex. Exclusion is multidimensional, occurring on different levels: the social, the judicial (or legal), and the political level, and these levels of exclusion are inter-dependent, reinforcing one another in perverse ways.

At the level of social exclusion, Colombian society is highly unequal. In the 2005 UN Human Development report,<sup>15</sup> out of the 124 countries analyzed, Colombia was ranked the eleventh most unequal country in the world. It ranked worse than Namibia, Lesotho, Botswana, Sierra Leone, Central African Republic, Swaziland, Guatemala, Brazil, Paraguay or South Africa. According to Oscar Sánchez of the UNHD programme, inequality in Colombia is such that the richest 20 per cent of the population consumes 62 per cent of the country's wealth, while the poorest 20 per cent consumes only 3 per cent.

<sup>15</sup> See: <http://hdr.undp.org/reports/global/2005/>

The roots of this inequality are deep and structural, and have not changed over time. Colombia has seen economic growth—4 per cent in the last five years, and an estimated 6 per cent in this year alone—but this growth has not resulted in less inequality; indeed, inequality has worsened.

As another indicator of social exclusion, levels of poverty remain very high; some 60 per cent of the Colombian population lives in poverty. Some 22.6 per cent of the population survives on an income of \$2 a day; some 8.2 per cent survives on \$1 a day. This shows us not only that there are huge income differentials among Colombians, which is how inequality is measured, but also that many Colombians are barely making enough to survive.

Inequality is also inscribed on regional and cultural lines. Bogotá, the capital city, registers a relatively high level of human development, with a GINI coefficient<sup>16</sup> almost the same as that of Costa Rica, but in Chocó, human development is much lower than in most parts of world, with a GINI coefficient closer to that of Honduras or Bolivia.

Access to credit is also highly unequal. Recent studies indicate that some 2000 persons (individual and corporate) command 95 per cent of bank credit in Colombia. The rest of the population, and of the approximately 1 million businesses in Colombia, command only 5 per cent of available credit. This pattern feeds the informal economy, in a perverse circle of poverty driven by a lack of access to resources among those oc-

<sup>16</sup> The Gini coefficient is a summary measure of the degree of inequality in household income distribution.

cupying the lowest levels of the social pyramid.

Colombia, under Uribe, has pursued a development model based on expanding the economic and social role of the market, while minimizing the role of the state in guiding the economy and in the delivery of services. Under this model, investment and growth have increased, but this has failed to advance the fight against poverty or to promote greater equality or social development. It is a perverse economic development model: Colombia is not a poor country, it is rich in resources, sufficient to guarantee a high standard of living, and is considered a “mid-developed” country, in terms of growth and investment, but this has not resulted in equitable human development or in a social-democratic model of inclusion.

In terms of the juridical or legal dimension of exclusion in Colombia: more rights are formally recognized now in Colombian law than in the past. The Constitution of 1991 was progressive in this sense. It gave us more formal rights, especially in its recognition of Indigenous communities and the rights of women, children and the elderly; however, there are three processes that have undermined its potential for encouraging greater social inclusion.

For one, in the 16 years since the Constitution was passed, key laws have not been implemented, such as the Law of Territorial Organization<sup>17</sup>, which was to give Afro-Colombian and Indigenous

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<sup>17</sup> The Organic Law of Territorial Organization (Ley Organica de Ordenamiento Territorial) was authorized by Article 329 of the 1991 Constitution to regulate the demarcation of Indigenous Territorial Entities.

people greater autonomy. There is a great legal vacuum around implementing the inclusive measures called for by the Constitution.

Secondarily, there are regressive tendencies in the introduction of new legislation that counters the progressive aspects of the 1991 Constitution. Uribe has taken action to ensure that some of the positive advances of the Constitution are rolled back. For example, he has attempted to reform the *tutela*,<sup>18</sup> or the action of *amparo*,<sup>19</sup> which are used to protect the fundamental rights of people and which have been much used by social organizations since 1991.

Uribe is seeking to ensure that the *tutela* in particular not be an instrument available for protecting economic and social rights. He is seeking to prohibit the *tutela*'s ability to command public funds, as has occurred in the past via rulings of the Constitutional Court. He also wishes to ensure that judges' decisions not be influenced by *amparo* actions, making judges invulnerable.

Another regressive development is the government's effort to amend the Trans-

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<sup>18</sup> A specific form of the protection of rights, comparable to the constitutional complaint, introduced by the Colombian Constitution of 1991 and characterised by the fact that the circle of protected constitutional rights is explicitly defined

(<http://concourt.am/old/Books/harutunyan/monogr3/ch5p1.htm>).

<sup>19</sup> “A universal and a traditional form of human rights' protection in the Hispanophone legal system: the protection of an individual against violations of constitutional rights by government acts of all categories. Basically, the Supreme Courts of the State in question are responsible for this form of protection”

(<http://concourt.am/old/Books/harutunyan/monogr3/ch5p1.htm>).

fers Law (Ley de Transferencias)<sup>20</sup>. The constitutional reforms of 1991 called for a significant decentralization of both functions and resources from the central government to more local levels. There were some problems with the process of decentralizing in Colombia, as elsewhere in Latin America, but the response of the Colombian government was to re-assume centralized control of spending, and to condition the decentralization of funds to municipalities and departments upon the realization of certain requirements. This was to be a strategy of fixed duration, lasting only until 2008, but the government is now trying to make this re-centralized model permanent.

As a result, a large part of government spending is under the discretionary control of the president, who uses it to build clientelistic relationships. Thus, for example, the president used “families in action”<sup>21</sup> as a means to build his electoral base, which had much to do with his winning a second mandate.

The persistence of informal patterns of exclusion represents yet another barrier that has prevented the 1991 Constitution from fulfilling its progressive potential. Racism, sexism and classism persist, especially when it comes to the administration of justice. In some cases, the justice system has simply ignored the Constitution. The judiciary is made up almost entirely of men, with very few Afro-Colombians or Indigenous among them. Those significant parts of the population

are not adequately represented in the judiciary, despite the Constitution’s formal recognition of the multi-ethnic and multi-cultural character of the nation. This judicial, or legal, exclusion is as important to recognize as is social exclusion.

The third dimension of exclusion I wish to mention is that of political exclusion. Stigmatization is one of its expressions, and a critical one in the current conjuncture, since the very president is actively stigmatizing his political opponents. Recently on radio and television, the president referred to members of the Polo Democrático<sup>22</sup> opposition party as “terrorists in civilian garb”. This rhetoric aims to cause fragmentation and to manufacture an enemy, which the president evidently sees to be to his political advantage. Obviously, this stigmatization, or labelling as “internal enemies”, of those who contradict the government greatly undermines the supposedly democratic quality of our political system.

Sectarianism, which is to some extent stigmatization in another form, is another expression of political exclusion. Those who think and act differently are treated as suspect and are persecuted by legal and illegal means.

The high levels of political violence in Colombia represent another expression of political exclusion. Officially, after five years of Uribe in the presidency, there is no longer an armed conflict in the country, democracy has been better consolidated, and we have had the lux-

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<sup>20</sup> Passed on 20 June 2001, this law caps the federal money transferred to departments and municipalities for education, healthcare and other social needs.

<sup>21</sup> A component of Plan Colombia (see Glossary), this programme provided subsidies to poor families in exchange for a commitment to keep their children in school.

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<sup>22</sup> The Polo Democrático Independiente (PDI), or Independent Democratic Pole, is a legal political party comprising a broad coalition of leftist movements; see: <http://www.polodemocratico.net>



ury of re-electing the president in this novel context. However, the statistics on political violence do not corroborate this official image.

According to studies conducted by the Colombian Commission of Jurists (Comision Colombiana de Juristas),<sup>23</sup> between 2002 and 2006, 11,292 persons were killed or disappeared, outside of the armed conflict. These numbers are slightly lower than those from the prior four-year period, but they do not indicate a change in terms of the overall trend. In other words, Uribe's so-called "democratic security" has not given Colombians any greater guarantee of safety when it comes to exercising their rights and participating politically. Levels of political violence remain as worrisome as they were in the past.

The state has been a primary agent of this violence, bearing direct or indirect responsibility for 75.15 per cent of those cases where the responsible agent has been identified, according to the Andean Commission of Jurists (Comision Andina de Juristas).<sup>24</sup> It has been directly responsible in some 15 per cent of cases, and in those cases where it has been indirectly responsible, state actors have supported paramilitary organizations, or coordinated with them, in the execution of violent actions.

Paramilitary violence is still taking place

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<sup>23</sup> A non-governmental organization with UN Consultative Status;

<http://www.coljuristas.org/inicio.htm>

<sup>24</sup> An international, non-profit, private organization with its headquarters in Lima, Peru, that provides the region with legal services in the public interest. Its mission is to contribute to the strengthening of the rule of law and democratic institutions to assure respect for human rights; see: <http://www.cajpe.org.pe/Homepage.htm>

as we are supposedly completing a process of negotiation by which to reintegrate paramilitary actors into civil and political life. The fact that paramilitary organizations continue to inflict violence exposes the falsity of this process.

Moreover, their violence not only takes the form of killings and disappearances; paramilitary violence also takes the form of state penetration. This takeover of the state has taken place mainly at the local level, but in some cases also at the level of the central government, as is the case, for example, with the DAS<sup>25</sup> and certain sectors of the judiciary. This partial capture of the state, as part of a larger political and social agenda, is a project of structural exclusion.

In this light, if, as the Commission's report suggests, paramilitary groups are engaging in armed actions less frequently than before, it is because they have changed their strategy, not because they have abandoned the pursuit of their decidedly authoritarian political project.

Another measure of political exclusion is the incidence of arbitrary detentions. Yesterday, the UN High Commissioner for Human Rights presented a report on Colombia that reiterated something observed over the previous two years: that

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<sup>25</sup> The Departamento Administrativo de Seguridad (Administrative Department for Security), Colombia's federal police and intelligence agency, "operates directly under the authority of the president of Colombia. In addition to its intelligence functions, it is charged with providing security to government officials and persons at risk." The "parapolitical scandal" (see Glossary) involves allegations that the DAS collaborated with paramilitary groups in the extrajudicial killing of labour leaders, electoral fraud, and political assassinations (<http://hrw.org/english/docs/2006/04/17/colomb13196.htm>).



the number of arbitrary detentions by state organs is alarmingly high. The rationale for the state strategy of mass arrests as a means to reduce crime is based on very weak evidence, and the strategy is also suspect because it has been disproportionately applied against those who are critical of, or resistant to, state policies. This has especially been the case in more remote local contexts, where the media is often absent.

Effectively, then, we are speaking of the containment of dissidence by legal measures taken by the Attorney General's office and other state agencies. Arbitrary detentions are being used as a means of social and political control in the most strategically important areas of the country.

In closing, I wish to stress that the forms of exclusion reviewed here are mutually reinforcing. They cannot be properly understood in isolation from one another.

For example, political exclusion through violence is sometimes used as a means to enforce economic exclusion, by imposing megaprojects on communities. In other words, political violence is used to guarantee economic projects that are exclusionary.

As another example, social and judicial rights are inter-dependent. High levels of inequality and poverty make it very difficult for many Colombians to exercise their legal rights. Social exclusion ensures many are not even aware of their rights, and their vulnerability makes them afraid to pursue the realization of those rights.

I could cite many other examples to underline the fact that a holistic, integrated

approach is needed when one considers the question of overcoming exclusion.

We not only need to demand such an approach from our governments, we need also to use such a framework ourselves in our struggles. We will not address the perverse tendencies of reinforced exclusion if we approach the advancement of social rights, at the national or international level, in a piecemeal fashion. We need to appreciate the complexity, the diversity, and the interdependency of the various dimensions of exclusion as we struggle to overcome them.

#### LUÍS EVELIS ANDRADE

“Our race derives from the mixing of Spaniards, Indians and Negroes. The latter two lines of inheritance have branded us with a stigma of utter inferiority. It is in what we have managed to salvage from our Spanish heritage that we must seek the roots of our contemporary Colombian identity. Mestizo (mixed blood) identity is not useful when it comes to the political and economic construction of America. The mestizo retains too many of the defects of the Indian, who is dishonest, servile, careless, and who abhors work or anything requiring effort. Only by crossing those of mixed-blood lineage with those of pure European lineage do we arrive at a race with the strength of character typical of the white man.”

These are the sentiments of Laureano Gómez,<sup>26</sup> a former president of Colom-

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<sup>26</sup> Laureano Eleuterio Gómez Castro (1889 – 1965) was President of Colombia from 1950 to 1953, and long-time leader of the Colombian Conservative Party.

bia. Rafael Uribe Uribe<sup>27</sup> expressed something similar when he said that the only way to overcome the Indian as obstacle to national development was by integrating him into one of three instruments for his transformation: the interpreters' corps, the missions, or the military colonies.

These attitudes have not changed significantly with time. The politicians of Latin America have always considered us Indigenous people a problem, and we continue to be seen in this way.

I will begin my presentation, however, with a quick overview of Indigenous communities and territories in Colombia. The proportion of the population made up of Indigenous people varies from department to department in Colombia. In Cauca, for example, for every 100,000 inhabitants, 182.6 are Indigenous [see Fig 1]. In Guania, 50.67 per cent of the population of the department is Indigenous [see Fig 2].

However, when it comes to decision-making, Indigenous communities do not count; decisions and policies are controlled by a minority, as in most of our countries in Latin America, where the few determine everyone's future.

There are more than 90 Indigenous groups in Colombia. However, many of them are at risk of extinction due to the forces of exclusion, marginalization and violence to which they have long been subjected.

The situation of Indigenous groups also varies from region to region. In the northern regional zone, for example, the

Cancuamo, one of the four important groups of the region, has suffered from especially high levels of political violence. With 200 of their leaders killed in the last decade, they have requested of the Inter-American Commission for Human Rights that it demand the Colombian state provide the community with protective measures. Most killings have been committed by paramilitary groups who accuse their victims of being guerrillas, though the real problem is that the Cancuamo have been actively rebuilding their communities, recovering their culture, and asserting themselves politically, including in claims to land, a development that has been inconvenient for the dominant political classes of the area.

I would also like to briefly mention our memory, as Indigenous peoples, of being uprooted, displaced and disenfranchised. Many do not like us to refer to history, as if history was offensive or as if in mentioning it we are being petty and resentful. However, the recollection of history is essential if we are to avoid the recurrence of past injustices.

We Indigenous people have suffered a history of exclusion, from conquest to globalization. This originally took the form of ignorance and negation: we were not considered to be human, to be capable of thought, or to possess a soul. These perceptions were used to justify extermination, conquest, our displacement from our lands, the disparagement of our forms of government and our beliefs, and the destruction of our civilizations. Many of the advances our peoples had made in technology and the sciences were lost.

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<sup>27</sup> Rafael Uribe Uribe (1859–1914) was a lawyer, journalist, diplomat and soldier.

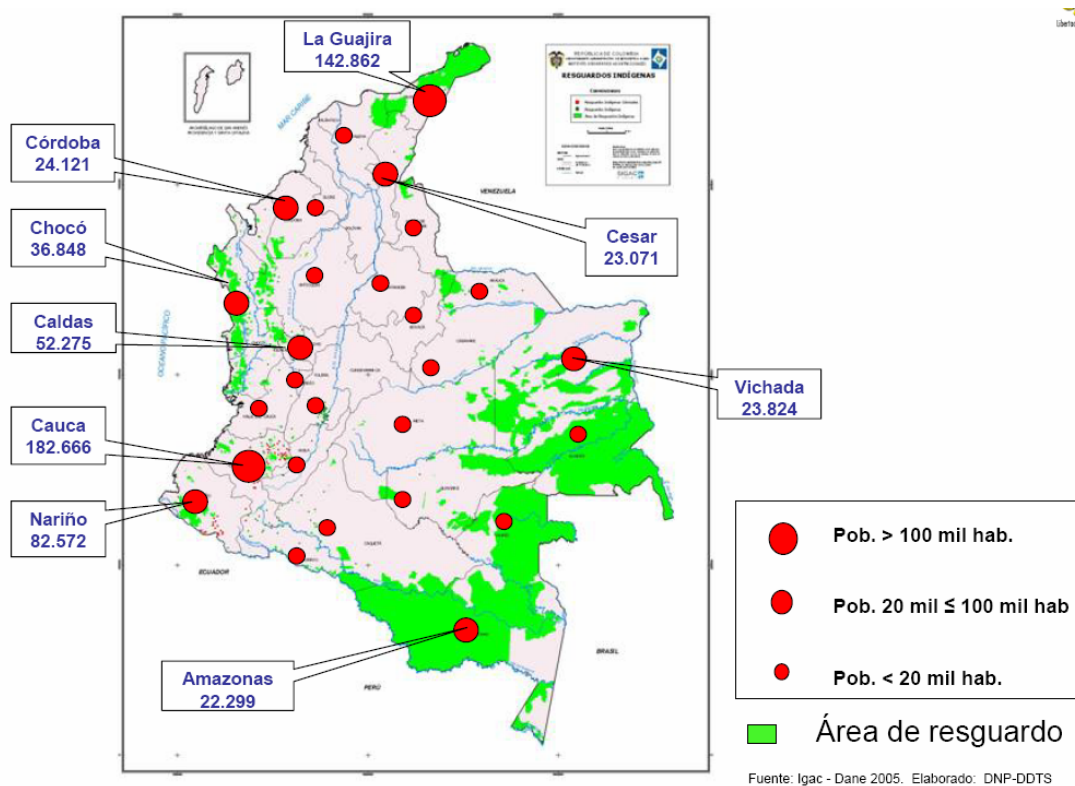


Fig. 1: Number of Indigenous people per 100,000 inhabitants in various departments.

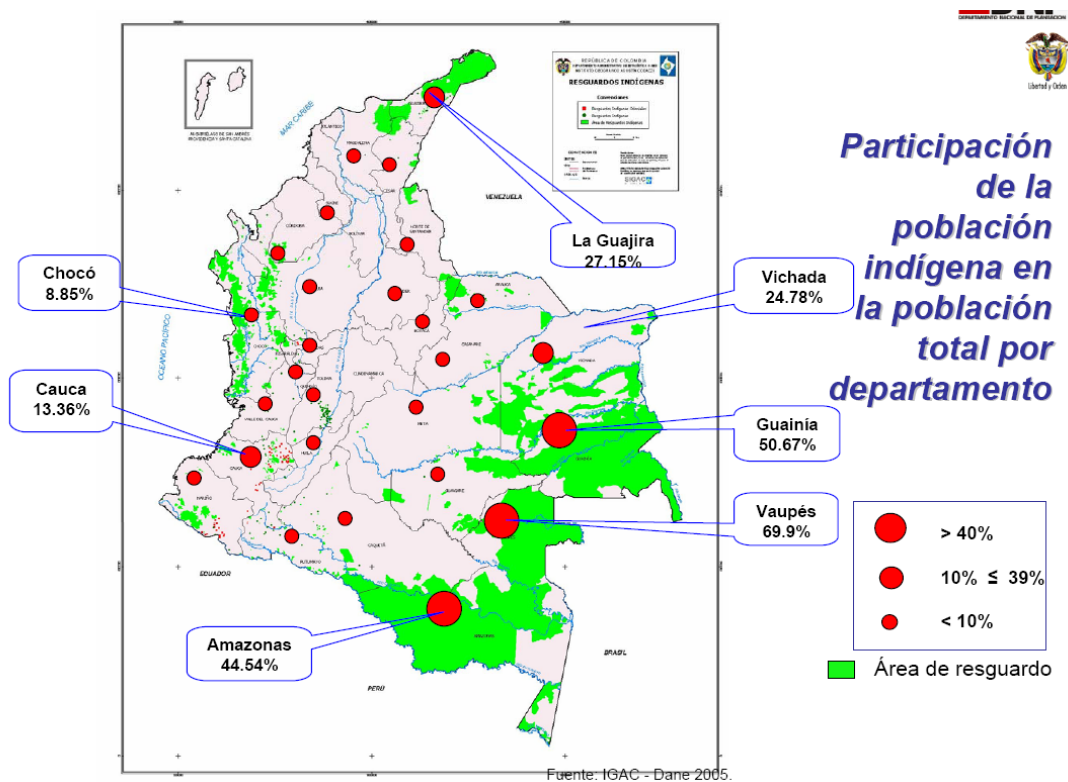


Fig.2: Percentage of Indigenous people per total population in various departments.

Meanwhile, the European colonists brought Africans to this continent and the practise of slavery, another historical fact that underpins much of what is happening today.

The Indigenous reservations created in colonial times were purportedly established to ensure our protection, but they served to isolate and confine us. The containment of our communities is nothing new. The processes of exclusion, isolation, and violence to which we were subjected then have done much to shape what Colombian society has since become.

Indigenous and Afro-descended communities in the Americas also participated in the continent's liberation struggles and wars of independence, as chronicled in many historical accounts. We were sent to the front lines and then excluded from history, which refused to recognize the role of Indigenous and Black leaders in these struggles.

