

CBTU Afro-Colombian Accompaniment Mission to Colombia



“If America was in most ways a more strictly modern or bourgeois country than any in Europe, its plantations, at home or overseas, represented a type of enterprise only separated by a few years from ages of slavery. To these must be added the big sugar refineries. Taken together they represented a more primitive capitalism than the new manufacturing industries; they could be called a prolongation of the old Southern drive for more land and cheap labour.”

-- V.G. Kiernan

From October 1-6, 2015 the Coalition of Black Trade Unionist (CBTU) organized a delegation to Colombia in order to find out the state of affairs with regards to Afro-Colombian communities' labor, civil, political and human rights. The CBTU decided to visit Colombia at

the request of the Afro-Colombian Peace Council (CONPA)ⁱ. A CONPA delegation participated in the CBTU annual conference in May 2015 in Chicago, Illinois. The Colombia trip was led by Representative Hank Johnson (Democrat for Georgia's 4th District since 2007), a longtime advocate for Afro-Colombian communities' human and labor rights and a member of the U.S. Congressional Monitoring Group on Labor Rights. U.S. trade unionists and activistsⁱⁱ joined Mr. Johnson. The CONPA organized the agenda that included visits to Cali, Quibdó and Bogota with the support of the Washington Office on Latin America (WOLA).

Summary of Findings

***Four years after the U.S.-Colombia Labor Action Plan (LAP) was signed in 2011, violence and death threats against trade unionists continue at a steady pace and impunity for these crimes remains the norm. According to the most recent report of the Escuela Nacional Sindical (ENS), dated April 4, 2015, Colombian workers have endured more than 1,933 threats and acts of violence, including 105 assassinations of union activists and 1,337 death threats. As we learned during our visit, these figures most likely underreport violent acts against trade unionists.**

***While the LAP purports to end subcontracting used to undermine unions, such subcontracting remains uncurbed in Colombia, with absolutely no effective sanctions being levied against the thousands of offending employers.**

***Afro-Colombians are particularly affected by labor and other violence and abuses, particularly in the agricultural and extractive industries in the Chocó, Valle del Cauca and Cauca. The authorities are not guaranteeing that effective security is provided to Afro-Colombian leaders or guaranteeing justice in attacks and threats against this population.**

***In Cali, a city of one million Afro-descendants, seven unionists were shot by masked gunmen just this past February, and unionists there are regularly subjected to a myriad form of abuses, retaliation for union activity, threats and violence.**

***In the largely Afro-descendent city of Buenaventura, a port city key to the Colombia Free Trade Agreement (FTA), labor and social leaders are threatened, disappeared, killed and mutilated in "chop houses."**

***While Colombia has the second largest internally displaced population in the world (over 7 million), Afro-Colombians are especially affected by such displacement with over 2 million Afro-Colombians displaced. Despite the on-going peace talks, new ethnic minorities continue to be displaced due to violence and insecurity and actions of illegal armed groups**

***Afro-Colombian women and youths concerns including gender discrimination, sexual violence, forced recruitment and lack of opportunities are not addressed.**

***Afro-Colombians are also disproportionately affected by poverty, a lack of services and infrastructure, and unemployment, with all of these problems exacerbated by the FTA**

which has opened up their territory, particularly in the Pacific Region, for exploitation and land theft.

***Racism against Afrodescendants remains a major obstacle towards their exerting full rights as citizens of Colombia.**

***Indigenous communities' autonomous rights including their special judicial jurisdiction are experiencing serious setbacks. The criminalization of prominent leader, Feliciano Valencia, must be addressed.**

***Paramilitary groups remain active in Afro-Colombian areas and a threat to trade unionists, human rights defenders and ethnic minorities. More action on the part of the authorities is required to dismantle their military, economic and operational networks.**

***The peace talks between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC) key to ending the protracted conflict and protecting ethnic minorities from further harm. Yet Afro-Colombians territorial authorities and leaders have not formed part of the negotiation table and their recommendations are not integrated into the pre-accords. For the peace accord to be sustainable, the CONPA's perspective and proposals must be supported by the international community.**

Narrative

Our delegation was met with a very warm reception by the Afro-Colombian Groups that form part of the CONPA including the CLAF, AFRODES and PCN in Cali. At that dinner we were given a basic orientation of the complex political, human rights, labor rights and racial discrimination dynamics faced by Afro-Colombians throughout the country. The next day the CBTU delegation met with sugarcane workers at 5am in Palmira municipality just outside of Cali (Valle del Cauca). This is was a group of sugarcane workers who are still trying to recover from a strike they waged in 2008. *Over 90 percent of the sugarcane workers are Afro descendant.* One of the Afro descendant sugarcane workers that we met with characterized the sugarcane work as a form of slavery. This is a clear case where the rights of Afro descendants and workers really intersect.

As the workers explained, they have no base salary, but rather, are paid a meager piecemeal rate. They say they have given their lives to the sugar company. Approximately 1,000 workers work these sugarcane fields and there are about 200 incapacitated due to the stresses put on them by the back-breaking work. Worker safety and health standards are not regulated. They work oftentimes seven days a week, thirteen hours a day, with no overtime pay in violation of Colombian labor laws. They explained that, about fifteen or twenty years ago, the sugarcane companies instituted new procedures which made the work more onerous, for example, by forcing workers to go into burning fields and continue working.