With the creation of the Republic and the Constitution of 1886, Indigenous peoples were not considered political subjects or subjects with rights. We were instead considered to be minors. The law of 1889 grappled with the question of how to integrate the savages that needed civilizing. From 1886 to 1970, we were subject to extermination, cruel violence, and racism. Afro-descended peoples, in turn, were only recognized as having a collective legal identity with article 55 of the Constitution of 1991, and later with law 70 that acknowledges their collective right to land and to pursue their own paths to development.

By 1920, many Indigenous leaders were speaking up, though they had not yet

created an organization nor developed sufficient collective awareness in their communities, due to the particular limitations confronting them at the time, including their persecution by various means. Thus, Manuel Quintín Lame<sup>28</sup> was imprisoned more than 100 times, and managed to provide his own legal defence, sowing the seeds of subsequent Indigenous resistance. We have known political violence, stigmatization, and repression by the state through every period of history since the colonial era.

In 1991, a milestone was achieved in Colombia as Indigenous and Afro-descended people became defined as legal subjects with rights, and the country was recognized to be multi-ethnic and pluri-cultural. The existence of special Indigenous jurisdiction was also legitimized, recognizing reservations as Indigenous territories within which Indigenous people have the right to pursue their own course of development and their own Life Plans (*Planes de Vida*).<sup>29</sup> The community councils of Afro-Colombians were also legitimized as authoritative bodies.

Nonetheless, as Lorenzo Muela<sup>30</sup> said in a recent meeting, we now feel defrauded, because this was supposed to be a new pact, a new political agreement, to gen-

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<sup>28</sup> Manuel Quintín Lame Chantre (1880–1967), indigenous leader. “The contemporary Nasa [Indigenous] autonomy movement has its roots in a campaign launched in 1910 by Manuel Quintín Lame... Quintín Lame called for a program to reclaim the land...” (<http://www.zmag.org/content/showarticle.cfm?itemID=4214>).

<sup>29</sup> See “Life Plans” in Glossary.

<sup>30</sup> Senator Lorenzo Muela, of the Guambia Indigenous group in the state of Popayán, is head of the Office of Indigenous Affairs and the head of the Office of Afro-Colombian Affairs (Ministry of the Interior).

erate inclusion and to address poverty and regional and demographic inequalities. Instead, as Germán Burgos just outlined, we have seen backsliding, reversal, and regressive constitutional reform, which we consider to represent a conscious campaign of exclusion, an act of violence, directed against our peoples.

I would say, as Rafael Uribe and Laureano Gómez said in the texts I quoted before, we Indigenous people continue to be seen as an obstacle to development. This is why the government is passing laws that contradict the advances made in terms of the Constitution. We are considered non-viable in the face of the market, in the face of trade agreements, and in the face of globalization, as these are now being touted as the sole mechanisms that should define the relationship between peoples and nations.

The displacement or disenfranchisement of Indigenous peoples is more serious today because it is being done in the name of concepts that are widely accepted at the global level.

Our exclusion is manifested in various ways. We have always been rendered invisible, by the census, for example, which does not reflect our true numbers. But this reflects the fact that we are still not empowered to be political subjects who can influence public policy, nor are we assigned the resources we need to resolve our own problems.

What the authorities are doing now is to deny the existence of 10 or 12 million Afro-Colombians, and to deny the existence of Indigenous peoples in their true numbers, in order to say later that we do not need as much land as we are demanding. “If they are so few, and they

are so stupid, why should we grant them these rights?” This is not said outright, but it is understood.

Our exclusion is also the result of a particular model of development, a model that prioritizes economic growth but ignores the question of basic needs, that does not prioritize the well being of all, and that is indifferent to the question of difference.

Our exclusion is reflected in our lack of access to health care and education. Illiteracy rates are very high in this country that is supposedly a beacon of democracy in Latin America.

In terms of political participation: while it is true that the Constituent Assembly and the new Constitution generated participation, including of our peoples, this semblance of participation was somewhat illusory. Especially when it comes to the right of free, prior informed consent, we have been violated in our right to participate.

Poverty is another indicator of our exclusion. I would even say that many of our people are at high risk of disappearing or becoming extinct. We are dying of hunger, malnutrition, and of preventable and curable illnesses.

Political violence arrived in our lands with the conquerors. In times past, this violence was justified in ideological, legal and philosophical terms, with the concepts of civilization and Christianity. Today the violence against and exclusion of our peoples is justified with concepts such as globalization, progress, development, security and democracy. Who among you does not like these words, alluring as they are?

In the name of these concepts they are opening our borders to free trade and transnational investment, without taking into account the different needs of different Colombian communities, without taking into account environmental concerns. Multinational corporations have contributed to the violation of human rights and our collective rights.

The criminalization of our struggles is also problematic. No sooner do we take to the streets than President Uribe is saying “The indigenous groups have been infiltrated by the guerrilla; they are terrorists.” He uses the international political discourse on terrorism to attack our legitimate political struggles. We have always demanded our rights.

Reviewing the current situation of political violence against us, more than 25,000 of us Indigenous peoples, and perhaps as many as 40,000, have been displaced. More than 350 have been disappeared, more than 150 abducted, 1,000 sexually violated, and 2,500 arbitrarily detained. Of the 2,460 members of our communities killed, 1,900 were community leaders: This is nothing less than political violence, in retaliation for our leaders having demanded respect for our rights.

It also bears noting that, of all the murders committed over the last three decades, 45 per cent occurred during the two terms in office of Álvaro Uribe. Even during the process of the supposed demobilization of the paramilitary, as part of which the paramilitary had promised to cease all hostilities, in 2003, 56 members of the Cancuamo community were killed, prompting the intervention

of the Inter-American Court.<sup>31</sup> How can the president say there is no violence, no conflict, and that this peace process is inclusive, respectful, and promotes justice and reparations?

We Indigenous people have not been protagonists or participants in the official pursuit of peace in Colombia. When the authorities have called upon us to participate, it has been only to ask us to lend legitimacy to their chosen approach.

It is important to note that the pursuit of peace requires more than a focus on the paramilitary and the insurgent groups. It takes more than demobilization and disarmament to achieve peace. The achievement of peace requires us to take responsibility for, and to overcome, the injustices of the past that persist into the present, so that we can move our country in a new direction as the historical agents we are.

Indigenous, Afro-descended and peasant communities are promoting an alternative vision for our society, in which difference and pluralism are celebrated, in which our ethnocentric political paradigm—where one region is developed at the expense of another, where some are enriched while others are further impoverished and made the targets of violence—is overcome. Despite our painful history, we Indigenous people want to propose new paths and new destinies,

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<sup>31</sup> “[S]ince 1996, 257 indigenous leaders have been killed... The *cancuamos* alone have 180 widows and 780 orphans...” (Susana Villarán de la Puente, Speaker for Colombia and for women’s rights of the Inter-American Commission for Human Rights, interviewed in late 2005; [http://www.cipresearch.fuhem.es%2Fpazyseguridad%2Fdocs%2Finterview\\_with\\_Susana\\_Villaran.pdf](http://www.cipresearch.fuhem.es%2Fpazyseguridad%2Fdocs%2Finterview_with_Susana_Villaran.pdf)).

and on these possibilities we are pinning our hopes.

### JOSÉ SANTOS CAICEDO CABEZAS

In 1991, Afro-Colombians were granted recognition as political subjects, as other speakers at this event have already acknowledged. One hundred and forty years earlier, in 1851, slavery was supposedly abolished in Colombia, but at that time, they did not give Afro-descendants the means to realize their own paths to development. Freed slaves received no reparation for the historic crime of their enslavement and abuse, nor have their descendants. Instead, compensation was paid to former slave owners, while the former slaves were marginalized and denied opportunity to better their situation.

Thus, the exclusion experienced by our communities runs many generations back, and governments have consistently failed to address the problem.

Our communities now feel that history is repeating itself in the current process of paramilitary demobilization, the peace and justice process. Just as there was no justice done, nor reparations paid, when slavery was abolished, we expect no justice or reparations from this current process.

In 1991, a “transitional” article of the new Constitution stated that Blacks in Colombia have rights; but this article did not provide a full and explicit guarantee of those rights. Rather, it stated that over the following two years, a law would be drafted that would recognize the rights of Black communities, especially their right to land.

In 1993, after much consultation with our communities, a normative framework was established to recognize the ethnic and cultural rights of Black communities in Colombia. However, there was resistance to recognizing us as an ethnic group. It was necessary, therefore, for us to tell them about our aspirations as a community, and how we differed from the rest of the Colombian population: how we bury our dead, how we use the land, and how we relate to nature.

The government held that, to be recognized as an ethnic group, we needed to have a mother tongue distinct from the Spanish spoken by all Colombians. We argued that our historic experience made our situation different, for we do not even speak Spanish well, and the fact that we do not have a distinct mother tongue is due to our having been dominated and the objects of cultural extermination. Those who were brought from Africa were obliged to change their culture, traditions and customs.

An exception to this took place in Cartagena, where there was successful Black resistance to this process of deculturization, which is why Palenque San Basilio,<sup>32</sup> where the slaves and their descendants have maintained their original language, is such an important symbol for Blacks in Colombia. The rest of us lost our languages.

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<sup>32</sup> “The village of Palenque de San Basilio, with a population of about 3,500 inhabitants, is located in the foothills of the Montes de María, southeast of the regional capital, Cartagena. Palenque de San Basilio was one of the walled communities called *palenques*, which were founded by escaped slaves as a refuge in the seventeenth century. Of the many palenques that existed in former times, only San Basilio has survived until the present day” (<http://www.unesco.org/culture/ich/index.php?to pic=mp&cp=CO#TOC2>).



In 1993, then, Law 70 was promulgated, which recognized the rights of Black communities to land, to realize their own cultural identity, to pursue their own path to development, and to political participation. However, since then these rights have been repeatedly violated.

For example, to realize our right to cultural identity, we need our own education to reinforce this identity; however, programs have not focussed on protecting this right. Instead, racism, discrimination, and segregation persist.

In terms of the right to autonomy: our communities in the country's interior practise their own form of government. The elders, the teachers, the healers, the midwives are those that have authority in these communities. However, the national government does not recognize these forms of authority.

While our right to pursue our own path to development has been formally recognized, the government insists that our development must have a homogenizing or assimilating effect; this violates our right to autonomy. So, too, does the government's imposition of organizational structures on our communities.

For our communities, the natural organizational form is the *palenque*, a form of community council that arose out of our struggle for freedom; this was the original organizational form created by runaway slaves. While these community councils would be our preferred form for exercising authority within our territories, the impositions of the national government and its agencies have prevented us from realizing this ideal.

Our right to land is also being violated.

From 1993 to 2001, the government told Blacks that they had the right to collectively own land and to collectively manage their territories. We would meet in large assemblies to decide how the community land would be used. However, with the incursion of military and paramilitary troops, we have lost control over our lands.

Between 1993 and 2001, Black communities managed to obtain collective title to some 5 million hectares of land. However, since Uribe assumed the presidency, we have not gained title to so much as one more hectare. Not one. Instead, Uribe has pursued a regressive legislative agenda that seeks to roll back our rights. He has passed nine laws, like the Forestry Law,<sup>33</sup> that infringe upon the ability of Indigenous and Afro-descended people to manage their own lands.

For land is not just the place where our houses are located; land includes the environment in all its dimensions and with all its resources, considered holistically. In our land we hunt; we harvest herbs for healing; we cut firewood; we find our water; we commune with the spirits. Land is the basis for our life and of our culture. This is what land means to us. When they pass laws that impinge on our access to land in this holistic sense, they are violating our rights.

The Rural Development Statute<sup>34</sup>—not agrarian reform—is another legal instrument that undermines our right to land. When slavery was abolished, many Blacks went to the jungles of the Pacific region, a remote area where they hoped to be left in peace. There, our

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<sup>33</sup> See "Forestry Law" in Glossary.

<sup>34</sup> See "Rural Development Statute" in Glossary.



communities established a harmonious relationship with the natural resources of the area, practising sustainable forms of mining, hunting, and gathering. Now, companies are coming to the region to exploit its resources; the Pacific is now thought of as a dispensary, to be exploited. They aim to strip the region of its wealth and to leave nothing behind but destruction.

Since 1993, however, the laws on collective land ownership have prohibited the sale of our communal lands. So now they are telling us that our communities must make strategic alliances with the private sector, in which the companies provide the capital and the Black communities provide the land. But the companies will decide upon the business plan, upon what will be done. The introduction of palm monoculture, for the production of oil and biofuel, is an example of such a venture.

Black communities already have experienced alliances with business for resource exploitation, in the form of gold extraction. Instead of bringing our communities wealth, it brought us environmental contamination and illness. As a result, many of us are resistant to entering into such alliances.

Because this resistance has problematized the easy exploitation of resources on our lands, from 1998 onward the government and businesses have brought military and paramilitary groups into our lands to displace us, to commit massacres, and to destroy the social fabric of our communities.

The paramilitary come and tell us we have no choice but to sell our lands and leave. They exert complete control over

our territories, and can implement blockades to prevent the entry of food, medicine, and fuel. In the Pacific region, the river is our highway; all transport is aquatic, and fuel is indispensable to mobility.

If they control the rivers and access to fuel, and seal us in, we cannot leave nor sell our products externally, nor can we express our cultural identity if we are cut off from neighbouring communities. We cannot hold our cultural celebrations. We cannot attend the funerary ceremonies when someone in our extended family dies.

Nor is it just the paramilitaries who restrict river traffic; the police and the military similarly impose restrictions and curfews on the use of the rivers.

This is the situation in our rural communities. In urban areas, like Buenaventura or Tomaca, the paramilitary also exert total control within neighbourhoods. Our youth cannot wear traditional braids or earrings; they cannot sing or dance rap or *curulao*.<sup>35</sup> Curfews are imposed. Cultural activities and normal ways of relating are interrupted. The paramilitary enter neighbourhoods and conduct what they call “social cleansing”, imposing their norms and rules of conduct on residents.

We consider there to be a deliberate campaign of cultural or ethnic extermination against the Black communities of Colombia, through the actions of armed groups and state policy.

Before 2005, the relevant government bodies said that Afro-descendants accounted for 25 per cent of the country’s

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<sup>35</sup> An Afro-Colombian dance.

total population, which is to say we numbered about 10.5 million. In the 2005 census, we are said to account for only 10.5 per cent of the population, or some 4.5 million. If, when we were considered to number so many more, there was no political will to develop programmes to address the historic exclusion of our communities; if, even then, there were no education, health, housing, or transport infrastructure policies to meet the needs of our people, what chance is there that such policies will be developed now, when our population is said to be so much smaller?

Since we do number some 10 million, and we continue to be excluded in large part due to systemic racism, public policy should be elaborated to counter our exclusion. We hope that the international community can help to address these problems, that it will demand that the Colombian government change its practices, amend the laws, and generate public policy to protect Indigenous and Afro-descended communities and to guarantee our rights.

## DISCUSSION

**Luis Evelis Andrade:** International cooperation should be oriented first and foremost to addressing the priorities of the people intended as beneficiaries; in situations of conflict and human rights abuses, it should be the victims who set those priorities.

In Colombia, the victims are diverse, in terms of the way their communities are organized. Afro-descended and Indigenous communities each have their own distinct authorities and forms of government, and many have formally de-

fining their own distinct “Life Plans”. Their conflicts with the national or with regional governments are often over resource exploitation; government authorities seek to exploit the forest, for example, while our communities want to protect it because our livelihood and ways of life depend on it. International cooperation should focus on understanding these resource-based conflicts from the perspective of the victimized communities.

International cooperation also should not always be geared toward satisfying the interests of the cooperating country. Often we hear that a country is interested in the establishment of peace in Colombia, or is interested in the demobilization process, because of the more secure investment opportunities—in mining, oil or the pharmaceutical industry, for example—that the resultant stability would bring. Cooperation in such cases is motivated by self-interest or convenience, rather than by a sense of solidarity, a universal humanistic consciousness, or the desire to eliminate inequality and injustice—whereas these should be the primary motives driving international cooperation.

Indigenous peoples have learned to use the instruments available through the inter-American system. We have been driven to this because of the impunity that reigns in our country, and because the Colombian government has failed to respond to our demands for justice. In Colombia, there are some 10 communities, and various individuals, currently under protective measures ordered by the Inter-American Human Rights Commission of the Organization of American States (OAS), because, since the Colombian government was not en-

sureing our safety, we took recourse to this body of the OAS for its intervention.

The Colombian government is eager to have these orders from the OAS lifted; the president himself has appealed to the Commission to remove these pressures, because they contradict the government's claim that Colombia is in a post-conflict situation. The government is doing all it can, is playing every dirty trick imaginable, to ensure that the victims of political violence will renounce their complaints and so that the perpetrators of human rights abuses can be depicted as good people and not as aggressors. This is being done by Fernando Araujo, governor of César, for example, who has been linked to massacres, assassinations and crimes against humanity perpetrated upon the Cancuamo people. Through manipulation, he managed to arrange that some few Cancuamo held a celebration in his honour this week.

There is still, therefore, a very important role for the Commission, and the Inter-American Human Rights Court of the OAS, to play in countering the machinations and ill-will of the Colombian government. The legal doctrines and precedents that the Court has established are valuable tools for our struggles. If the Commission and the Court cannot salvage the current justice and peace process in Colombia, we hope at least that they—together with the International Criminal Court—can intervene in the situation of war and violence in which we are immersed, if only to help us recover some degree of hope and moral encouragement.

**José Santos Caicedo Cabezas:** In 2003 or 2004, in a conference in London on the potential role of the international

community in resolving the conflict in Colombia, we Afro-descended participants suggested that all international cooperation should contribute to the creation of peace, and it should do so based on the priorities and needs of local communities. For peace will not come simply from disarmament. Colombia is being wracked not only by an armed conflict, but by a social conflict as well, in which many are marginalized and excluded.

International cooperation, then, should seek to construct alternative processes, an alternative order characterized by greater social justice and inclusion, and these processes need to be built at the level of the local community, with collectives of Black, Indigenous and peasant populations.

However, the Colombian government will not be open to such cooperation. It seeks to resolve these issues on an individual basis, not the level of community. If we Afro-descended people demand policy geared to the collective rather than to the individual, we do not do so just to be difficult, but because we consider ourselves to be a collective and not an individual entity.

In this sense, we have criticized the government's approach to providing protection, as it focuses on the individual rather than the community. For example, in Buenaventura, they took Vladimir,<sup>36</sup>

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<sup>36</sup> Washington Vladimir Angulo Cuero, member of the human rights group Proceso de Comunidades Negras en Colombia, PCN (Process of Black Communities in Colombia), "reportedly abducted on 30

October 2006 and held for approximately five hours by a group of men who told him they were paramilitaries"

who had been threatened by the paramilitary, away in order to protect him. They should not have removed him but instead should have provided protection to the whole collective of which he formed a part.

I think the Inter-American Human Rights Commission has come, in recent years, to appreciate this perspective of ours, and has come to demand that the Colombian government provide collective protection to Afro-descended and Indigenous communities under threat of violence. And this is where international cooperation should be aimed: toward protecting collectivities, not just individuals, and helping them to achieve justice.

**Germán Burgos:** Bilateral cooperation in Colombia has taken a turn recently; it is worrisome, and even surprising, that some European countries that have provided support to the current process of negotiation with the paramilitary, under the Peace and Justice Law. This reflects what others here have observed: the limitations of cooperation between states. States have interests, ideological bents, and internal political dynamics that influence foreign policy. For this reason, it is vital that civil society within cooperating countries informs itself of the nature of their countries' cooperation, and that it seeks to influence that policy.

The Peace and Justice Law, as the revelations of the parapolitical scandal indicate, is going to prove to be an absolute disaster. It has been badly planned and badly implemented and it will fail. This must be explained to the foreign gov-

ernments that have been supporting this process. As well, the processes of supposed investigation and rectification emerging from the parapolitical scandal are likely to be purely formalistic; they are unlikely to result in any substantive change. Democratic, civil society oversight and input into these processes is needed to ensure real accountability. Civil society in cooperating countries should aim to influence the policy of their governments, to inform it with this perspective.

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(<http://web.amnesty.org/library/Index/ENGAMR230472006?open&of=ENG-COL>).

## RESOURCE EXTRACTION AND THE STRUGGLE FOR COMMUNITY RIGHTS

- Jorge Rojas, Consultancy on Human Rights and Displacement (CODHES)
- Guillermo Tascón González, Indigenous Organization of Antioquia (OIA)
- Marta Domicó, daughter of renowned Embera Katío leader Kimy Pernia Domicó

### JORGE ROJAS

Colombia is a country of profound inequalities and of immense exclusion, as you have heard. To complete this panorama, we must recognize that there is, in addition to these problems, a persistent internal armed conflict. For some, the conflict explains the country's inequalities and exclusions; for others, the conflict is a response to these problems. Some believe that, despite the root problems, there should not be an armed conflict. And there are even those, in the government mainly, who sustain that there actually is no armed conflict at all.

I am going to speak of the internal armed conflict and of forced displacement in Colombia, especially in those zones where the conflict coincides with the cultivation of coca and poppies, or with mega-projects involving natural resource extraction. I will also address the question of what can be done.

With much shame, I have to assert again that the armed conflict continues in Co-

lombia. Our elders suffered from it, we have suffered from it, and all indications suggest our children will also. I don't know how many generations will have to suffer so before we realize that by taking the way of force, of arbitrary state power and the violation of human rights, of arms and violence, we will not resolve the country's problems. Forty-three years we have lived with this conflict, a conflict that has had precedents in the country's history, but that has also been met with great resilience and with a willingness to address and resolve our differences.

But the conflict is certainly there. There is a confrontation involving, on the one hand, a constantly growing official military together with illegal counter-insurgent public forces called "paramilitaries"—and these forces continue to exist and to play a role in the state's overall strategy—and, on the other hand, guerrilla forces that have not been militarily defeated.

When Uribe first came to the presidency he did so proposing that militarizing all of Colombian society and all the national territory would be the best way to deal with the guerrillas. The country's armed forces totalled some 210,000 at that time. Now Uribe has announced that, by the end of his second administration, members of the armed forces will total closer to 500,000. This signifies a tremendous increase in the country's military—and this growth has been pursued supposedly to combat "terrorism", not because there is an armed conflict. We are now spending, out of our national budget, an average of \$13.5 million daily to continue this war, to maintain this troop level, and to engage the highest number possible of informants into

the “network of cooperants”, an endeavour based on the government’s belief that all Colombians should provide direct support to the military.

This militaristic approach has had the full support, for more than five years, of the US government. The US has provided some \$4 billion to support Colombia’s military apparatus, for intelligence gathering, and for the eradication of illegal crops—based on the assumption that halting the traffic in drugs will bring down the guerrillas, just as before they assumed that if support from the USSR and Cuba came to an end, the guerrillas would fall. We are reproducing failed models for resolving this conflict.

In the worst years of the war in El Salvador, the US was spending \$1 million daily on the conflict. For five years, they have been spending an average \$1.6 million per day in Colombia. Not that the US government generously sends us the money; rather, they send it in the form of troops and military advisors who are constantly growing in number and exerting more control over Colombian territory. In the municipality of Tumaco, there has been an overwhelming penetration of foreign armed troops, who are supposedly there to eradicate illegal crops and fight drug trafficking though they are failing to do either.

The conflict is only getting worse, and expanding, with no military solution in sight. But neither has any political headway been made. We spent around three years seeking a political solution in El Caguán, but the FARC only wanted to talk and the government could not negotiate. They both cheated us.

The phase we have arrived at now is

merely the continuation of this disaster. I believe that Pastrana<sup>37</sup> and Manuel Marulanda,<sup>38</sup> with their shared logic of war, did great damage to our capacity to envision a political, negotiated solution. Today, to speak of peace in Colombia is considered counter-productive, dangerous, contrarian. The country is in the grip of a bellicose euphoria; many believe we are going to “defeat the terrorists”, at whatever cost—no matter if human rights are violated, no matter if the state exercises its power arbitrarily. Mass arrests, pulling civil society into the conflict—whatever it takes; there are people who truly believe that victory is possible by these means. It is worrisome that, after four years of this, some people still believe that we are going to defeat the insurgents with these tactics.

The guerrilla also suffers from a kind of intoxication. They can now say that—with all the state’s military might, all this technology and outside support, all these announcements of the guerrillas’ imminent defeat—they have not been defeated.

Thus, certain sectors of our society continue to be enthusiastic about continuing down a path—the path of war and armed conflict—that, for the immense majority of Colombians, has been completely exhausted.

We have to insist upon the path to a political solution. We have to rearticulate, with great creativity, the promise of a democratic path to peace, without yet knowing all the answers.

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<sup>37</sup> Andrés Pastrana Arango, president of Colombia from 1998 to 2002; his administration proposed and initially oversaw the implementation of the controversial Plan Colombia aid package and anti-drug strategy.

<sup>38</sup> See “Marulanda Vélez, Manuel” in Glossary.

The armed conflict is not just a military problem—although it is also that. The conflict is unfolding in certain areas in a very particular way. For example, the areas with the highest concentration of paramilitary troops are those same areas in which deposits of oil, coal, gold, emeralds, and natural gas are being exploited. An inquisitive university researcher found that 70 per cent of internally displaced people in Colombia do not flee areas of great poverty; they flee from areas that are very rich in natural resources, the same areas referred to by our Indigenous and Afro-Colombian speakers earlier in this conference.

In 2001, in Santa Fe de Ralito, there was an agreement struck between highly placed politicians and paramilitary troops with a very bloody history, who were responsible for terrible massacres.<sup>39</sup> They met and signed the pact that stated: “we promise to re-found the fatherland; we promise to defend private property, democracy and development”. Pretty words. The Interior Minister said, “Even I would sign such a pact”.

The result of the pact has not exactly been the defence of private property. They appropriated approximately 4.8 million hectares of land from poor peasants living in areas rich in natural resources, from the Black communities in Chocó, for example. They spoke of democracy, and ran unopposed candidates in various ridings and attained political, territorial, military, and economic control over many regions of the country. And they tried to pass this off as a “pact for democracy”. They also killed all their political opponents and all leaders of social movements, in order to secure their political and military hegemony,

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<sup>39</sup> See “Ralito Pact” in Glossary.

and demanded loyalty through the use of brute force.

They also spoke of development. Carlos Castaño<sup>40</sup> liked to say, “Behind the Self-defence Units comes a tractor”. He never mentioned that behind the tractor came a chainsaw.<sup>41</sup>

They spoke of community development. How interesting that this development focused on those areas where there were paramilitaries—areas where hydroelectric projects were built, since development requires an energy source. Marta will talk to us about the energy benefits of the URRRA project. And development requires the building of highways, since it is a long path from the Atlantic to the Pacific, with 14 megaprojects underway in paramilitary-controlled areas. What could be more convenient than having a private army to “clean up” these areas in order to impose development without having so many problems with unions, NGOs or churches who dare to propose other forms of development, where local communities have control.

So they are building highways, and ports. It does not matter if there are Indigenous groups living in the path of these projects, claiming the rights to their land. This has been taken care of by simply eliminating those who stand in the way.

They said in the Pact of Ralito that democracy, development and private property were needed to re-found the fatherland. I think the best outcome of this pact was the election of Uribe as presi-

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<sup>40</sup> See “Castaño Gil, Carlos” in Glossary.

<sup>41</sup> Colombian paramilitaries have routinely used chainsaws to torture, mutilate and kill their victims. See also “AUC” in Glossary.

dent, because there is no other person in Colombia who better personifies the confluence of interests expressed in the pact.

The first of these interests is that of the counter-insurgency; the “self-defence units”, as the paramilitary are known, originally emerged to confront the guerrilla, or at least that is what the government and the paramilitaries themselves like to proclaim. It is true that the guerrilla committed many human rights abuses. But beyond responding to the guerrilla, the other goal of the paramilitary has been territorial, political and economic control.

Who has benefited from this? This news item is very revealing: “The north American banana company, Chiquita, negotiated an arrangement with Carlos Castaño, the head of the United Self-Defence Units of Colombia. Yesterday, US courts ruled that Chiquita must pay 25 million dollars as a fine for having contravened US law<sup>42</sup> by funding a terrorist group,” which committed massacres detailed in the news item, in which many social leaders and unionists were murdered. In the massacre of Multata, 10 people were killed; in Uruba in December 1998, 11 people were killed, after being burned with acid; some were forced to confess that they were members of the guerrilla. In the massacre of Turbo, on 4 March 1998, in Honduras y la Negra, they killed 20 people, etc.

The paramilitary managed to operate and to commit these massacres thanks to

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<sup>42</sup> See “Chiquita case puts big firms on notice” by Sibylla Brodzinsky, *Christian Science Monitor*, April 11th, 2007 (<http://www.corpwatch.org/article.php?id=14457>).

funding provided by transnational companies; in the cases cited, thanks to Chiquita.

The leaders of the union for Coca Cola workers in Colombia also claim that the Coca Cola Company has financed and facilitated the work of paramilitaries who have killed union leaders. Workers in the oil sector have registered similar complaints, and it is certain that the US has provided funds to ensure the protection of its oil pipelines in the country. Who bears responsibility for the various innocent civilians who have been killed in the name of defending these pipelines? Could it be that the US government, like Chiquita, is also financing terrorist groups in Colombia, in order to protect investments and private property, about which there has been so much talk?

Thus, the paramilitary have taken control of lands that have economic importance. I will mention two more examples.

You know that the US president recently visited Colombia, among other countries in the region. The big topic of discussion during his visit was around the topic of bio-fuels, ethanol in particular. The paramilitary and President Uribe are in agreement that it is necessary to dedicate large tracts of agricultural land in Colombia, some million hectares to begin with, to growing palm to produce palm oil. The US will use this palm oil as a bio-fuel to lessen their dependency on petroleum, which forces them into uncomfortable relationships with the likes of Venezuelan President Hugo Chávez.

The only people who will be able to undertake such an endeavour will be the very wealthy, who can afford to make



large, long-term investments; poor peasants and Indigenous communities do not have the means to participate. The areas being allocated for palm cultivation are those under paramilitary control.

The paramilitary are also predominant in those areas of Colombia where industrial agriculture is being practised in the cultivation of sugar cane and rice. Unfortunately for these producers, however, the Free Trade Agreement that Colombia and the US have been trying to pass through their respective Congresses, a process that has run into some evident problems, will cause great problems. The approximately 550,000 Colombian families who now make a living from the cultivation of these crops—rice, bananas, corn—will find it very difficult to compete with the subsidized US farm industry. A Free Trade Agreement would provoke a new rural crisis and more rural-to-urban displacement.

Then there is the matter of Colombia's most profitable export crop, the crop through which Colombia has most successfully inserted itself into the process of globalization: coca. The paramilitary are also key players in the production of this crop, as are other key social actors, including the armed forces, political leaders, and the guerrillas. The US says that we have to fumigate to eliminate these crops, but the more we fumigate the more coca is produced. Coca continues to be produced wherever fumigation has not taken place, and cartels emerge and will continue to form to carry on this trade as long as there is a market for the product.

Fumigation has been successful at ensuring the continuation of the conflict and of drug trafficking, has helped keep in-

ternational prices for coca high, and has helped perpetuate paramilitary power in Colombia.

All of these dynamics have continued to the serious crisis of forced displacement. The armed conflict has not been the only cause of displacement. Certainly, military operations, bombs, the abuse of human rights by one or the other party to the armed conflict results in displacement, but the greatest displacement has been from the areas of most economic importance. The magnitude of the phenomenon is enormous: 8 of every 100 Colombians have been displaced in the last 20 years, and 17 per cent of these have actually fled the country.

The majority, 53 per cent, of the displaced in Colombia are women. The majority are also youth, between 7 and 17 years old, some of who have already grown up; we have two generations of displaced. Afro-descended and Indigenous people are also disproportionately present among the displaced. Ten per cent of the Afro-descended population have been effected by the conflict in various ways, as have some 20 per cent of Indigenous peoples, whose communities have been fractured by the war.

How do we react to all this? How can we capture the support and concern of the international community? Where is this community; for the last four or five years we sought support from the EU, but with 9/11 our chances were destroyed as they began to view us as allies of terrorists rather than as civil society actors seeking peace and democracy. How do we deal with this new reality?

I think the first solution will come from Latin America. If your house is burning

down and you cannot put it out on your own the first thing you do is seek your neighbour's help. We have not turned to our neighbours. We need to do so; we intend to talk to the leaders of Latin American countries to ask why, if a hemispheric process was set up to find a path to peace in Central America in the 1980s, with Colombia at the forefront of that effort, why has such a process not been set up to find peace in Colombia? We need a process that is independent of the US, and that rejects the logic of the war on drugs. In the OAS, to which Canada belongs, and in Latin America, we have to seek alternatives to help Colombian society to get beyond this conflict, beyond this humanitarian crisis, beyond these violations of human rights.

If Canadian civil society can help to create this path, we will not feel so alone. For the truth is—and this is not meant as a reproach—we feel terribly alone in our struggle to end this war.

#### GUILLERMO TASCÓN GONZÁLEZ

According to the information collected by the Indigenous Observatory on Public Policy relating to Development and Ethnic Rights (Observatorio Indígena de Políticas Públicas de Desarrollo y Derechos Étnicos), which is coordinated by the Centre for Indigenous Cooperation and Support (Centro de Apoyo y Cooperación al Indígena, CECOIN), a group that provides technical support to the OIA, the situation of Indigenous communities affected by resource extraction industries is very serious.

The extraction of natural resources in our ancestral lands is a practise as old as Colombia's history, from the time of

Spanish conquest to date. What Indigenous and Afro-descended people are experiencing now is the culmination of the unfinished work of Christopher Columbus and his mercenaries, albeit with a different cast of characters and different countries involved.

In addition to the hundreds of thousands of Indigenous people who died in the mines of the colonial period, in the twentieth century more than 10,000 Indigenous people of the Amazon region were killed, and some 30,000 forcibly displaced, as a result of rubber extraction in the departments of Putumayo and Amazonas by British and Peruvian companies.

More recently, in the last 15 years, the discovery and exploitation of alluvial gold deposits in the Guainía, Inírida and Atabapo rivers, in the departments of Guainía, Vaupés and Amazonas, has attracted hundreds of *garimpeiros* or illegal miners from Brazil, Peru and Ecuador, who have installed hundreds of dredges and who have been responsible for acts of violence, conflict, and deaths from illnesses related to residual mercury, used in the process of gold extraction by illegal miners.

There are two ways in which resource extraction in our territories is conducted today. By legal means, based on decrees, laws, regulations and other normative frameworks set out by Congress and implemented by the environmental, agrarian, and mining authorities. And by illegal means, whereby legal and illegal armed groups use force against Indigenous, Afro-descended and peasant peoples, in areas affected by the country's internal armed conflict, and where there are also to be found networks that traffic

in drugs, arms, gasoline, and natural resources.

Among the legal foundations that regulate resource extraction in Colombia are the mining code, the forestry law (*ley forestal*), the statute on rural development (now being discussed in Congress),<sup>43</sup> and the water law, among others, which collectively promote a deliberate policy of displacing ethnic groups and trampling their rights. This policy underpins the position of the current government, under President Álvaro Uribe Vélez, which refuses to negotiate with the country's social organizations, including the Indigenous movement. This attitude was made especially clear when the government rebuffed the organization of the Nasa people in Cauca department, whose efforts to bring their concerns to the government were met with violence, mass arrests, and even murder. The same happened with the "minga"<sup>44</sup> or Embera march in 2005, which was violently suppressed, with many Indigenous people hurt or killed.

The main resource extraction activities affecting Indigenous peoples today are petroleum, forestry or wood, and mineral

extraction, especially gold and coal.

There are various areas where oil extraction is affecting Indigenous lands, such as in the Atlantic Coast region and Catatumbo. In the Chocó Biogeográfico and the whole Magdalena region, there are petroleum projects that are putting the existence of entire peoples at risk. There are small Indigenous groups who are at risk of disappearing altogether.

One of the peoples most affected by petroleum projects are the U'wa, in the west. Within their territory, as encompassed by the U'wa Reserve, they maintain their language, culture and traditions; their land resides in five departments: Casanare, Boyacá, Norte de Santander, Arauca and Santander.

Since the arrival from Arauca, in the north, of members of the ELN and the FARC guerrilla groups, this territory has been subject to regular violence, not only through the actions of these armed groups, but also due to the counterinsurgency campaigns waged, first, by the armed forces, and later, since the end of the 1990s, by paramilitary groups from Casanare. The town worst affected, whose people have suffered massacres, selective killings, kidnappings, torture and death threats, is Betoye.

At the same time, decisions by the government regarding the exploration and exploitation of hydrocarbon resources put Indigenous groups at risk of losing their lands, their autonomy, and their means of survival. The U'wa people have seen the promulgation of decrees allowing the state petroleum company, ECOPETROL, to pursue the exploitation of petroleum resources on their lands, in joint ventures with, first, with the private

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<sup>43</sup> See "Forestry Law" and "Statute on Rural Development" in Glossary. The Mining Code, generally considered to be regressive and to benefit foreign companies at the expense of local communities, was drawn up in 2001 with significant involvement by the Canadian International Development Agency (CIDA); see:

<http://thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=M1ARTM0012939>.

<sup>44</sup> "Minga" is an Indigenous word for an ancestral practice of communities joining efforts or "meeting for the achievement of a common goal," according to journalist Mauricio Beltrán, communications adviser to the National Indigenous Organization of Colombia (ONIC) and the Association of Indigenous Councils of Northern Cauca (ACIN).

company Occidental de Colombia S.A. (OXY) and, later, with the Spanish company REPSOL-YPF. ECOPETROL is now winding up a series of meetings with U'wa people in a process that the company claims represents "prior consultation".<sup>45</sup>

After two years of such meetings, the U'wa's rejection of the "prior consultation" process, over the exploitation of petroleum in the Bloque Catleya region of Arauca, has fallen on deaf ears. During these two years, the government has sought to divide the U'wa by holding workshops, studies and meetings only with the U'wa of Arauca, while ignoring the communities in the other four departments. Nonetheless, the interior minister, in charge of the office of ethnic groups, in June 2005 submitted a study to the president which expressly states that the exploitation of petroleum in the U'wa reserve of Arauca, which will affect seven communities in two municipalities (Saravena and Fortul), would have no negative consequences on this people's culture.

Petroleum exploitation projects have also been undertaken with no pretense of prior consultation with Indigenous peoples in the department of Putumayo, and there are similar projects, driven by the unrestrained enthusiasm of this government for developing the petroleum industry, being pursued in the Caribbean Coast, Eastern Plains, and Pacific and Magdalena river regions.

Just as there are Indigenous supporters of the Free Trade Agreement between Colombia and the United States, because the government co-opts and bribes Indigenous individuals to support anti-

Indigenous policies, so too are there Indigenous supporters of the petroleum industry. This has been achieved through the creation of "nuclei" of former advisors to the Indigenous movement, who now help multinational companies to devise strategies by which to divide Indigenous communities, whether through the office of the General Office for Ethnic Affairs (Dirección General de Asuntos Étnicos) of the Ministry of the Interior, or through the state oil company, ECOPETROL; both make good use of those Indigenous individuals enlisted into parties that support President Uribe in the Congress.

At the same time that the Colombian government exercises these forms of control and co-optation over Indigenous people, it is also increasing its repressive apparatus; for example, through the creation of new military units—the battalions of Alta Montaña, mobile brigades, groups of "peasant soldiers", networks of informants, and others like the Special Energy and Roadways Battalion (Batallón Plan Especial Energético y Vial) units, established in departments like Putumayo, Nariño and Arauca to protect the petroleum infrastructure of multinational companies, and that receive direct funding from the government of the United States.

The so-called "democratic security" policy<sup>46</sup> of this government has incorporated many of the former members of the supposedly demobilized Self-defence Units of Colombia (Autodefensas Unidas de Colombia, AUC)<sup>47</sup> or paramilitary, as civilian officials or members of military and social control units, within structures like the so-called "highways

<sup>45</sup> See "prior consultation" in Glossary.

<sup>46</sup> See "democratic security" in Glossary.

<sup>47</sup> See "AUC" in Glossary.

protectors” (“salva vías”).

Regarding the forestry or wood industry, extraction projects are underway in almost every region containing tropical rainforest, including virgin or first growth forests in the Pacific littoral and Amazonian regions, to exploit those varieties of trees that are most marketable, such as cedar. In mountainous regions, they have planted hundreds of hectares with imported coniferous species, like pine and eucalyptus, for the paper industry, resulting in the loss of native species and the disturbance of the Andean ecosystem; these projects have also displaced traditional communities that subsisted on those lands by hunting, fishing and cultivating food crops.

The Chocó Biogeográfico is a region that exemplifies the negative impacts of the irrational exploitation of wood products by large businesses, trampling the rights of Indigenous and Black communities in the process. The zone stretches from southern Panama to northern Ecuador, and its exploitation is being undertaken with the complicity of some environmental authorities whose duty it is to protect the environment, as is the case with the Corporación Autónoma del Chocó, CODECHOCÓ, and the Corporación Autónoma de las Amazonas, CORPOAMAZONIA.

The country’s internal armed conflict has provided an excellent pretext by which forestry companies, and the individuals who enrich themselves by associating with them, have managed to override the rights of Indigenous and Afro-descended communities. Moreover, these interests have formed alliances with paramilitary groups, who terrorize the affected communities into accepting

their activities; some community members have even come to believe that these companies offer the only hope for so-called development.

Gold mining is one of the most threatening forms of mineral extraction for Indigenous peoples. It has often led to the division of Indigenous communities and confrontations, as the strategy of “*compadrazgo*” and “*parentesco*”<sup>48</sup> have been employed to infiltrate and co-opt segments of these communities. Members of younger generations have been co-opted into functioning as the executioners of their own people, by facilitating the entry of mining projects.

In the case of Chocó in the 1980s, gold mining led to a massacre in Bagadó, in the Alto Andágueda zone. There, an alliance was formed between the civil authorities and the white colonists who came to mine gold, leading to the massacre. White colonists also co-opted Indigenous communities by marrying into their communities, using these ties to win the community’s support for their gold mining activities, and using their mestizo (mixed-blood) offspring to weaken the community’s sense of ethnic identity.

These pressures, and the presence of white colonists, led to the forced displacement of the community. Once removed from its means of subsistence, the community fell into poverty and, its members transformed into beggars, started losing its culture. In a more recent example of the same dynamic,

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<sup>48</sup> *Compadrazgo* is a form of fictive kinship meaning literally “co-parents” but referring to co-godparenthood or joint sponsorship of a god-child or ritual object. *Parentesco* means “kinship”.

through the conflict between white colonists (mostly from Antioquia) and the Indigenous Wounan people of the Alto San Juan zone, we have been converted into foreigners in our own lands.

Indigenous communities whose lands contain coal are in equally dire circumstances. In particular, the people of Wayúu de La Guajira have suffered not only from environmental contamination and resultant health problems, but also from the presence of legal and illegal armed groups drawn by the wealth associated with this mineral resource. And it is not just the Indigenous people of the area that suffer; our neighbours—peasants, and the population in general—are also affected. Similarly, the Yukpa people, of the Perijá Mountains, have denounced the companies that have begun mining high quality coal from the territory that they share with the Yukpa of Venezuela.

There are many mineral resources to be found in Indigenous lands, like platinum; some have radioactive qualities, like the uranium located in the Sierra de La Macarena and some areas of the Eastern Plains. Certainly what we Indigenous people know is that where there is wealth (gold, oil, minerals, water, woods, etc.), there is war. The argument that extractive industries enter our lands to bring “development” to our communities is based on the premise that development can be equated with investments in infrastructure and extraction. In reality, these projects have the opposite effect on our chances of realizing our life plans: the more “development” of this kind, the more poverty we experience.

A point of vulnerability in our communities is the fact that some are unaware of

the full implications of allowing a megaproject to be developed in their lands; some fall ingenuously into thinking that such projects will bring their communities wealth.

Using a discourse based on purported concern for the autonomy of Indigenous persons, capitalist businesses, whose ends are individualistic and geared toward the accumulation of material wealth, take advantage of Indigenous “poverty” to divide, co-opt and destroy our territories and cultures.

The large paramilitary presence that tends to accompany resource extraction projects is, in the first place, aimed at guaranteeing companies access, to ensure their ability to extract with “safety” and at the lowest possible cost. However, the paramilitary presence and opening of the land to companies and infrastructure, such as highways, also facilitates the penetration and appropriation of our lands by white colonists, who bring new ways of life, including alcohol, prostitution, and consumerism, threatening us with cultural extermination.

The pretext for the paramilitary presence is the threat of guerrilla attacks on these projects, but the conflict is not really between these armed groups. The victims of the violence are always defenceless civilians. Rather than military confrontations between these groups, we have instead massacres and targeted assassinations. Armed groups take over our towns and the only ones who are “safe” are the ones with guns; the civilian population is defenceless.

Indigenous people are under an avalanche of transnational projects threaten-

ing their lands and life ways, and while the government claims it is promoting law and order, protest is criminalized, even when it is peaceful.

All development projects and other administrative measures affecting Indigenous peoples require free, conscious, and informed prior consultation with those peoples, as stipulated by Law 21 of 191 (developed in Agreement 169 of the ILO in Colombia). As mentioned, this requirement has not been respected. Most worrisome is that, to supposedly satisfy this requirement, the government (and the businesses involved) hold meetings of a strictly informational character with only those sectors or individuals within Indigenous communities who are interested in potentially profiting from a proposed development project; the government then uses the attendance lists from these gatherings as a means to prove that the required consultation has taken place.

In the worst instances, the government undertakes such “consultations” on behalf of companies with whom it intends to enter into joint ventures, entailing a conflict of interest that undermines any likelihood of transparency or of respect for the internationally recognized rights of Indigenous peoples.

The Rural Development Statute,<sup>49</sup> which Uribe’s government is trying now to pass in Congress, represents another part of the normative framework by which the government is seeking to disassemble the territories of ethnic communities. This framework aims to make all resources above ground (forests, farms, water) and below ground the property of the nation, not of Indigenous communi-

ties, and therefore available for commercialization. As well as robbing us of our birthright through legal trickery, this proposal contrasts starkly with the cosmovision of Indigenous peoples, for whom Mother Earth is indivisible.

What cannot be taken through such legal measures is taken by force, using the argument that if a parcel of land is not economically productive, it should be expropriated.

It is important to note that Indigenous peoples in Colombia have formed a national movement that has claimed as its mandate the defence and liberation of our Mother Earth. As part of this movement we are recuperating our ancestral lands; we stage peaceful forms of protest and resistance; we are marching in what we call “mingas” to demand our rights; we are strengthening our autonomy, by legitimizing our traditional forms of authority and organization—for example, through a special Indigenous jurisdiction (our own law), and by integrating women’s work into the organizational process, since this struggle is not only one of men but also of women.

We are accomplishing these things also through the formation of strategic alliances or bonds with other social sectors, because we also understand that this is a struggle not only of Indigenous peoples, but also of all those people suffering injustice in our country. We are also addressing our issues at various levels; with government, for example, to take advantage and expand upon every space available in which to make ourselves heard. For example, we have sought to strengthen initiatives like the National Commission on Indigenous Lands (Comision Nacional de Territorios Indi-

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<sup>49</sup> See “Rural Development Statute” in Glossary.

genas) and the Peace Table (Mesa de Paz).

We know that in Canada there are social movements, institutions and individuals who have offered their solidarity and support to the struggles of Indigenous peoples and other social sectors in our country. However, more work is required, directed toward:

1. Removing the blindfold from the international community. Colombian reality is not well known and is too often misrepresented; many think the armed conflict is over when it is not.

2. Promoting bilateral actions by the Canadian government, in policies that take into account Colombia's obligations in terms of respecting human rights and meeting the needs of its population, especially its Indigenous peoples.

3. Asking of Canadian civil society—unions, churches, Indigenous organizations, etc.—that they inform themselves about the activities of Canadian companies involved in mining, oil and other extractive activities in Colombia, to expose the negative impacts of these activities when undertaken on the ancestral lands of Indigenous groups, and to demand that those companies conduct themselves ethically and in a socially responsible manner, following international norms regarding natural resource extraction.

4. Asking the Canadian government to carefully study and report on the use given to the resources that it provides the Colombian government for its ant-terrorism efforts, and on its role in supporting the OAS mission for the para-

military process,<sup>50</sup> to clarify its political responsibility in the serious, continual and massive violations of human rights committed by the paramilitary in the past and that continue to be committed now in the zones where these groups are re-arming, re-grouping or being created afresh, and where they play a role in protecting important economic interests, including those associated with resource extraction activities.

5. Asking the Canadian government to study carefully the cultural, social and environmental impacts of the “development” projects that it supports, to determine if they are really benefiting people or if they are only creating wealth for businesses and affluent countries, while immersing Colombians in greater poverty.

6. Inviting Canadian civil society organizations, members of the Canadian government, and all other interested persons to support the Indigenous people of Colombia in their efforts to peacefully resist the country's armed conflict, to strengthen their autonomy, and to promote peace and human development.

### MARTA DOMICÓ

The video we just saw<sup>51</sup> lays out the difficulties confronted by the Embera people in the municipality of Tierra Alta, located in the department of Córdoba, as a result of the megaproject URRRA 1 hy-

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<sup>50</sup> See “MAPP-OEA” in Glossary.

<sup>51</sup> “Our River, Our Life: The Embera Katio's Struggle for Survival”, documentary film by Kathy Price, produced by the Inter-Church Committee on Human Rights in Latin America, 2000.



droelectric dam.<sup>52</sup>

Five countries, including Colombia and Canada, financed the URRA 1 megaproject. It involved the creation of large reservoirs of water through the damming of rivers, to produce electric energy. URRA 2, a further development in the planning, might yet be realized within the Embera reserve. We are worried about how the megaproject has affected our community, and even more so how it has affected Mother Earth—where we were born, where we live, and where we are.

The URRA projects were located to take advantage of the confluence of three rivers, the Verde, Sinú and Esmeralda rivers. These healthy water systems exist in large part because we, the Embera people, have long taken care of the plants and animals that make up the ecosystem of the rivers. We have not removed the trees or destroyed the natural systems that support the rivers. We protect these resources; indeed, we are downright possessive of them—the air, the land, the sun. We have relationships with the elements. For us, a tree is like a person. They are living beings; they have a spiritual dimension for us. And they are crying now, because they feel as though they are being strangled.

They are being strangled by the large reservoirs of water created by the dams of URRA 1; these bodies of water look like lakes, but they are not natural. The energy created by these dams is being sold abroad, and we were told that this would bring benefits for our community. But now we know what a megaproject is, not in theory but in practice, from living it.

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<sup>52</sup> See Marta's earlier contribution to the conference, above.

Water is something valued by our people; water is like our father; we are owners of the river and sons of the river. The river is being exploited now for the good of others, and this exploitation has been bad for us and for the river; it has brought us destruction. It is destroying us as a people. It has hurt us politically, socially. We are losing our culture; they took away our civilization.

We are not benefiting from the export of this energy. The companies involved bought people to support the project and to favour the involvement of their companies. They paid the mayor, and politicians at the departmental level, so they would not oppose the project. Those against it were threatened, pressured, disappeared, or displaced. We are the people affected by the outcome.

There is now a military presence around the reservoir. We are not permitted access. Armed groups can enter—we are told that the government sent them—but we cannot. The area is becoming militarized, with an influx of arms and uniforms and boats and soldiers, and we feel violated. How can the government claim to be “talking peace” when peace is something we never experience?

Heads of state come to visit Colombia and our president talks with them about how wonderful things are in Colombia. But this is not true. If the president truly sought to establish peace in our country, our people would be living in peace. But the president is not doing the great things he claims to be doing. We are not living well; we are suffering.

If were we living in peace, and if our human rights were not being violated, I would not be here speaking today. We

would not have to talk about things like the case of my father, who was disappeared. But I am here because we are hurting; we are sick with our problems. We don't know what will happen in future, but now there is much suffering and violence.

The Justice and Peace Law<sup>53</sup> is very painful for families affected by it. It is not a law we consider legitimate. We are seeking peace, and to ensure the paramilitary does not enter our communities. The authorities claim this law aims toward that end, but under the table something else is going on.

The disappearance of my father, Kimy Pernia, who was a leader in our community, was due to the URRA megaproject. They did not want him demanding his rights, defending the trees and waters, so they made him disappear.

How do the paramilitary justify this? Paramilitary groups, like those led by Mancuso or Carlos Castaño, have much to do with megaprojects; in many places, were there no megaproject, the paramilitary would not be present. But some agreements were made behind the scenes with the powers that be, and now my father no longer exists.

How do they justify the disappearance of my father, people like Mancuso? They do so by speaking ill of my father. They say that he was a collaborator of the guerrillas.

What is the truth? Our rights continue to be violated, and if one denounces this fact, one is "marked". Many no longer dare to speak out. No one believes the government is willing to do anything for

the victims of human rights abuses. The government has lost all credibility. The Justice and Peace Law does not facilitate the achievement of either justice or peace.

And they also say that we must forgive and forget. OK, that's fine—but how? We are in pain. We don't want war, but we neither do we want murders and disappearances to go unpunished, or for the murderers to enjoy impunity.

Coca production is also associated with the paramilitary. Coca is cultivated on the banks of the reservoir, and they have fumigated it heavily. Some wealth has been made from this, but not by the Embera people. The authorities claim, however, that our community is linked to the guerrilla through coca production, but this makes no sense to us. We are not involved in coca production. But behind these accusations the government has an agenda: to justify its intervention in our lands by saying that we are protecting those lands for the use of other groups. This is very worrisome for us, as it seems a pretext to displace us from our lands, which we are committed to protecting.

We are also not allowed to protest, to march, organize demonstrations, or speak out about our problems. When we do, we are accused of being guerrillas or of being prompted by them.

So when they talk pretty about our country, you have to look beyond the rhetoric and into our lived reality. If you do, you will see that we are truly suffering and that peace has not come to us.

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<sup>53</sup> See "Justice and Peace Law" in Glossary.

## DISCUSSION

**Guillermo Tascón González:** Regarding the criminalization of protest in Colombia: Many say we Indigenous people do not have the capacity to make decisions, assert our rights, or protest; many think that behind us, when we take action, are the guerrillas, or that those of us who speak out are ourselves guerrillas. To be Indian or to be a dissenter is synonymous with being a “guerrilla”—because, unfortunately, to many in our society, including the president, we are not people, capable of independent thought and action. Instead, we are seen to be like puppets, manipulated by others, the pawns of external actors imposing on us their own interests.

Repression is violent, but all that we can do is to resign ourselves to this fact, and carry on. But then they also use the technique of disappearing or killing us, especially the leaders of our efforts to mobilize for change, people like Kimy, because such people are seen as a threat to “democracy”.

And this is done not just to Indigenous social leaders. For example, Jairo Bedoya<sup>54</sup> was an advisor working with our Indigenous organization in Antioquia to help us realize a campaign we

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<sup>54</sup> “Jairo Bedoya Hoyos has not been seen since 2 March 2000... Jairo is a member of the Organización Indígena de Antioquia (OIA), Indigenous Organization of Antioquia, which represents Indigenous communities in Antioquia department. As a member of the OIA, Jairo campaigns for the human rights of Indigenous communities in Colombia, exposing the human rights violations committed against Indigenous peoples... It is believed that his work in this field led to his ‘disappearance’ either by the security forces and their paramilitary allies or by guerrilla forces” (<http://web.amnesty.org/library/Index/ENGAMR230272001?open&of=ENG-2M3>).

called “Para que Embera Viva” (For the Life of the Embera Indigenous People). He was disappeared in Medellín by members of the state security forces.

**Jorge Rojas:** Regarding palm oil monoculture versus local economic development initiatives: Former interior minister Hernando Londoño wrote a column recently in which he described his vision for our country. In his dream he saw Colombia enjoying peace—as we now supposedly have, and he saw the entire Amazon and Orinoco regions planted with palm, accelerating the country’s development, and demonstrating great “competitiveness” (a word these people love) in penetrating global markets, all with the assistance of foreign investment.

Of course, the regions that are the focus of his vision are areas of the country in which a large part of Colombia’s Indigenous population lives. Clearly the fate of these people does not matter to him. This proposal, published in Colombia’s only real newspaper, is presented as a development plan, yet it denies the existence of entire communities.

They are cultivating palm because this is what the government wants to do. If anyone is in opposition, the paramilitary are there to ensure that the plan goes ahead nonetheless.

This is not happening just in the southern part of the country. In the department of Chocó, they are also imposing palm monoculture, again with the assistance of paramilitary groups. Monoculture as a development strategy thus has political as well as environmental and social implications, and it is this strategy—the imposition of monoculture accompanied

by paramilitary control—that is being most fervently promoted in the country.

This dynamic does not apply as much to the present-day cultivation of sugar cane in Colombia. Most of our sugar plantations were created through the appropriation of land in the past, achieved through prior acts of violence, and the sugar industry is not worth developing further right now, under current international market conditions, so additional displacement and paramilitary violence is not needed.

The development of palm monoculture, for the extraction of palm oil as a bio-fuel, however, is synonymous with displacement and violence in present-day Colombia.

**Guillermo Tascón González:** In Indigenous approaches to development, diversity—of crops among other things—signifies well-being to us, whereas monoculture is synonymous with dependence, food insecurity, and loss of cultural identity.

In some zones where they grow coffee, when the crisis came, we were thrown into absolute misery. The same can befall us with banana markets. Monoculture also clashes with our philosophy as a communitarian, collectively oriented people. When one enters the logic of the market, one thinks in terms of what one can gain as an individual, and one ceases to think about one's neighbour. This shift in thinking entails for us a loss of values, and the adoption of anti-values that clash with our cosmovision.

Monocultures also infer a break with traditional practices and the introduction of new technologies that affect ecosys-

tems. Banana plantations are only profitable with high chemical inputs, and this disturbs the ecological balance. Plantations also supplant forests, and thus eliminate entire ecosystems and Indigenous sources of food. Deforestation, in turn, depletes the rivers and leads the loss of fisheries and to desertification.

So, the notion of development promoted by the government, and as generally defined by western societies, is very different from our own understanding of what constitutes “wealth” or “the good life”.

**Jorge Rojas:** In terms of the role of Colombian civil society in resistance: Its role is to accompany the Indigenous and Afro-Colombian communities in their struggles, and also to support the unions, the oppositional media and churches that are also struggling to promote people's rights. Those engaged in these struggles, especially those who are leaders, are subject to continued threats.

Where we face another challenge is in finding a way to move from resistance to proposals, proposals that have political traction and public appeal, in a context of adversity. We just held a big demonstration against US President Bush's visit, to say we don't want gringo funding to further entrench the war, but most of Colombian society did not react as we hoped. So, we face the challenge of developing proposals that resonate with Colombians.

We would like to ask Canadians to help, by looking critically at the so-called peace process being undertaken under OAS auspices.<sup>55</sup> Canadians should be asking if this process is fulfilling its mandate. Are Canadians content to put

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<sup>55</sup> See “MAPP-OEA” in Glossary.

their money into a peace process that continues while the paramilitary re-arms? It would be good to ask these questions, not just in response to the hopes of Colombian civil society, but in response to a significant segment of Canadian popular opinion, which similarly harbours doubts about the process currently underway with the support of the Canadian government.

We may wish to ask the Canadian parliament to support other initiatives, apart from the OAS mission. Perhaps Canada could help to bring together a group of states in the Americas who could work together to help construct peace in Colombia.

In terms of solidarity more broadly: Marta's testimony is very powerful, in this regard. We do not need individual compensation to make up for the killing of her father, Kimy. What we want is collective reparation for his not being here, for his loss within our history of struggle. The concept of collective reparation should be developed further. Unions are saying that they are not interested in compensation for individual unionists who have been killed or disappeared, but that they want instead reparation for the elimination of thousands of unionists, considering the cost of such a loss to a system that is supposedly a democracy. Similarly, significant collective reparations are required for the loss to violence of so many human rights activists. And to successfully advocate for such reparations, we will need the support of international solidarity groups.

**Guillermo Tascón González:** There is also the need to link the struggles of Indigenous communities with the struggles of Black people, of peasants, of teachers,

of unions, and so on. We too often act in isolation, which weakens us in the face of our enemies. We need to act in unison, to join forces, around the demands we have in common.

Civil society should demand of the government guarantees of security for the victims of human rights abuses and violence. The killers get all the protection, though they should be in prison, and we the victims are treated badly. A person who asks for the return of his lands, in a hearing involving a murderer like Mancuso, gets killed on his way home. It is hard to make demands for reparations when we are killed for speaking out.

## **ARMED CONFLICT, GENDER AND INDIGENOUS AND AFRO-COLOMBIAN PEOPLES**

- Amanda Romero-Medina, Human rights expert on Colombia
- Blanca Cecilia Muñoz, Roundtable of the Cofán Nation, Putumayo
- Marilyn Machado Mosquera, Process of Black Communities of Colombia (PCN)

### AMANDA ROMERO-MEDINA

Afro-descendant and Indigenous women in Colombia continue to suffer the historic forms of discrimination that, since the arrival of the Spanish colonizers and the establishment of the slave trade in Africa, have affected the Indigenous and Black populations in our country. Nonetheless, the ongoing internal armed conflict has exacerbated all the forms of discrimination to which they are subject: ethnic, geographic socio-economic, and gender-based.

To begin, I will recount a story that illustrates how Black and Indigenous women are rendered invisible.

Evangelina Andrade Quiñónez, better known as Evangelina Quiñónez, was born on 8 January 1926 in Barbacoas, Nariño, the daughter of Rosario Pérez and Francisco Andrade. She left the region of her birth to relocate in Putumayo when she was very young, married Emeterio Quiñónez, and gave birth to seven children: four daughters and three sons.

Evangelina's family had few resources. Her husband Emeterio was an agricultural day labourer, and she, in addition to the housework, washed other people's clothes and made handicrafts for selling to augment the household income.

Evangelina was also dedicated to the Catholic Church, and served as the song leader in the parish of Nuestra Señora del Carmen in Puerto Caicedo, organizing songs for the mass, and accompanying all vigils with her prayers and songs, in the fashion of the Afro-descended people of Putumayo.

On 11 September 1998, at 6:30 p.m., Evangelina was in the temple participating in the celebration of the Eucharist, with the parish priest Alcides Jiménez Chingana presiding. Suddenly, two armed men entered the church and opened fire on the priest.

At the first shot, Evangelina ran to protect father Alcides, and was mortally wounded. The killers ran overtop of her and reached father Alcides in the garden beside the church, where they killed him. Evangelina, wounded but still alive, was taken to the health centre in Puerto Caicedo and from there to Mocoa, to the José María Hernández hospital, where she was unable to recover from her injuries and died on 9 October at the age of 72.

Padre Alcides has been remembered and honoured many times, but almost never has Evangelina been remembered. In honour of this poor, aged Black woman, I resurrect her name, because her fate exemplifies the situation of Colombian women in the face of the country's internal armed conflict. We have to remember women like her, since most his-

tories of violence only remember its male victims. The fact that men are the main participants of the armed conflict—as combatants, and as leaders and participants in political projects—only reflects the patriarchal nature of this society in which, nonetheless, women suffer consequences of conflict in ways we need to discuss clearly.

One aspect of the armed conflict in Colombia today is the tremendous impact the war is having on the regions historically inhabited by the 86 Indigenous groups who now represent less than 1 per cent of the country's population, and by the approximately 25 per cent of this population who are Afro-descended.

I divide the typology of conflict-related impacts into three categories: war crimes, especially sexual crimes, forced internal displacement, and forced recruitment; the serious, massive and systematic abuse of human rights; and crimes against humanity.

Regarding sexual crimes, all parties to the conflict have taken to sexually abusing women, girls, and, to a lesser extent, young boys.

In various fieldwork projects undertaken by independent researchers, popular organizations and human rights NGOs, as well as through my own activism, it has been made apparent that sexual abuse, associated with the military operations, has resulted in the recruitment into prostitution, by armed groups of men, of many Indigenous, Afro-descended and mixed-background women and girls. Many testimonials have been collected that illustrate how women's bodies have been converted into battlefields where combatants seek to inflict shame and a

sense of defeat upon their adversaries.

The sexual violation of married women, girls and youths (including young men) by men associated with armed groups, both legal and illegal, who, moreover, take communities hostage and apply pressure upon women to gain their support, demands immediate, effective redress by the authorities, to prevent further abuse of this kind and to punish the perpetrators. However, due to a lack of familiarity with their own rights, and due also to the lack of any official recognition of the problem, most of the victims of this abuse are too afraid and ashamed to report it.

The power relations between genders established by armed groups, usually comprised of men, are notorious. For example, in one Indigenous community in northern Cauca, male officers of the counter-guerrilla division of the National Police were accused of sexually abusing an 11-year-old girl. When legal officials questioned the girl, one of them said to her: "You don't look like an 11-year-old; you look more like you are 15. Besides, the policeman said that you consented to the act." The girl's father prohibited her from pressing the case forward, for fear of public shame and because he blamed the girl, as well as the girl's mother, for the incident. The girl retracted her complaint and the officer was immediately relocated out of the zone. (It is standard practice in the security forces to relocate every six months those of their men involved in counterinsurgency efforts).

The testimonials we collected in communities like that of Sierra Nevada de Santa Marta, in Arauca department, depict a scenario in which women and young girls are surrounded by battalions

of men, whether guerrillas or members of the paramilitary or the armed forces, who force these women into prostitution, or who deliberately impregnate and then abandon them as a way to punish families suspected of sympathizing with their enemies. This often leads to family conflict and community disintegration. The seduction or co-optation of youths by armed groups is more generally used as a strategy to divide families and undermine community ties.

Women have also protested the violation of their reproductive rights, as armed groups or government agencies have imposed birth control measures upon them. The guerrillas are most often accused of imposing such measures, including abortions that have sometimes resulted in death.

Women are also forced into providing sexual services, especially by the new “high mountain” (alta montaña) brigades and special military forces dispatched to protect strategic areas.

Information around sexual violence, in the form of attributing all incidents to one’s enemy, has also become part of the strategy of the war. Thus, for example, the authorities claim that the guerrillas are responsible for most of the sexual violence related to the conflict, minimizing the responsibility of the paramilitary and of state agents who are implicated in equally serious incidents.

We have also collected testimonials about sexual mutilation. Again in Sierra Nevada de Santa Marta, where the paramilitary leader known as “Jorge Cuarenta”, Rodrigo Tobar Pupo, is active, his men committed a massacre in one of the seven Cancuama Indigenous communi-

ties of the area. One youth recounted how the paramilitary killed his 16-year-old female cousin in front of the entire community, mutilating her sexual organs and cutting off her breasts and arms with a chainsaw.

“Jorge Cuarenta” now says that his troops were “re-founding the nation” and responding to a situation caused by the guerrilla.

Those responsible for these and other impacts of the conflict, condemned by the Rome Statute,<sup>56</sup> will never face punishment in Colombia. In 2002, the government signed an immunity decree, denying for seven years the jurisdiction of the International Criminal Court over crimes of war committed as part of the internal armed conflict in Colombia, including incidences of sexual violence, forced displacement, and the recruitment of children into armed groups.

The forced recruitment of girls, boys and youths into the ranks of armed groups is another crime of war. Such recruitment has been on the increase in some regions of Colombia, including the departments of Chocó, Arauca, Nariño and Norte de César. As armed groups pressure the members of a community, especially its youth, to join their ranks, more young people, in order to avoid either being considered collaborators or being forcibly recruited, feel obliged to migrate out of their home communities, usually to seek a means of surviving in urban centres; for girls, this usually means working as maids.

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<sup>56</sup> The Rome Statute of the International Criminal Court is the UN convention on the establishment of an international criminal court, which entered into force on 1 July 2002. See: <http://www.un.org/law/icc/index.html>.



On the subject of forced recruitment, Colombia is at a critical juncture, and we are hopeful that Canada will play a constructive role. UN Security Council resolution 1612<sup>57</sup> has created a mechanism—the special country team—that is obliged to present periodic reports to the Security Council on the situation of children in countries affected by armed conflicts.

Colombia is campaigning for its removal from the list of countries to be monitored by this mechanism. It does not want reports to be made on this topic because not only the guerrilla groups forcefully recruit children; the armed forces do so as well. By law, youths under 18 cannot be recruited into the armed forces. However, we have ample testimonials to show that boys and girls under the age of 18 have been integrated into the operations of the armed forces as informants and combatants.

A week ago in Putumayo, a youth attempted to deposit an armed forces cheque at a bank and was told he could not do so as he was a minor; the youth protested, explaining that the cheque was payment for his participation as an army informant. The army has recruited children into its so-called “network of cooperants” to provide information about suspected or real members of insurgent groups, a dangerous role that puts the child’s life at risk and puts upon that child great responsibility for the lives of others.

The Committee on the Rights of Children produced a report last year on this

subject.<sup>58</sup> The Canadian authorities should study this report and take a position on Colombia’s attempts to be removed from the list of countries to be monitored on the question of children’s rights in the context of armed conflict.

Internal forced displacement and exile abroad, usually to bordering countries, is another outcome of the armed conflict that has serious consequences for overcrowding in communities, places of temporary residence and other places, leading to family alienation and a loss of intimacy for women who have to take on much of the family work. Often return is impossible, as insecurity and violence persist in their places of origin, as the displaced adapt to the customs of their places of reception, and as their home communities sometimes cease to recognize those who left; these factors are especially relevant for those who seek refuge in more distant countries where the language and culture are significantly different.

The serious, massive and systematic violation of the human rights of ethnic peoples seriously affects women, as their culture is lost, as leaders are killed, and as elders are kidnapped, displaced and threatened. In the department of César alone, over the last 10 years the Indigenous community of Cancuama has suffered the murder, mainly at the hands of paramilitary, of more than 300 individuals, leaving behind 170 widows and 700 orphans in a population of only 7,000 people.<sup>59</sup>

Arbitrary detentions, massacres, targeted killings, torture, disappearances, false

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<sup>57</sup> See: <http://www.un.org/News/Press/docs/2005/sc8458.doc.htm>

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<sup>58</sup> See: [http://www.child-soldiers.org/document\\_get.php?id=1212](http://www.child-soldiers.org/document_get.php?id=1212)

<sup>59</sup> See footnote 31.

accusations, death threats, police repression and brutality, and the legal persecution of communities and leaders all have a significant psychological impact on Indigenous families. Existing support programmes, however, ignore traditional Indigenous approaches to family healing, wherein women work together with traditional authorities, healers and elders, to re-establish the community's mental health.

In their monitoring of forced disappearances, human rights organizations do not identify victims by ethnicity; they do not keep track of how many of the disappeared were members of Indigenous or Afro-descended communities. When the topic of disappearances is dealt with, therefore, ethnicity is rendered invisible.

Torture is used systematically in many areas of the country, in police stations and by the military. In many areas, like the department of Valle, communities live with a significant military presence, and are accustomed to abuse from soldiers, who not infrequently beat locals in order to extract information. Often the victims of this abuse will say that they were "only beaten", and not tortured, as they are accustomed to thinking of torture only in its most extreme forms.

The weakening of self-government within Indigenous communities is another impact of the conflict, as armed groups—legal and illegal—engage in "consultations" with traditional authorities, and end up making decisions about the internal life of families, communities, and Indigenous groups. The various efforts, by foreign governments and international aid bodies, to strengthen the Colombian judicial system, overlook this dimension of the armed conflict, in

terms of respecting the special jurisdiction of Indigenous law.

Loss of territory and autonomy, through the violent expropriation of land by paramilitary groups (be they associated with drug-trafficking, forestry companies, agro-industrial efforts, or counter-insurgency operations); or through the construction of military bases; or through the pursuit of economic mega-projects (monoculture developments, highway construction, mining, oil extraction) —all of these continue to foment social decay and disorder in Indigenous communities.

Women particularly resent the deterioration of health conditions in Indigenous communities. Plants used for the production of traditional medicine have been destroyed, and previously unknown illnesses, such as HIV/AIDS and cancer, have made an appearance. Some of these developments are consequences of the government's chemical fumigation efforts, which, although ostensibly aimed at eradicating illicit crops, also destroy food crops and natural flora and fauna, and carry serious health risks for humans. These concerns are not limited to the Indigenous and Afro-descended communities located along the border with Ecuador, but are of concern also to communities in other areas also targeted for fumigation, such as the departments of Guaviare, Caquetá, Chocó and Arauca.

Women also oppose the persistent blockading of their communities from commerce, medicine and transport; these blockades are especially harmful to infants and to pregnant and lactating women, and lead to malnutrition and the loss of food security.

As was denounced by the women in the National Meeting in July 2006 in Cundinamarca, “we are facing the profanation of sacred and traditional sites, which are turned into minefields, preventing us women from engaging in ritual practices with our children, though this is something we do from the time they are in the womb, because of the danger involved in merely leaving our homes. As well, due to forced displacement, we are unable to conduct childbirth and child-rearing in traditional ways.”

Women still are not at liberty to move about, to collect water or firewood, or to go to and from work, because the conflict has left behind minefields and unexploded ordinance; as well, armed groups limit people’s mobility.

Bombings, armed clashes, and other military operations destroy traditional products and sites: trees, water sources, animals all fall victim to the destruction, with consequences for foodstuff availability. Armed groups also either steal or oblige the sale of crops and livestock that have been carefully tended and raised by women, which can lead also to malnutrition and displacement.

Women also continue to suffer from illiteracy and limited access to education, whether traditional and informal or official, due to historic discrimination exacerbated by military conflicts that often effect the functioning of schools. Indeed, official institutions in general have lost all credibility among many rural communities, in light of their complete absence except in the form of militarization.

Indigenous organizations have also lost much capacity to help their communities

to cope with the armed conflict, as Indigenous leaders are persecuted, terrorized, or co-opted by armed groups, politicians or businesses, or as the challenges simply become overwhelming due to the dimension of the crisis.

Criminal gangs, trafficking in drugs, organs, people, arms and natural resources, also illegally usurp the land of Indigenous communities.

NGOs promote the assimilation and forced cultural divestment of isolated communities, such as the Nukak Makú, and, like politicians, these NGOs also appropriate their resources, claiming to do so in the communities’ interest.

Although some humanitarian agencies have changed their approach, as the situation of crisis continues in Colombia, the interventions of these agencies have often contributed to cultural disintegration and loss of identity among Indigenous and Afro-descended communities. When aid initiatives impose culturally inappropriate foods and projects on the people they aim to help, failing to address their real needs and interests, this contradicts the principle much promoted by experts (like those of Proyecto Esfera) that one must “do no harm”. In general, none or very few of the international governmental or NGO agencies know, or fulfill the stipulation in, Agreement 160 of the International Labour Organization (ILO),<sup>60</sup> which requires that free, informed prior consultation processes be undertaken with these communities before the implementation of projects that will affect them, such as

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<sup>60</sup> The UN specialized agency that seeks the promotion of social justice and internationally recognized human and labour rights. See: <http://www.ilo.org>

emergency aid intended to address the humanitarian crisis.

Some who work with Indigenous and Afro-descended communities in Colombia say that the country is experiencing ethnocide, as has been said of Guatemala in the 1980s. The international community should be aware that in Colombia, aerial bombings and military confrontations are destroying the places of worship, the harvests, and the water sources of ethnic communities. Anti-personnel mines are killing them. The very right to reproduction of Indigenous and Afro-descended families is being threatened by the omnipresence of armed groups and situations of conflict, which has brought about food insecurity and deeper levels of poverty.

The situation of these peoples is urgent. It calls for greater solidarity and, especially, greater understanding by the international community. Too many people find the situation in Colombia confusing. We say that it is not confusing; it is complex. We invite women's organizations to visit us, and academics to study the situation, but we ask that they take things in with more than a purely academic eye, and that they try to appreciate also that, in the midst of all this suffering, women are not only victims, but also protagonists who have managed to rise above great pain and great loss. There is great potential for better things in Colombia. A holistic assessment of the situation, from a perspective that takes into account both ethnicity and gender, could help inform the efforts of hundreds of thousands of Colombian women who are struggling to survive in the midst of armed conflict.

Overall, it is inaccurate to say that in Co-

lombia we are living in a "post-conflict" situation. On the contrary, peace-building work has been made all the more difficult by official statements describing all critics as "terrorists dressed as civilians", and by official insistence that the government is promoting harmony through the disarmament and reintegration into society of more than 300,000 paramilitary combatants of the extreme right. These combined discourses aim to delegitimize the denunciations of victims of paramilitary violence, and to preclude their demanding truth, justice and reparation processes of the kind recognized internationally.

The conflict in Colombia is not a war on drugs or a war on terror; rather, it is driven by the desire to profit from the exploitation of natural resources located in the mountains, plains and tropical jungles where Indigenous and Afro-descended peoples have lived for at least 300 years. And in these lands, women and girls suffer the most from the various forms of discrimination and the various violations of rights inflicted upon them by all parties to Colombia's conflict: guerrillas, paramilitary groups, the armed forces, police and state security agents.

For this reason, we wish to convey how urgent it is that academics, social groups, churches and politicians in Canada make an effort to understand the conflict in Colombia, and that they seek ways to reach out to us in solidarity. It is essential that organizations in Canada concerned with women's and children's rights investigate the situation in Colombia, beyond the image presented by the Colombian government. The international community must not choose to believe the conflict is over because it is

tired of hearing about it, nor should we be seen only through the eyes of business sectors seeking a secure place in which to invest. Neither the false claim that calm is prevailing, nor the authoritarian control being exercised in the country, can obscure the continuing victimization of many thousands of Colombians.

### BLANCA CECILIA MUÑOZ

For better or worse, my people, the Cofán, have been driven into the most remote corner of the country. We live in southern Colombia, in Medio and Bajo Putumayo, near the border with Ecuador.

There, we created the Fundación para la Defensa del Pueblo Cofán in 1995. It emerged from the efforts of our traditional doctors, and was born of our need to defend ourselves against the problems of the country that threatened our well being.

The “permanent roundtable on work for the people of Cofán” was set up by the Foundation; it encompasses three municipalities and sixteen *cabildos* (town halls), which in turn contain eight ethnic groups: the Cofán, the Nasa, the Pastos, the Awa, the Quechua and the Embera Chami. Of these groups, only we Cofán are native to the area; the other groups originate from other departments of the country. However, as Indigenous peoples we have many problems in common. This is why we are willing to share our lands.

Together with other Indigenous associations—which have been formed in the territory extending from Putumayo to the Amazon region, and which encompass

121 communities and 15 different ethnic groups, each with its own language and customs—we aim to defend the ecosystem, the water sources (ours being a very water-rich region), the flora and fauna of these areas, but especially of the Amazon region, considered to be “the lungs of the world”.

For Indigenous peoples, women are the very image of Mother Earth and we play an important role in the process of cultural recuperation in our communities. We participate with our partners and children in the daily struggle for cultural, territorial and organizational survival.

Like Mother Earth, we generate life. They say an Indigenous woman cannot live without land or water. This is the basis of our spiritual and cultural life. We are carriers of the traditions of the Cofán people. Women are the caregivers, those who protect. We give life; we provide the roots and the direction.

We carry the legacy of our ancestors, their values, practices and customs, which we transmit through the creation of handicrafts, through oral traditions, through counselling, through the use of medicinal plants, and through our way of living respectfully with mother nature.

Women share a universal language when we speak of rights. Our rights revolve around the protection of life. We exercise our rights by strengthening our communities, by doing what makes us feel good and happy, when we defend what is ours, providing an example for our children. Hence we say that we depend on our lands, but in this way we teach our children to grow with a sense of unity and of harmony with nature and with ourselves.

Our rights belong to us, were given to us by our ancestors, and we must continue fortifying our rights to retain our culture. Our rights are what belong to us in our homes, in our communities, and in our cultural identity. Our rights allow us to be and act freely within the principles given to us by Mother Nature.

As Indigenous women, we have the right to our land, to nature, to life, to a spiritual life, to teach our language, to equality and freedom from discrimination and abuse, to freedom and freedom of expression, to defend our honour, to share knowledge of traditional medicine, to work and to cultivate the land.

In teaching our children, we become aware of the need to defend our rights against the encroachment of the state. We offer a vision of Colombia in sharp contrast to the image presented by our government; we come directly from the place where the problems are raging.

The rights of Indigenous and Afro-descended people are being trampled asunder. Chainsaws have been used to mutilate us—our sons and our brothers.

What problems do Indigenous women confront? They lack their own organized initiatives. Their needs are not articulated in existing institutions. Agreements with their communities are not being respected. They are being negatively affected by renewed aerial fumigation efforts and the intensification of the armed conflict.

The government has not lived up to agreements it made with Indigenous communities. During the administration of President Andre Pastrana, for example, the government undertook no “prior

consultation” processes before constructing the International Bridge over the Putumayo River, in the municipality of San Miguel, in Cofán Indigenous territory, nor did it clean up after the project, or remove the colonists who ended up occupying land there. The official inquiry into the situation, involving the three municipalities bordering Ecuador (San Miguel, Orito and Valle del Guamuéz) was never completed, nor was the realization of our Life Plan (Plan de Vida) prioritized by the government.

Putumayo has been subject to at least four fumigation cycles per year since 1996, if not more since the beginning of Plan Colombia<sup>61</sup> in 2000. President Uribe’s government finally suspended fumigation for some months, following complaints from the Ecuadorian government over its environmental and human health effects, effects that are all the more severe on the Colombian side of the border, but the government resumed fumigation in 2007, causing further destruction of food crops and jungle, while further compromising the health of our children and elderly, and provoking involuntary displacement.

In whose interest is it to continue aerial fumigation as part of the effort to eradicate coca crops? It is in the interest of the US, which uses the war on drugs to sell so many armaments to Colombia; it is in the interest of the transnational company Monsanto, which produces the herbicide; and it is in the interest of the Colombian president, who uses the war on drugs as a pretext to obtain funding to continue his war against the insurgency.

The armed conflict has intensified, and

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<sup>61</sup> See “Plan Colombia” in Glossary.

militarization increased. Fumigation efforts are facilitated by the anti-narcotic units of the army and of the national police, and by the active participation of naval forces and the Unified Southern Command (Comando Unificado del Sur),<sup>62</sup> all of which have bases in Putumayo. The presence of FARC guerrillas and their constant attacks upon oil infrastructure, as well as the continuous skirmishes now going on in the regions of Cuembí, Puerto Vega, Santa Rosa de Sucumbíos and Jardines de Sucumbíos, and in the municipalities of Orito and Puerto Asís, all of this has worsened the situation of the civilian population, which has to live in the middle of a war, with much loss of life among civilians as well as among combatants.

Paramilitary groups have also asserted their presence in our territories, often acting in open complicity with the armed forces and, more recently, some supposedly demobilized paramilitary groups, as well as newly formed groups, have appeared in Putumayo under the guise of “manual eradicators of coca”. The groups of “Jorge Cuarenta” and Mancuso, for example, have reappeared under new names: “Las Aguilas Negras” and “Los Rastros”. Demobilization has not occurred as our government claims.

In response to these threats to our rights, Indigenous people in Colombia set forth as our fundamental strategy a Life Plan, elaborated in 1998-2000.

Within the framework of this plan, we seek to strengthen our grassroots organi-

zations, with the participation of women, men, the elderly and children; to coordinate the plan with the national government, so it is articulated in national, regional and municipal development planning; to advance the elaboration and articulation of public policies based on the plan; to cultivate women leaders to defend our autonomy from an Indigenous perspective; and to identify and develop initiatives by and for Indigenous women.

Despite all the obstacles, we have managed to initiate our own projects, our own strategies to defend ourselves against the pressures of the state, pressures that continue to push us into a corner, that seek to be rid of us. But we will not go; we are organized. We aim to strengthen our organizations, and to seek the support of others.

#### MARILYN MACHADO MOSQUERA

We Afro-Colombians are a happy, festive people. We live mostly in rural areas but we also have an important presence in the cities, mainly in the more depressed urban areas. But our free and happy spirits, our quickness to share, and our profound closeness to nature cannot be extinguished.

It is sad to have to travel so far to speak of the problems that afflict us, but this too must be done, and we can make good of the occasion by building alliances and generating hope and optimism. We can also try to find an answer to the question, “What can I do?”, not just for the Indigenous and Afro-descended people in Colombia, but for all people everywhere, even in Canada, who need some help to live better and with dignity.

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<sup>62</sup> The United States Southern Command (US-SOUTHCOM) is the unified command responsible for all U.S. military activities on the land mass of Latin America; see: <http://www.southcom.mil/home/>.

Most Colombians, and Afro-Colombians in particular, continue to experience a historic situation of exclusion and social inequality in which many of their basic needs go unmet. Following capitalist logic, the growth of the economy has been based upon, and resulted in, deterioration in the labour and living conditions of most working Colombians. The gap between the wealthy and the poor has become wider.

This situation results in social instability, the growth of poverty, a weakening of social relations, increasing insecurity, the growth of illicit activities like drug-trafficking and hostage taking for ransom, and the choice of many youths to join armed groups.

Afro-descended people in Colombia have been historically violated, in a cycle of exclusion that began with our uprooting from Africa, that continued with our displacement from inter-Andean regions in the 19<sup>th</sup> century, and that continues today with our displacement from other areas.

As well as the direct, massive violation of the human and humanitarian rights of Afro-descended people in Colombia, there is also structural racism that violates the economic, cultural and social rights of these communities. The right to difference has been denied us; we have been invisibilized historically.

We Afro-Colombians number some 10 million, but the 2005 census counted only some 4.25 million. Camilo González Posso, a former health minister and social leader, commented: “Racism in this country even effects population arithmetic. Even though a third of the Colombian population has a parent, a

grandparent or great-grandparent who was Black, the 2005 census says there are only four million of us.”

But we are here, and we are helping to build the country—not just culturally, but physically as well; we have, for example, been the builders of the great buildings of our cities. However, our contributions have been hidden from sight, and we have been rendered invisible.

The collective rights of our communities are enshrined in the Constitution in various articles that recognize the cultural and ethnic diversity of the country. Unfortunately, these rights have not been adequately respected in practice.

We did achieve a major legal victory in 1993, however, when, after long struggle, we obtained legal recognition of our claim to territories, on the Pacific Coast and elsewhere, that we had long inhabited but over which we had no legal title, unlike the Indigenous groups who had previously been given title to their reservation lands.

In terms of the conflict in the country: for us Afro-Colombians, there is the armed conflict, and there is another that does not involve the use of arms, but that is equally violent in terms of exclusion and poverty.

The situation of Afro-Colombians is especially difficult in rural areas. Those living in cities, most of whom have been displaced from their traditional rural communities, do not face the same levels of hardship though, being a minority group in the city, they do suffer from forms of discrimination that they did not know back in their communities of



origin.

Women who remain in their rural home communities are subject to many harsh forms of control and abuse by armed groups: they are prohibited from organizing; their access to foodstuffs is controlled; they are raped; they are told how they can dress and with whom they can associate; they are punished by one armed group if they have a relationship with a man from an opposing group; they are not allowed to publicly mourn, sing to or pray over their dead—all of which denies them their cultural identity.

The violence associated with the armed conflict has deepened the degree of vulnerability and marginalization of Afro-descended Colombians. Our rights are not only violated at the individual level, but also at the collective level, as our rights to identity, to territory, to autonomy, to democratic participation, and to pursue our own form of development are all denied us.

In Anchicayá the conflict has worsened. The army says that the community is aligned with the insurgents; the insurgents invaded the community, followed by the army, and finally by the paramilitary, who committed a massacre there in 2000.

Riosucio is ruled by the paramilitary and the residents cannot complain to the authorities for fear of being killed in retaliation.

In Chocó and Tumaco there are paramilitary groups active as well as guerrilla groups. The army and paramilitary have imposed a curfew, and theirs is the only law.

In Buenaventura, local Black organizations have been taken over by armed groups.

On the Yurumanguí River, the FARC and the paramilitary are active. One cannot travel to the municipal capitals for fear of being attacked. Locals are trapped between the conflict parties and do not know to whom to turn for protection.

In its 2004 report on human rights in Colombia, the UN High Commission for Human Rights condemns the sexual violence inflicted by the paramilitary and the army, and condemns the guerrilla's use of sexual slavery. The report notes how illegal groups exert pressure on women to undermine their ability to organize or to participate in public processes; it also condemns the failure of the authorities to prevent, investigate, or punish the perpetrators of such actions.

As well as conflict, economic development projects have destabilized and even displaced Afro-Colombian communities. The cultivation of palm for palm oil has advanced significantly in Afro-Colombian territories without the requisite process of prior consultation with our people. Our communities complain that their own initiatives have never received the same kind of governmental support as is being given to the large palm growers. We have no idea if the government intends yet to hold consultations, nor how it will react if our communities refuse to allow palm cultivation in our collective lands.

It has been announced that 80 per cent of the 700 million dollars approved in the US budget for Colombia will be used for military ends, and that part of it slated

for “social” use will go towards what they refer to as “alternative development”; this development is being offered to Afro-Colombians in the form of palm plantations. In addition to the shameful displacement caused by coca cultivation in the Pacific region, then, we now can look forward to the social and environmental disaster associated with the violent imposition of large palm plantations. The promotion of these plantations is driven by the grand hopes for biodiesel—the same vision that has led the president to see the Pacific region as part of a 6-million-hectare plantation, which has led to the violent colonization of that area.

The paramilitary, meanwhile, are remobilizing and maintain military, political and economic control in many parts of the country. In Buenaventura, for example, they control all the livestock that is brought into and consumed in the city. No measure has been taken of how reparamilitarization is affecting the collective territories of the Afro-Colombians.

The forced displacement and loss of ancestral lands caused by the violence of illegal armed groups, or by the influx of megaprojects financed by foreign capital, or by declining social and economic conditions, has led to the loss of cultural identity and increased marginality.

The adverse effects of displacement—such as uprooting, stigmatization, lack of opportunities in the receiving cities, lack of access to health services and food—all generate a sense of impotence in the displaced; this often results in domestic violence and the resort to prostitution.

Black women differ from place to place, according to the historically determined

socio-economic and cultural space they occupy. They ask different questions depending on whether they are living in a rural or an urban space, and because of this they contain such diverse personal richness.

The armed conflict, however, forces rural Black women into a new and unknown space with different social codes and different kinds of relationships, where the traditional questions no longer make any sense, and they are forced to think and act in new ways adapted to their new circumstances, and begin to lose the cultural identity that they have built over the years and even centuries. The real problem, however, is not so much that they have to ask themselves new questions, but that they are forced to do this in a context that is characterized by extreme aggression and invasiveness.

They are overcome by fears and anguish and have not the time or space to express their own emotions.

The body as a place, as a territory for the expression of identity, is being physically and psychologically mutilated. Some Black women have learned as a coping mechanism to separate their psyches from their physical body in the moment of being raped.

In practice, our subjectivities are being tightly regulated, our sexuality controlled, and our identities forced more deeply into traditional stereotypes, where the masculine is associated with the archetype of the warrior and the feminine defined by vulnerability.

Women’s response to the situation they are now experiencing, in light of the armed conflict, is as it has always been

historically: we resist and, when we are displaced, we continue to build community and new bonds of trust through the fundamentals of food, shelter and healthcare. We are less open, but we keep organizing because, as I have said, they cannot extinguish our African spirit.

The accumulation of hate and anger destroys a woman's ability to express affection and undermines her ability to realize her full potential. It generates a sense of hopelessness, that the world will be no better for our children. Such a mindset allows for the loss of democratic action and even of civility or conviviality, both of which are much needed in Colombia. This, I believe, is what those who persecute our communities are seeking to accomplish, and they have managed to do so to some degree.

For this reason, we consider the psychosocial accompaniment of Afro-Colombian women, using a culturally sensitive approach, to be a crucial.

Finally, a message for you: Do not abandon us. We invite you to make a difference, to help us all to live in a world that is inhabitable, where all beings—women, men, nature itself—can unite as one in the concert of life.

## DISCUSSION

**Blanca Cecilia Muñoz:** In Putumayo, fumigations continue, and the paramilitaries are re-appearing. Those paramilitary that previously were in Putumayo went elsewhere, while others moved in from another area; demobilization has not taken place, only relocation. The situation is very difficult. The civil population is pinned between the com-

batants of all parties; children and women are especially vulnerable. And there is no distinction to be made between the paramilitary, the police and the army. They live together—they are literally neighbours, living a few houses apart.

**Amanda Romero-Medina:** I disagree with the hypothesis that coca, or cocaine, is the cause of the conflict in Colombia, though this is an idea that has been sold to us. We believe, after years of working in human rights, that drug cultivation and trafficking is one expression of the conflict, and it may act as a fuel to feed the conflict, but it is not the cause. The same can be said of arms sales—from Europe, the US and Israel; one could hypothesize that this traffic in arms is the cause of the war, but it is just another expression of it.

Indisputably, however, in this era of the so-called “war on drugs”, originally declared by the US in the 1980s, there has been an emphasis on eradication, mainly through fumigation, which also kills all other plant life, animal life, and even humans. But this policy is only the focus of one specific, very powerful country. It does not reflect reality as experienced, for example, by peasants, or by those communities that use coca in their spiritual practises.

As Blanca said, the spiritual life of many Indigenous groups in the Amazon region, including Putumayo, is not based on coca, but rather on *yajé*. However, in Putumayo you also find the Nasa and the Embera who arrived there after been expelled from their original territories in the 1950s and 1970s, and these groups traditionally chew coca.

At any rate, coca is not the cause of the war. The fundamental cause of the war is the interest held by powerful sectors in controlling the natural wealth of the country.

If they legalized cocaine, those who wanted to consume it could buy it as people now buy whisky. This is really a question of public health policy; it is not a problem of fighting international organized crime. And while transnational crime is a problem, another problem with devastating effects on our people are the so-called “trade agreements”, though they are not considered crimes.

The causes of war, misery and deforestation are not as black and white as in the picture that has been sold to you.

**Blanca Cecilia Muñoz:** Coca, while is important to the spiritual lives of some Indigenous peoples, like the Nasa and Huitoto, also plays a role in the conflict. But the problem really lies with the consumers: if there were no demand, coca would not be cultivated for the drug trade. If there were no war, there would be no trafficking in arms. If there were no coca cultivation, the US would not sell the chemicals required to process cocaine. These chemicals for cocaine processing are sold to us by the US. If the US wants to stop drug trafficking, it would stop selling these chemicals. But the US does not really want coca cultivation to stop.

Some of us have to cultivate coca, moreover, because we have no alternative means to make a livelihood. In the Amazon region, for example, there are no highways—only paths. To whom are we going to sell our alternative crops? But if you grow coca, even the gringos will

come all the way to buy it.

**Marilyn Machado Mosquera:** While the paramilitary has supposedly disarmed and been re-integrated into civilian society, new groups with different names but the same interests have appeared in their place. We refer to this as re-paramilitarization. So the situation has not really changed. Nor have the consequences of their presence, especially in terms of the effects on women.

The motives for the use of violence to displace our communities also remain constant, in terms of promoting particular interests.

Recently, in a meeting with palm cultivators, President Uribe stated it was important to talk to Afro-Colombian communities in order to extend palm plantations into additional territories suitable for its production. The president basically mandated the minister of agriculture to meet with Afro-Colombian community representatives and not to leave the table until he came away with their signatures on an agreement to allow palm cultivation in their lands.

While the government fails to support local community development initiatives, it leaps to help the large palm cultivators. Many local politicians, mayors and the like, are on board out of financial interest, and military pressure is used to impose these projects. This is taking place in the Pacific region, while on the Atlantic coast a similar dynamic exists around the expansion of tourism, where people are being violently displaced to make way for tourism development.

The pervasiveness and repeated use of

violence, in cycle after cycle, is truly wearing away the civil fabric of our society and, as I said before, undermining the very possibility of participatory democracy; indeed, I believe this is one of the aims of this violence.

**Amanda Romero-Medina:** In the paramilitary demobilization effort being promoted by the OAS, there has not yet been a return to their families of the children recruited by the paramilitary. At least, this has not taken place officially, and if it is being done on the sly, no information has been released as to the status of these children.

There is also a tendency in official discourses to deny the ongoing existence of the paramilitary. They are now called “illegal gangs”, with whom the government states it will not negotiate. By this means, the government has sought to silence talk of the paramilitary.

Nonetheless, in areas where armed combat continues, such as Narino, Chocó, Arauca, and Putumayo, and where the action of state troops has been notoriously abusive, there have been various testimonials from people who have observed government troops fighting side-by-side with the paramilitary. Witnesses have also noted that the paramilitary, and the guerrilla, have been aggressively recruiting youth in these areas.

**Blanca Cecilia Muñoz:** In Indigenous communities in Putumayo, nothing has changed, in terms of the paramilitary presence and its effects. Forced recruitment continues, by the paramilitary and the guerrilla both.

A year ago, a young girl of only 13 or 14 years was recruited, and, as a community

leader at the time, I met with a representative of Block 41 of the FARC, and I told him that we were not in agreement with her recruitment because she was a minor. He told me, “If you are not comfortable with taking up arms, let others do so.” When I protested that she was only a child, he told me to be careful about what I said and did. I told him, nonetheless, that I was claiming my right, and the rights of the girl and of her parents, and of Indigenous communities more broadly, to not participate in war. I also had to help rescue a woman, Nora Salazar, from the paramilitary. They were going to execute her. So you see, things have not changed.

We are trapped between the sword and the wall, with the military and paramilitary on one side, the guerrillas on the other. We want to remain neutral. However, when we say this to combatants, they tell us then that we should leave the country. To this I say: This is my land. Here I was born, here I live, and here I will die.

As Indigenous peoples and members of the 16 cabildos, we have drafted an internal regulation. Even though we depend on oral history, passed from generation to generation, under pressure from armed groups, we have been obliged to write down our Life Plan and regulations, in which we state, for example, “as a member of an Indigenous community, you may not belong to an armed group. If you belong to an armed group, you must leave the community so others will not have problems.”

**Luis Evelis Andrade:** Canadians should ask Sergio Caramana of the OAS to explain what is going on. He originally kept silent on the topic of the ceasefire in

Colombia. I spoke with him personally about it but he made no statement when the paramilitary broke the ceasefire and killed more than 60 members of the Cancuamo Indigenous community in a period of less than two years. He has also has defended the demobilization process, but only two months ago he admitted that there were more than 2,500 paramilitary members who had re-armed. These are the same paramilitary members who participated in the demobilization process and who benefited from that participation. How can the Canadian state keep supporting such a process?

On another point, the social conflict in Colombia derives from economic conditions, and related to this is the South American Regional Integration project, under which is planned the construction of giant ports and hydroelectric projects in the Amazon. The paramilitary and the guerrilla are already fighting over the areas where these projects are being planned. The government has also built military bases and radar systems to monitor these regions. Companies owned by the vice president of the US, meanwhile, are exploiting oil resources in the same area.

For these reasons, Plan Patriot, later called Plan Colombia, and now called Plan Victoria, has been given an additional boost.

The strategy of displacement by the use of fumigation is a strategy of war to expel the population from these areas. Yes, there is coca and drug trafficking. But this is only being used as a pretext to pursue a strategy of expulsion in these areas that are largely occupied by Indigenous peoples with collective rights

to the land that are not so easily dismissed by legal means. This strategy is also being used to cripple a growing peasant movement in the region.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

- Santiago Canton, Inter-American Commission on Human Rights of the Organization of American States (OAS)
- Craig Benjamin, Amnesty International – Canada
- Robin Buyers, Christian Peacemaker Teams (CPT)

### SANTIAGO CANTON

The Inter-American Commission on Human Rights presents an annual report to the general assembly of the OAS, which is the meeting of the interior ministers of the 34 member countries in the hemisphere. That report always has a chapter on countries that the Commission considers require special attention. For a number of years, Colombia has been featured in this chapter. It is a country suffering a serious humanitarian crisis and serious violations of human rights.

There is little point in my presenting on the content in that chapter, however, as it would be only a reiteration of what has already been said in this forum. The diagnosis is clear, so the question is: what can be done?

But first, some clarification as to what the Commission is and its relation to the OAS. The Commission is a part of the OAS; it was created at the same time. Over the years, however, the Commission has developed an independence from the political organs of the OAS,

like the permanent council, the general assembly, and the ambassadors, giving it credibility as the “conscience of the hemisphere” with regard to human rights.

It gained this credibility during the worst years in the Southern Cone, when it visited Argentina and Chile during their dictatorships and denounced the human rights abuses then occurring. It did the same for Fujimori’s Peru.

As well as making visits, the Commission receives reports on human rights abuses in the hemisphere, approximately 1,500 per year, and makes recommendations to the states in which they occur as to measures that can be taken to halt these violations. If the state does not comply with the recommendations, the case is taken to the Inter-American Court of Human Rights, located in San Jose, Costa Rica. The Court has resolved a number of cases; the Commission acts as part of the defence for the victims in these cases.

A number of important Colombian cases have been resolved by the Court in the last year or two, such as the case of the 19 businessmen; the case of the massacre of La Rochela; the case of the massacres of Pueblo Bello and Mapiripan.<sup>63</sup>

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<sup>63</sup> The massacre of “La Rochela, involved not one, but two massacres. It began with the alleged massacre by paramilitary groups of 19 business people traveling between cities. Two Colombian judges decided to work together to investigate the killings. They formed a joint commission consisting of themselves, court officials and forensic technicians. In January 1989, when this commission went to the scene of the first massacre, they were themselves captured by paramilitaries. Along with their drivers, they were tied hand and foot, taken to another location and sprayed with bullets. Each victim was finished off with a shot to the head.”

In these cases, the Court decided that the state had violated the human rights of the persons killed, and called on the state to make reparations. I think that it must be taken as an important achievement that in these cases, the Colombian government recognized, at the international level, that it had violated the victims' human rights.

As well, the Colombian government has no longer been able to hide the fact that there have been ties between the paramilitary and the government; thanks to the work of human rights activists like yourselves who made these denunciations to the Commission, we were able to expose this reality to the point where the government can no longer deny it. These are positive developments.

The Commission also asks of states that

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The massacre of Pueblo Bello ("beautiful town") took place in 1990, after "Colombian guerrillas stole cattle from the ranch of a paramilitary leader. Apparently unable to find the guerrillas, the paramilitaries took their revenge on local peasants, whom they accused of failing to stop the guerrillas. According to allegations published by the commission, 43 peasants were tortured. Their veins were opened, eyes punctured, ears sliced off and genitals mutilated. None has been found alive."

The massacre of Mapiripan took place in July 1997, when "Colombian army units guarding this town conveniently found other places to go. While they were away, paramilitaries moved in—passing through an airport where police were stationed and then through military checkpoints, all without being stopped. Once in the town, which they deemed too friendly to guerrillas, they went on a rampage, torturing and killing 49 people. As an Inter-American Commission report on the case describes the allegations, 'After being dismembered, disemboweled and beheaded, the corpses of the victims were thrown into the river.'"

All quotations from "Colombians Still in Search of Justice" by Douglass W. Cassel, in the *Chicago Daily Law Bulletin*, March 03, 2003.

they take precautionary measures in some cases, to ensure the safety of specific individuals who are at risk. Colombia has been asked more than any other country to take such precautions, as the result of the many requests we have received. Some such precautionary measures have been demanded of the Colombian government with regard to Indigenous and Afro-Colombian communities, including the Embera Katio of Alto Sino, Cancuamo, the cabildos and reservations of Pijao, the leader of the Guayu, the Wiwa, the reservations of the Toribio, Mutilon Bari, Cacariqua, the Proceso de Comunidades Negras, and members of the Comunidad de Vida y de Trabajo de la Balsita.

These requests do not always bear results, as they depend upon the political will of the state, which sometimes does not comply or complies poorly. We had made a request for precautionary measures for the protection of Marta's disappeared father, for example. These measures do not guarantee a solution to these problems, but in some cases, from the information available, they seem to have helped.

I would like also to distinguish the Commission from the MAPP-OEA.<sup>64</sup> The MAPP was created when then-secretary general of the OAS, and former president of Colombia, César Gaviria, signed the agreement with President Pastrana to allow the OAS to oversee the demobilization of the paramilitary. Gaviria, as then-secretary general, headed up the MAP, which is considered part of the political organs of the OAS.

When the resolution was made for the OAS to verify the process of demobiliza-

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<sup>64</sup> See "MAPP-OEA" in Glossary.



tion, human rights groups in Colombia sought some assurance that the Commission would play a role in the verification process, to ensure some independent oversight. At the last moment, in an effort to give the process some legitimacy, a paragraph was inserted in the resolution—without consulting the member states, the Commission or the broader human rights community—saying that the Commission would have some role in the verification process.

The paragraph in the resolution calls for the Commission to evaluate the MAPP-OEA—which it has not yet done to any serious extent, partly because it is not clear how one is to evaluate a verification body that is not directly engaged in human rights work. However, the Commission has been producing reports, which are fairly critical, on the demobilization process itself.

It has called for a legal framework for the process, criticized certain related decrees promulgated prior to the process, and sought to ensure that the process has a meaningful outcome—that there be no impunity for those state or non-state agents who committed, directly or indirectly, human rights violations.

We have noted a number of flaws in the process and made certain requests. First and foremost, we have expressed concern that not all victims have had access. Secondly, we have demanded that the process be public. Within the limited space available to us to try and make a difference, we have sought to influence the process positively with regard to aspects of it that we feel are most important—most especially, that there not be impunity for those who violated human rights in the past.

What can be done? More can always be done. Ultimately, it will be Colombians and the Colombian state that will make changes happen, but we have to be there to support them. How can the Colombian state change its attitude? The role of the international system is much debated; does Latin America have a role? Is the hemisphere sufficiently united, and prepared to play this role?

Colombian civil society needs to expand and defend spaces for participation from which to influence the direction of this process. It has already created an amazing social fabric that works day after day to hold society together under circumstances that seem utterly unsustainable. More political spaces need be forged, however, so politics in Colombia is no longer a game played by two parties alternating in power. Indigenous groups, which are much more politically active than before in Latin America, still need to command more political space. These are the debates that need to be had in Colombian civil society, with the Colombian state, and with the international community.

#### CRAIG BENJAMIN

The concept of Indigenous rights is a powerful moral and legal tool that civil society in Canada needs to take on board to be more effective in supporting peoples' struggles in Colombia.

All too often the human rights movement will describe an individual victim, but fail to put them into the context in which they would see themselves—failing to identify them as Indigenous or Afro-Colombian, for example. It does harm to not acknowledge and understand

that context. It also takes a very powerful tool out of our hands.

This is an area of weakness for the organization for which I work. Amnesty International has been very late to grapple with understanding that context.

It is also a challenge to take this approach in Canada. A vigil was held in support of the UN Declaration of the Rights of Indigenous Peoples on Victoria Island, a sacred gathering place behind Parliament Hill in Ottawa—a declaration that many of us believe we would have in place today if it were not for the opposition of the Canadian government, which is indicative of the steep uphill climb that we face.

It is also important to bear in mind that the international human rights system has been very flexible in its application of the concept of Indigenous rights, recognizing the diversity of contexts and situations in different countries. There has been a resistance to a singular definition, and there are very few, fragile instruments that make explicit reference to the rights of Indigenous peoples. Overall the tendency, in the inter-American and the UN systems, is to work from established rights of all peoples and apply them to the specific circumstances of those collective identities for whom land is central. In this spirit, nothing I say about the rights of Indigenous peoples should be taken to exclude the Afro-descended communities in Colombia. The issue of land is the common ground, the central concern, in both cases.

This is a quotation from Erica-Irene A. Daes, who is well known for her championing of Indigenous rights within the UN system, and I think the point made

here is a critical one: “Few if any limitations on Indigenous resource rights or land rights are appropriate, because the Indigenous ownership of resources is associated with the most important and fundamental of human rights: the rights to life, food and shelter, the right to self-determination, and the right to exist as a people.”<sup>65</sup>

In recognition of how central the right to secure access to land is to the fulfillment of the full range of human rights, the international community has come to grapple with what protections must be in place for Indigenous peoples.

As a very basic starting point, the UN Committee for the Elimination of Discrimination, an expert body whose job it is to interpret and evaluate state compliance with a binding, international human rights treaty—the Treaty for the Elimination of Discrimination—has recognized that there is a collective right of Indigenous peoples under existing international law, which requires states to recognize and protect the rights of Indigenous peoples to own, develop, use and control their communal lands, territories and resources.

A consequence of this right to land is the requirement that there be fair and timely consideration and settlement of any dispute over the land, and that measures be taken to ensure the formal recognition and demarcation of Indigenous territories. In fact, the compliance mechanisms of the inter-American system have been particularly detailed and concrete in their recommendations to states on their obligations to carry out such demarcations.

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<sup>65</sup> Special Rapporteur on Indigenous peoples and their relationship to land. Final Report. 30 June 2000.

Critically, there also needs to be a restoration of lands wrongfully taken from Indigenous peoples. These are measures necessary for Indigenous peoples to enjoy that right to land, on which so many other rights are based.

There are also specific requirements to protect Indigenous peoples from the loss of that relationship to the land.

There is a general protection recognized in the international human rights system that applies to all people in all circumstances: that people should not be removed from their land or from their homes without their consent, unless there is a fair and appropriate legal process.<sup>66</sup> But the international system has gone beyond that basic standard in relation to Indigenous peoples, and the critical concept that has emerged is the concept of free, prior and informed consent. This concept applies not only to their relationship to the land, but it is utterly critical in that relationship.

The notion is that no activity or development project undertaken by the state or the private sector should go ahead if it infringes upon the rights of Indigenous peoples, unless those peoples have had the opportunity to be fully informed, and, in an environment free of coercion and threat, make the decision for themselves to accept this activity or proposed approach to development.

Because this is sometimes described as

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<sup>66</sup> Like other sectors of society, Indigenous peoples are entitled to protection from involuntary removal from their homes and communities “without the provision of, and access to, appropriate forms of legal or other protection.” Committee on Economic, Social and Cultural Rights General Comment 7, The Right to Housing: Forced Evictions (1997).

“controversial” —the Canadian government, for example, says that no such right exists—I want to demonstrate that it is actually non-controversial, and clearly established, by giving just two examples.

Another treaty body, an expert body entrusted with the interpretation of the binding legal commitments of states under international human rights treaties—the UN Committee on Economic, Social and Cultural Rights—in its recommendations to Colombia specifically, called upon the Colombian state to ensure the participation of Indigenous peoples in decisions effecting their lives, and in particular to consult with and seek the consent of the Indigenous peoples concerned.

One of the benchmarks of international recognition of Indigenous rights is the general recommendation 23 of the UN Committee for the Elimination of Discrimination. The recommendation has many elements, one of which is the recognition of this principle of free, prior and informed consent.<sup>67</sup>

These are obligations not only upon the state in which Indigenous people live; these are obligations that also apply to foreign donor countries, and the countries that are home to transnational enterprises whose activities impact upon Indigenous peoples. This is a point that this same committee made clear just last week, in a recommendation to Canada. In reviewing Canada’s record, the committee pointed out Canada’s obligation

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<sup>67</sup> General Recommendation XXIII calls on the parties to “ensure that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent.”

to ensure that Canadian companies operating abroad fully respect the rights of Indigenous peoples, and it called on Canada to implement accountability mechanisms to ensure that this happens.

This is a powerful framework, and we can see its applicability to Colombia's human rights situation, where land is so central, where corporations play such an important role, and where Canadian funding is involved.

I mentioned that the Canadian government does not accept all of these rights as having been established, and that is the problem we face. In Canada—and this is indicative of the relationship between Indigenous peoples and states around the world—when it comes to Indigenous peoples, the law is not the law. When it comes to Indigenous peoples, the state always reserves for itself the right to set a lower standard, to disregard the law, to arbitrarily make its own rules. It is one thing to acknowledge this in a state where there is a weak rule of law, where there is a flagrant and notorious violation of the law, but we also have to recognize that this is characteristic in Canada of the government's relationship to Indigenous peoples at home and abroad.

The UN Declaration on the Rights of Indigenous Peoples has been under development for more than two decades. A first draft was completed and brought forward for adoption twelve years ago. An 11-year process of further negotiation was undertaken, and it was then brought to the newly created Human Rights Council this past June, where it was adopted by vote. It was adopted by vote rather than consensus because Canada insisted that there be a vote. Canada

was one of only two states to vote against its adoption.

The Declaration then went to the UN General Assembly for final adoption, where there was an initiative to delay the process to allow further consultation. Whether the Declaration will ever be adopted is now in question. Canada is very actively lobbying to re-open a new negotiation process. The stated reason given is that somehow recognition of Indigenous right would be the source of conflict over lands.

We see a very weak rationale provided by the Canadian government for its position: that the Declaration is not sufficiently clear and would be open to interpretation, and that this is necessarily bad and would lead to excessive claims.<sup>68</sup> This contention gets repeated, but we have not seen any substantiation of this contention that holds water.

We get closer to the reality of Canadian opposition when we consider the support for Canada's obstinacy on this. An editorial appeared in the *National Post* newspaper, in the midst of significant criticism of the Canadian government's position by the five national Indigenous organizations in Canada, by human rights organizations, by the UN special rapporteur on the rights of Indigenous peoples, by the secretary of the UN permanent forum on Indigenous issues, and by the three opposition parties in Parliament. There are two things significant about the editorial.

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<sup>68</sup> From a form letter signed by Peter MacKay, Minister of Foreign Affairs and International Trade: "A declaration that is unclear about expectations toward indigenous peoples and open to interpretation could undermine domestic legal framework and generate conflict instead of promoting reconciliation."

One is that it expresses an objection to the possibility that naming rights in the Declaration would open the door to the realization of those rights in reality. We see such an entrenched opposition to recognition of the rights of Indigenous peoples that the possibility that the Declaration might influence some future court decision is held out as something we should fear.

The other thing significant about the editorial is the headline itself: “Hard-headed on the native file”. I was very struck by the tone, by the fact that the government’s opposition to the Declaration is being applauded.<sup>69</sup>

When it comes to Indigenous peoples, what is apparently wanted is not support for the full realization of human rights, but a hard stance. The inherent assumption is that the rights of Indigenous peoples are rights in contradiction to the rights of all other peoples. Everywhere else in the human rights system we talk about how all rights are complementary, that nobody can fully enjoy his or her rights unless everybody enjoys their rights. The protection of your rights is essential to the protection of my rights. We say this all the time. But not when it comes to certain groups in the world. Particularly not when it comes to Indigenous peoples.

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<sup>69</sup> “Proponents of the declaration claim that Canada should not be afraid of real-world impacts from a ‘non-binding’ charter of moral principles... Mr. Prentice and the Prime Minister know the score: Unless Canadian legislators actively oppose the UN’s innocuous-sounding motherhood statements, they become the seeds of Canadian law.” From: “Hard-headed on the native file”, *National Post*, Friday, September 29, 2006.

We see this clear rhetoric that attempts to set Indigenous peoples and the realization of their rights against the rest of society. And this is the point I wanted to come to. We are only going to see the establishment of a framework that champions the rights that I detailed earlier—particularly the right of free, prior and informed consent, and genuine measures to hold Canadian corporations accountable—with a mobilization of a different scale than we have seen to date. We clearly need to demonstrate to this government and to future governments that the question of the rights of Indigenous peoples is not a minority or specialized issue, it is a human rights issue of concern to all Canadians and about which all Canadians are prepared to speak out. This applies to Indigenous rights issues within Canada, and it very much applies to our ability to influence Canadian policy within Colombia.

### ROBIN BUYERS

Christian Peacemaker Teams has had a full-time presence in Colombia for the last six years. We accompany communities very much like those you have heard so much about at this conference, communities of small farmers, fishers, and miners who struggle to maintain their autonomy in the face of pressures to cooperate with an armed group one day and a multinational corporation the next.

When Christian Peacemakers Teams first arrived in the oil-refining city of Barrancabermeja in 2001, we met more than 90 families who had been displaced by paramilitary and guerrilla violence from the township of the Ciénaga del Opón, about an hour upriver from the city. These families had crowded into an

abandoned school, where they had little support from Colombian authorities. Christian Peacemakers Teams protective accompaniment helped these farmers and fishers return to their homes and begin to rebuild their lives. Though threats, disappearances, and deaths have continued, there have been no further mass displacements.

Since then, we have maintained a regular presence in the area, as well as offering similar accompaniment to other communities threatened by violence elsewhere in the central Magdalena valley and, occasionally, other parts of Colombia. The presence in our team of Colombian, Canadian, and US citizens provides a visible link between these communities and Colombian and international human rights defenders such as those present at this conference. Armed actors commit fewer human rights abuses when international organizations document and denounce these abuses, and communities more confidently organize themselves to develop their own political processes and proposals.

This conference has given all of us the opportunity to see what community organizers and human rights defenders working in Colombia see daily: that the real hope for peace with justice in Colombia does not lie in the current demobilization process sponsored by the Colombian government and supported by governments such as Canada's. Nor does it lie in the promises of multinational capital, or free trade. As José Santos noted this morning, the real hope for peace with justice in Colombia lies in the political processes and proposals of Colombian communities, and, in particular, the processes and proposals of those who have historically been most margin-

alized, most excluded. These are proposals for a pluralist Colombia, where there is respect for men, women, and children; respect for collectivities; respect for difference; and support for economies that enrich local communities, not elites. Hearing some of these proposals over the last two days has been our great privilege, for which I would like to offer profound thanks.

First and foremost, then, if we, as members of international civil society, want to support peace with justice in Colombia, the role of the international community is to support Colombian civilians and communities in turning their proposals into lived realities, in claiming and defending their rights under Colombian law and international humanitarian law. We must support the organizing and civic engagement with authorities that will ensure that these rights become more than just words on paper. We can offer this support directly through our partnerships with Colombian communities and civil society organizations. We can visibilize their struggles, the human faces that are too often made invisible by the powers that be. But we also need to pressure governments and corporations to ensure adherence to the highest of standards in human rights and international humanitarian law in all of their dealings with Colombia, whether in terms of foreign policy, trade, or investment.

To this end, more than 40 Canadian civil society organizations—including Christian Peacemaker Teams, Amnesty International, Rights and Democracy, CER-LAC, and others present here—have come together to form the Americas Policy Group within the Canadian Council

for International Cooperation.<sup>70</sup> Over the past year, we have focused our attention on a thorough review of Canadian policy on Colombia, an analysis of gaps in policy that require action, and recommendations for action. I can only touch on some of our key recommendations in the context of all we have heard at this conference and the recent work of my own Team.

At a minimum, Canada must do no harm. Our government must ensure that Canadian policy and Canadian corporate actors do not exacerbate what the United Nations has called the worst humanitarian crisis in the Americas, a crisis that has left more than 3 million Indigenous, Afro-descendent, and other marginalized, mainly rural Colombians displaced. You've heard testimony at this conference that this crisis has only been deepened by paramilitary demobilizations under the Colombian government's Justice and Peace Law: in fact, at a March 1st meeting between United Nations, OAS, and civil society representatives in Bucaramanga attended by my teammates, the UN High Commission for Refugees confirmed that more Colombians had been forcibly displaced in 2006 than in 2005.

The continued high levels of forcible displacement, recent confirmation by the OAS of a minimum of 22 active "Third Generation" paramilitary groups, and the growing evidence of long-standing collaboration between the Uribe govern-

ment, the police and armed forces, and paramilitaries necessitate that Canada apply a human rights framework to inform *all* Canadian policy towards Colombia, a human rights framework that includes a Human Rights Impact Assessment for all existing and proposed international trade agreements.

Historically, Canada's position towards Colombia has been at best inconsistent, even contradictory. On one hand, many of our Colombian civil society partners welcome Canada's current role as chair of the G-24 Donor's Group, in part because, particularly since the 1990s, Canada has played a key role in its bilateral relations with the Colombian government and in multilateral fora, such as the United Nations Human Rights Committee: Canada has repeatedly reminded Colombia that it must comply with the human rights commitments it has made before the international community. Both through the Embassy in Bogotá and through CIDA funding, Canada has also encouraged an independent, strong, and diverse human rights community. And Canada has maintained "source country" status for Colombia under Immigration Canada's urgent protection program for asylum-seekers.

However, the Americas Policy Group believes that Canada can and should do more to strengthen all of these initiatives. CIDA funding, visible accompaniment, and public recognition of human rights defenders and organizations in Colombia, including those of displaced people, should be increased. We would also like to see Canada use its diplomatic role to encourage the Colombian government to put in place systems for the return of land to the displaced population, particularly women, and to ensure

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<sup>70</sup> The Americas Policy Group (APG) is a Canadian civil society policy group focused on development and social justice issues in the Americas. It brings together approximately 40 international development and humanitarian NGOs, human rights groups, labour unions, research institutions, church and solidarity groups (See: <http://www.ccic.ca/e/003/apg.shtml>).

that collective ownership and autonomous control of traditional Indigenous and Afro-Colombian lands are maintained. In addition, funding should be made available to support non-governmental processes for truth, justice, and reparations, such as those developed by the National Victims' Movement to which several presenters at this conference belong, rather than those set up under the Justice and Peace Law. In this context, I note that the representatives of the OAS, present at the March 1st meeting I mentioned previously, acknowledged that the reparations process under the National Commission for Reparation and Reconciliation is a "dismal failure". Canada is currently funding two civil society representatives to this Commission, money that would appear to be ill spent.

Together with a constructive—if open to improvement—approach to some components of Canadian policy on Colombia, however, the Canadian government has also pursued agendas, particularly with respect to trade and investment, that undermine the human rights and human security of Colombians. We have heard at this conference about the encroachment of megaprojects such as hydroelectric dams, mines, and African palm plantations on the collective territories of Indigenous and Afro-Colombians, and of the violent means whereby whole communities have been forced to flee their ancestral lands. Marta Domicó's presentation was a poignant reminder of Canadian complicity with such megaprojects. Her father, Kimy Pernia Domicó, twice testified before the Canadian government about the negative impacts of the URRÁ Dam on the Embera Katio people, a dam that \$18.2 million in funds from Export Development Canada

helped build.<sup>71</sup>

Kimy Pernia believed that the Canadian government bore a responsibility both to compensate the Embera Katio and to press the Colombian government to guarantee their safety and peaceful development according to their own Life Plan.<sup>72</sup> He also recommended that "if a Canadian company or a Canadian Crown Corporation like the Export Development Corporation seeks to get involved in a development project in a country like Colombia, there must be transparent, broad, and authentic consultation with all of those who will be affected by the project *before* any decision is made for it to proceed." I think one of the things that we have learned at this conference is that this recommendation is as necessary today as it was in 1999, when Kimy Pernia made it.

Marta reminded us that the Embera Katio have not been compensated, nor have they learned the truth of her father's disappearance. Instead, her people and Indigenous and Afro-descendent people across Colombia continue to be stigmatized as guerrilla when they speak out, continue to be marginalized. In visiting the Tierralta region outside Montería last February, I saw house after house of displaced Embera Katio scattered among the houses of other displaced families, no longer part of traditional communities. To live in harmony with the natural world, the animals, the trees, the water, as Marta described, is now, for them, a struggle.

Export Development Canada project funds, this time \$160 million, are also linked to the mass displacement of the

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<sup>71</sup> See "URRA" in Glossary.

<sup>72</sup> See "Life Plans" in Glossary.



Wayuu Indigenous people of whom both Guillermo and Santiago spoke earlier. Canadian equipment was purchased for installation in the Cerrejon Zona Norte coal mine built on Wayuu territory in northeastern Colombia, and from which Canada continues to import coal to Nova Scotia and New Brunswick. Nova Scotia spent \$78 million on coal from this mine in 2005 alone. An international coalition, including members of the Americas Policy Group, is demanding that the Cerrejon Mine negotiate a collective relocation of the communities it has displaced instead of continuing its practice of dealing with individual landowners, which has decimated local communities.

Canada is a world leader in the extractive industries, and in mining in particular. Northern Miner reported in October of 2006 that the number of Canadian mining companies operating in Colombia has doubled in the last year, and is currently growing by 1.4 companies per month. Canadian Embassy Trade Commissioner Fernando Vargas indicated that there are now over 50 Canadian juniors active. Christian Peacemaker Teams began to accompany small mining communities in the south of Bolívar over a year ago. Last November, we were formally requested by the Small Miner's Federation and a local coalition of civil society organizations to make the grave situation of abuses of human rights and international humanitarian law in the zone more visible within Colombia and within the international community.

Latin America's largest remaining unexploited gold reserve is in southern Bolívar; 30,000 Colombians currently make their living from artesian mining in the zone. Since the late 90s, paramilita-

ries have sought to gain control of southern Bolívar's mining zone. Our team has taken testimony indicating that the massacres and forced displacements caused by paramilitary attacks in the late 90s were intended to clear the way for profit from multinational investment. Last June, we traveled with the OAS Mission to verify mass graves in Pueblito Mejía, the mining town where the paramilitary assault on the zone began. At the time of the paramilitary offensive, a company registered on the Vancouver Stock Exchange, Conquistador, was active in the zone, and CIDA was funding over \$10 million in research that resulted in changes to Colombia's mining code that have favoured foreign investment and Colombian elites over local communities.

The Americas Policy Group is recommending that Canada commission an independent review involving the effective participation of civil society actors on the impact of the Colombian mining code reform and Canada's role in the reform, on the environment and on the health and human rights of people, especially Indigenous peoples, peasants, and Afro-Colombians. This review should be completed before Foreign Affairs Canada, International Trade, and the Embassy promote Canadian investment in the Colombian mining industry *at all*.

Since last June, the Colombian army, moving through southern Bolívar with recognized demobilized paramilitaries among their units, has been committing gross human rights violations. On September 19, 2006, the army killed Mining Federation leader Alejandro Uribe as he was returning from a meeting alone.<sup>73</sup>

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<sup>73</sup> "On 19 September 2006, Alejandro Uribe Chacón was killed as he was on his way back to

The army claims that he was killed in combat, and dressed him in a guerrilla uniform, a well-documented practice of the Colombian military to justify their attacks on civilian communities. However, the clothes in which Uribe had been seen wearing half an hour before were found in the woods nearby. Two weeks earlier, he had denounced army abuses to the Defensora, the Regional Human Rights Ombudswoman.

My teammates and I have repeatedly witnessed large numbers of soldiers living side by side with civilians in southern Bolívar and throughout the middle Magdalena valley, going into their houses and patios to use bathing facilities, ask for food and water, and engage in conversation outside of their professional responsibilities. We have witnessed the negative impacts on women and girls that were addressed by the panel this afternoon. Luis Evelis also spoke of the prevalence of this kind of behaviour on the part of the army elsewhere in Colombia. As he noted, the integration of armed actors into civilian areas is in direct breach of international humanitarian law, particularly Article 14 of the Geneva Convention on Internal Armed Conflict, which is intended to maintain the distinction between civilians and armed actors. This past week, my teammates witnessed soldiers attempting to enter a community where mining leaders were meeting, breaking accords signed with the Colombian government last November after miners mobilized for 48 days to denounce the death

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Mina Gallo, municipality of Morales, Bolívar Department, reportedly by members of the Colombian army's Nueva Granada Anti-Aircraft Battalion (Batallón Antiaéreo Nueva Granada)" (see: <http://news.amnesty.org/index/ENGAMR230162007>).

of Alejandro Uribe. Only repeated interventions by Christian Peacemakers Teams forced the army to withdraw, all the while protesting that they were there to protect the people.

Soldiers have openly told local residents in southern Bolívar that they are preparing the way for Anglo Gold Ashanti subsidiary, Kedahda, which acquired the rights to resource development in the zone from Conquistador. Anglo Gold Ashanti works in Colombia with a Canadian corporation, Bema, recently purchased by Kinross, also Canadian. Bema is a Canadian Pension Plan holding, so all Canadians are implicated in the way in which they seek to do business in countries with a history of violent conflict, such as Colombia.

Though Bema and Kedahda claim to be working closely with community leaders, we note that, in visiting these communities, these relationships are highly selective: the company is working only with those few local leaders and community members who support their aims while negotiating with the federal government to secure titles. We can see parallels with the process of dealing with individuals and thus splitting communities that has occurred in areas such as that around the Cerrejon Mine. However, most of the small miners belong to the Small Miners' Federation and are seeking to protect their interests in the face of the entrance of multinationals such as Bema and the increased military presence that offers protection to multinationals at the expense of local people. Two weeks ago, my teammates were present at a meeting to plan ways in which the small mining communities can prevent their mines from being taken over. The miners want the area declared

a reserve in which mining operations are restricted only to artesian mining so that the benefits and profits from mining operations stay in the local community.

Testimony such as we have heard at this conference, and examples such as Export Development Canada's funding of the URRRA dam and the current controversy surrounding Canadian corporate activities in southern Bolívar and elsewhere, have led the Americas Policy Group to recommend that the Canadian government work with the Colombian government and Canadian companies to ensure the application of the principle of free, prior, and informed consent with local communities concerning mega-projects in their region, recognizing that Colombia's Constitutional Court has ruled that international conventions to which Colombia is a signatory, have power of law in Colombia (including Convention 169 on Indigenous and Tribal Peoples of the International Labour Organization). It must be emphasized, however, how difficult it is to establish "free" consent in communities dominated by the Colombian Armed Forces, where those who speak out have been killed and then accused of being subversives.

Many of us have been active in the Roundtables on Corporate Social Responsibility and the Canadian Extractive Sector in Developing Countries. We are currently anticipating the Final Roundtable report and its recommendations, which we fully expect to be released immediately after it is finalized by civil society and industry.<sup>74</sup> With respect to the recommendations from the process, my experience and that of my Christian

Peacemakers Teams teammates in the south of Bolívar this past year have absolutely convinced me of the necessity of mandatory regulations for Canadian corporations operating overseas. I hope that this conference has equally convinced all of you. Such regulations were put in place in Great Britain last fall through the Companies Act,<sup>75</sup> groundbreaking legislation in this area. On Tuesday of this week, March 13th, the European Parliament likewise approved a Corporate Social Responsibility resolution<sup>76</sup> that, among other provisions, calls for the implementation of a system whereby victims of corporate abuse by European countries in third countries can seek redress in European courts.

To summarize, the need for a comprehensive human rights framework for all Canadian policy in Colombia is pressing. Given the political violence and exclusion this conference has brought to our attention, we cannot afford to wait if we are to effectively promote human rights within the framework of Colombia's international commitments. The strengthening of Colombian civil society, in the context of respect for human rights and international humanitarian law, is crucial to the construction of lasting peace in Colombia. If Canadian policy on Colombia is to support the strengthening of civil society and particularly the communities of those most in need, we must be willing to put people before profits, to speak for the same values in addressing trade and investment circles as we speak for in diplomatic circles. Only then will we as Canadians be supporting peace

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<sup>74</sup> For the final Roundtable Report, see: [http://www.miningwatch.ca/index.php?/92/CNC\\_A\\_statement](http://www.miningwatch.ca/index.php?/92/CNC_A_statement)

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<sup>75</sup> See: <http://www.opsi.gov.uk/si/si2007/20071093.htm>

<sup>76</sup> See: <http://www.cleanclothes.org/publications/07-03-15.htm>

with justice in Colombia, *la tierra  
querida* [beloved land].

## GLOSSARY

**AUC:** Autodefensas Unidas de Colombia, or United Self-Defence Forces of Colombia, Colombia's main paramilitary umbrella organization.

“Formed in 1997, the [AUC] like to trace their roots back to legal local self-defence groups formed under legislation passed in 1968, which allowed citizens to be used by the government to restore normality. But more accurately, the AUC has its roots in the paramilitary armies built up by drug lords, most notably Jose Rodriguez Gacha of the Medellín cartel, and the AUC present leader's brother, Fidel Castano” (<http://news.bbc.co.uk/2/hi/americas/1746943.stm>).

The AUC is “a notoriously violent paramilitary organization that even Bogotá officials acknowledge was the worst human rights offender of any armed group in the country. The AUC's roots are found in the efforts of wealthy landowners who, during the 1960s, looked to these vigilantes to protect their lands from extortion from armed left-wing guerilla groups. While originally intended to protect large privately owned ranches and plantations, AUC paramilitaries often assumed a far more violent role. They also have been a dominant factor in the drug trade and are guilty of committing almost daily horrific human rights abuses. The United Nations claims (and Bogotá acknowledges) that the group was responsible for 80% of the human rights abuses occurring in Colombia and, in recent years, various AUC leaders have been extradited to the United States for prosecution on drug trafficking charges” (“The EU and Colombia: Betraying Responsibility”, Thursday, November 10, 2005, COHA MEMORANDUM TO THE PRESS: [http://www.colombiainternacional.org%2FDoc%2520PDF%2FEU-TheEUandColombia\\_Betraying-Responsibility.pdf](http://www.colombiainternacional.org%2FDoc%2520PDF%2FEU-TheEUandColombia_Betraying-Responsibility.pdf)).

See also: <http://news.bbc.co.uk/2/hi/americas/4528631.stm>.

**Castañó Gil, Carlos:** (1965-2004), founder of the Peasant Self-Defence Forces of Córdoba and Uraba (ACCU), an extreme right-wing paramilitary group. The ACCU later became one of the founding member groups of the United Self-Defence Forces of Colombia (AUC).

**Democratic security:** refers to a security policy implemented by the Colombian government beginning June 2003, during the first administration of President Álvaro Uribe (2002-2006). Critics, including human rights NGOs such as Human Rights Watch and Amnesty International, concur that it focuses too much on the military aspects of the armed conflict, relegating complex social, human rights and economic concerns to a secondary role, superseded by the perceived need for increased security. The policy has entailed the increased militarization of the country, human rights abuses, and the set up of a controversial network of informants that has led to arbitrary detentions and false accusations.

**ELN:** Ejército de Liberación Nacional (National Liberation Army). Colombia's second-largest Marxist insurgent group, formed in 1965 by urban intellectuals inspired by Fidel Castro and Che Guevara. "Unlike the FARC, who adopted a strict hierarchy and concentrated on building up their military power, the ELN members split their efforts between military and social work" (<http://news.bbc.co.uk/2/hi/americas/1746914.stm>). Amnesty International notes that the ELN has committed serious breaches of international humanitarian law, including hostage taking and the killing of civilians. The group has been engaged in peace talks with the Colombian government since 2002.

See also: <http://news.bbc.co.uk/2/hi/americas/4528631.stm>

**FARC:** Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia). "Formed in 1964 as the military wing of the Colombian Communist Party, the FARC is the largest of Colombia's rebel groups, estimated to possess some 10,000 to 15,000 armed soldiers and thousands of supporters, largely drawn from Colombia's rural areas" (<http://www.britannica.com/eb/article-9398098/FARC>). Amnesty International notes that the FARC has committed serious breaches of international humanitarian law, including hostage-taking and the killing of civilians.

See also: <http://news.bbc.co.uk/2/hi/americas/4528631.stm>

**Forestry Law:** The controversial *Ley Forestal* was passed in December 2005: "From a law whose purpose was to define rules and incentives for tree-planting, it has become a measure with a strong bias toward the timber industry," reads an analysis from Bogotá's University of the Andes and German development agencies. "It is not clear whether this is a forestry law or a clear-cutting regime" (<http://www.ciponline.org/colombia/blog/archives/000191.htm>).

**Justice and Peace Law (*ley de justicia y paz*):** the legal framework for demobilizing the far-right paramilitaries and returning them to society; initially expressed in Decree 4760 of 2005 and Law 975 of that same year. On May 19, 2006 Colombia's Constitutional Court declared many of the central tenets of the Justice and Peace Law unconstitutional. In September 2006, the government promulgated Decree 3391 to implement the law.

"Although it had been amended in the light of some of the criticisms levelled by the Court, concerns remained that the Law would exacerbate impunity and deny victims their right to truth, justice and reparation. Despite the supposed demobilization, there was strong evidence that paramilitary groups continued to operate and to commit human rights violations with the acquiescence of or in collusion with the security forces" (Amnesty International, country report on Colombia, 2007; <http://thereport.amnesty.org/eng/Regions/Americas/Colombia>).

"The law, which has been described by its critics as being 'fatally flawed,' seeks to entice the right-wing paramilitaries into demobilizing by practically overlooking their ghastly past crimes, which rivaled those of the Bosnian Serbs" ("The EU and Colombia: Betraying Responsibility", Thursday, November 10, 2005, COHA memorandum to the press:

[http://www.colombiainternacional.org%2FDoc%2520PDF%2FEU-TheEUandColombia\\_Betraying-Responsibility.pdf](http://www.colombiainternacional.org%2FDoc%2520PDF%2FEU-TheEUandColombia_Betraying-Responsibility.pdf)).

**Life Plans (*planes de vida*):** “Since the 1990s, Indigenous communities in Colombia have been generating planning documents, known as Planes de Vida or Life Plans, promoting resource management and self-development priorities for their territories” (<http://socrates.berkeley.edu:7001/Research/graduate/summer2005/tinker/Garzon/index.html>).

**Mancuso Gómez, Salvatore:** paramilitary leader, formerly second in command of the United Self-Defence Forces of Colombia (AUC) paramilitary group, which committed numerous atrocities against presumed guerrilla members and civilians. Mancuso is currently imprisoned in Itagüí, Antioquia and faces numerous charges of crimes against humanity.

**MAPP-OEA:** the OAS Mission to Support the Peace Process in Colombia (Misión de Apoyo al Proceso de Paz en Colombia).

“On 23 January 2004, the Colombian government and the General Secretariat of the Organization of American States (OAS) signed an agreement to set up the Mission to Support the Peace Process in Colombia, Misión de Apoyo al Proceso de Paz en Colombia (MAPP/OEA), which was authorized by the OAS Permanent Council on 6 February 2004.

“MAPP/OEA is entrusted to oversee the placement zone and to ensure that those paramilitary groups which demobilized and whose leaders reside in the zone provide an inventory of weapons, war materiel and munitions. It is also responsible for verifying the commitments made under the agreement and for ensuring compliance with the ceasefire at national level.

“The MAPP/OEA mission has proved controversial. Former OAS Secretary General and ex Colombian president César Gaviria took the lead in the initiative which, according to the press, has received little political and financial support from the OAS Member States. This possibly reflects the scepticism of the international community, especially in relation to the AUC’s failure to comply with the ceasefire. Many foreign governments have said they will not support the demobilization process, either politically or financially, until a legal framework which conforms to international norms on truth, justice and reparation is in place.

“The MAPP/OAS mandate is to verify the ceasefire, the demobilization of paramilitaries and the handover of weapons. It also has a role in assisting with the reinsertion of paramilitaries into civilian life. But it is not mandated to publicly comment on the government’s demobilization strategy unless requested to do so by the government. As such, it cannot comment on issues of truth, justice and reparation. Nor has it the power to sanction paramilitaries who fail to abide by the demobilization or ceasefire agreements. In short, the mission is severely curtailed in its ability to affect change or act as a genuine



and effective aide to the process. This risks giving legitimacy to a process which is seriously flawed” (“Colombia: The Paramilitaries in Medellín: Demobilization or Legalization?”, Resource Centre Report, Amnesty International, 1 September 2005; [http://www.amnesty.ca/resource\\_centre/reports/view.php?load=arcview&article=2790&c=Resource+Centre+Reports](http://www.amnesty.ca/resource_centre/reports/view.php?load=arcview&article=2790&c=Resource+Centre+Reports)).

**Marulanda Vélez, Manuel:** Pedro Antonio Marín, also known as “Tirofijo,” leader of the FARC (see above).

**Parapolitical scandal:** (also known as “Paragate”) the ongoing Colombian congressional scandal, which began in 2006, in which several congressmen and other politicians have been indicted for colluding with paramilitary groups involved in Colombia’s forty-year armed conflict. See also “Ralito Pact” in this Glossary.

**Pernia Domico, Kimy:** “leader of the indigenous Embera-Katio, was abducted on June 2, 2001, by heavily armed men on motorcycles from his village of Tierralta, Cordoba. Kimy was leading the Embera-Katio’s efforts to draw international attention to the effects of the Urra hydroelectric dam on their traditional lands and livelihoods. In Canada, Kimy remains highly respected for testifying to parliamentarians in 1999 about the devastation caused by this dam, which received some \$25 million in financing from Export Development Canada” (see:

[http://www.dd-rd.ca/site/what\\_we\\_do/index.php?id=2073&subsection=where\\_we\\_work&subsubsection=country\\_documents](http://www.dd-rd.ca/site/what_we_do/index.php?id=2073&subsection=where_we_work&subsubsection=country_documents)).

**Plan Colombia:** “Plan Colombia was a \$1.3 billion dollar military aid package given by the Clinton administration to the Colombian military in 2000-2001. The stated objective of the aid was the eradication of coca plantations and what the US termed “narco-guerrillas” who were said to be explicitly involved in the coca trade” ([http://www.zmag.org/content/Colombia/stokes\\_col-primer.cfm](http://www.zmag.org/content/Colombia/stokes_col-primer.cfm)). “Between 2000-2006, the US put \$4.7 billion USD into Plan Colombia, the Europeans about \$1 billion, and Colombia \$7.5 billion. 57% of this went to ‘fighting drugs’, 43% to ‘social investment’” ([http://www.coanews.org/tiki-read\\_article.php?articleId=1631](http://www.coanews.org/tiki-read_article.php?articleId=1631)). High levels of paramilitary violence, committed in collusion with various sectors of the Colombian political system (see “parapolitical scandal” in this Glossary), massive human rights abuses and forced displacement characterized this period. The controversial “Justice and Peace Law” (see entry in this Glossary) is a more recent component of Plan Colombia. According to *El Tiempo*, Plan Colombia is entering a second, six-year phase in 2007, involving \$44 billion pesos (about \$23 million USD) at the outset, with some \$3.6 billion USD coming from the US.

**Prior consultation (*consulta previa*):** a statutory requirement in Colombia for any infrastructure project that might adversely affect the territories of Indigenous communities.

“There are stipulations concerning prior consultation with communities under Law 21 of 1991, which ratified the International Labour Organization’s Convention 169 concerning



Indigenous and Tribal Peoples in Independent Countries. Article 6 of the Convention 169 state that government must consult the peoples concerned, through appropriate procedures regarding legislative or administrative measures that may directly affect them. These consultations must be carried out in good faith and using appropriate procedures to the circumstances. The Constitutional Court has affirmed that consultation is a fundamental right for the protection of the ethnic, economic, social and cultural integrity of indigenous and local communities. Similarly, article 76 of Law 99 (1993) states that the exploitation of natural resources has to be carried in a way that does not affect cultural, economic and social integrity of indigenous and local communities. Similar laws exist which pertain to Afro-Colombian communities. In addition to these laws, paragraph of Article 330 of the Constitution asserts that exploitation of natural resources in indigenous territories should not have negative impacts on their culture, economy and social well being.

“Decree 1320 of 1998 regulates prior consultation in Colombia. However, this norm has limitations in guaranteeing the prior informed consent of indigenous and local communities...

“The principal gap in the existing laws is that they do not call for prior informed consent of indigenous and local communities, only consultation. Moreover, the consultation process in Colombia is oriented more to inform stakeholders about development projects, rather than to achieving agreement or consent to the proposed project” (<http://www.canmexworkshop.com%2Fdocuments%2Fpapers%2FIII.4d.2.pdf>).

“Although the [prior consultation] process can lead to the identification and mitigation of potential adverse impacts, it does not incorporate the right to Free, Prior, and Informed Consent (FPIC), the global benchmark human rights standard that would allow the tribal authority to reject a damaging project” ([http://www.amazonwatch.org/newsroom/view\\_news.php?id=1240](http://www.amazonwatch.org/newsroom/view_news.php?id=1240)).

On FPIC, see Craig Benjamin’s presentation, above.

**Ralito Pact (*Acuerdo de Santa Fe de Ralito*):** Brought to light in 2007 as part of the “parapolitical scandal”, an agreement signed in Santa Fe de Ralito in July 2001 by 30 politicians of President Uribe’s following and paramilitary leaders, which calls for “re-founding the country” and “writing a new social contract.” It has been widely interpreted as an agreement to take over power in the country. Paramilitary leader Salvatore Mancuso presented a copy of the document during court testimony. (See: <http://www.ipsnews.net/news.asp?idnews=38651>.)

**Rural Development Statute (*Estatuto de Desarrollo Rural*):** passed in June 2007. “Spokespersons for the Colombian National Indigenous Organisation (ONIC) say that the Rural Development Statute ‘disregards and tramples on fundamental laws and rights of indigenous peoples that are recognized in the Constitution, such as self-determination, management and control of our lands. Our reserves will be obliterated, because the statute establishes that third parties may have equal rights within them. The draft statute is a strategy to reorganize the country so as to facilitate implementation of the Free Trade

Agreement (FTA),’ they said, referring to the deal negotiated with the United States, which still needs to be approved in the U.S. Congress” (<http://ipsnews.net/news.asp?idnews=38636>).

**Uribe Vélez, Álvaro**, President of Colombia; first term 2002-2006; currently serving his second term 2006-2010.

**URRA:** “The Urrá Dam (340MW) hydroelectric project with a reservoir of 7,400 hectares is located over the Sinú River in the Department of Córdoba, Colombia. The project cost was US\$800 million (\$200 million more than estimated cost); 40% of the financing came from the Colombian government and 60% from international loans, including the Canadian Export Development Corporation, Nordbanken from Sweden, and the Nordic Investment Bank. Swedish construction company Skanska, which received guarantees from EKA, built the project in association with Colombian company Conciviles. The environmental license for construction was approved in 1993, construction began in 1994, filling up of the reservoir began in 1999 and operations began in 2000...

“The communities affected by Urrá I in the Sinú Higher Basin were the Embera–Katío indigenous peoples, and in the Lower Basin of the Sinú river the peasant and fishing communities, as well as the Zenu indigenous peoples. Other populations were also affected such as the peasants who lived in the area of the reservoir and nearby to the dam site, and the peasant populations which occupied the lands which were adjudicated to the Embera–Katíos after the negotiations with the company and the government. The Association of Fishing and Peasant Communities of the Great Wetlands of Lorica estimates that close to 70,000 people were directly impacted by Urrá I.

“Construction of this dam is associated with the assassinations of many indigenous leaders and activists who opposed the project, and today communities are still being threatened” (<http://www.irn.org/programs/Sinú/>).