In addition, their union, SINAL14, has the added difficulty of having to negotiate over wages and working conditions with a subcontractor that is a front for the real company which employs them. The Labor Action Plan (LAP) which Colombia and the U.S. signed in 2011 is

supposed to tackle this problem of subcontractors. And yet, everyone we talked to, from the U.S. Embassy to the Solidarity Center to the ILO and the workers and unionists themselves, made it clear that the LAP provides a good framework for addressing this problem. However, it is not being properly adhered to and implemented by the Colombia authorities. Rather Colombia has technically outlawed Cooperatives (CTAs) to comply with the LAP but at the same time allowed for the proliferation of other forms of subcontracting with other names such as SAS, “union contracts,” and affiliate companies designed to continue this practice while circumventing the commitment made under the LAP. Subcontracting prevails under these new entities and it undermines and in many cases gets rid of unions. Independent union organizing must not only compete with subcontracting but also with the creation of “company” unions, some of whom are believed to have ties with paramilitaries.

Subcontracting is not only problematic in that it weakens the labor rights of workers; it also leads to decreased quality of the services provided to clients. Bodyguards who are tasked to protect the lives of trade unionists, human rights defenders, community leaders and politicians are also subcontracted through an employment model called “temporary unions.” Members of SINPROSEC, a union that represents bodyguards, detailed how security services to the Protection Unit’s beneficiaries suffer due to subcontracting. Aside from subcontracting making it easier for corruption to take place in the provision of services, it leads to discontent of those tasked to protect recipients. For example, funds for travel for bodyguards are not always provided and extra work hours are not paid for. Not guaranteeing bodyguards their labor rights basically weakens the Protection Unit’s ability to make sure that their recipients are properly protected. The U.S. and Colombian Governments must take bolder action to remedy subcontracting. In fact, according to Colombian Senator Alexander Lopez Maya, *there is now a lower rate of unionization in Colombia than before the LAP was passed in 2011.*

We learned some very interesting things in our meeting with the sugarcane workers. For example, one of the gentlemen there – a representative of Senator Lopez Maya -- indicated that there have in fact been over 300 *of unionists killed since the LAP was signed in 2011.* This is a much higher number than we are being told officially. And apparently, there is a huge struggle that goes on every year about who to count in this number of unionists killed. They cited, for example, the case of Daniel Aguirre, a top union leader of the sugarcane union who was murdered in 2012. He did not make the official list of unionists killed because, as is quite typical, the Colombian government claimed he was not killed because he was a unionist, was instead allegedly killed by an angry wife. The group of sugar cane workers laughed that they can’t believe how many unionists have angry wives and mistresses who kill them because that seems to be a common claim of the government. *The long and short of it being that they believe many more unionists are being killed than is being officially recognized.*

We heard from the sugarcane workers as well as a number of other workers - Coca-Cola workers, workers for Cadbury Adams, workers for GM, for example -- about arbitrary firing practices and workplace disability policies which are just abysmal. There are literally thousands of workers in Colombia being fired because they are injured which is illegal under current Colombian law. And, there is no workers’ compensation system to make up for the resulting lost wages. Meanwhile, *the Ministry of Labor is currently working on a bill which would allow*

injured workers to be fired legally, and so, one of the big asks of this trip was that we put pressure on the U. S. and Colombian governments to prevent such a bill from being passed.

We then spent time in Cali meeting with a number of union organizations and the Afro-Colombian Labor Council (CLAF). Some of the significant ones include SINTRAEMCALI, which is the municipal union of Cali. It has been around for 78 years and it was the target amongst 150 other people and groups of “Operation Dragon” in which 150 social, labor and human rights leaders, were targeted for murder. This list included Berenice Celeita, a prominent human rights defender with NOMADESC who received the Robert F. Kennedy Memorial Human Rights Prize. Quite strangely, though tellingly, the intellectual author of “Operation Dragon,” (ret.) Lt. Col. Julian Villate, was hired as a security consultant by the U.S. Embassy in Bogota after his role in this plot was made known. He then ended up working security for the U.S. mining company Drummond upon a positive recommendation from the U.S. Embassy.

Eight leaders of SINTRAEMCALI have been killed in the last seven years, and, in addition, three rank and file members have been killed. Its installation was bombed and the Vice President’s home firebombed in the past two years. Francisco Santos, who was the Colombian Vice President under Alvaro Uribe, had accused the union falsely of being guerrillas, which set them up for this type of targeting by paramilitary and military groups.

Essentially, what the leader from this union said was that everything remains the same for them in terms of repression and lack of organizational rights even despite the LAP, which, again, we heard over and over again. Collective bargaining agreements are willfully violated by companies. The union leaders continue to be threatened by paramilitaries, and some killed by paramilitaries, and they are asking for pressure to be brought to bear on this issue.

We also heard from sugar workers fired from the San Carlos refinery in 2009, 315 workers for attempting to unionize and he said that, in fact, the company itself is linked with the paramilitaries including with the high commander known as “HH” who was extradited to the United States in 2009. Again, these workers indicated that the Labor Action Plan has to be made valid, because at the present it is not being enforced at all. Then we heard from representatives of the wheat workers union, Sintrallorede. They again stated that despite the Labor Action Plan their company has failed to abide by it and has willfully violated their collective bargaining rights. They said that in about 2010, the entire wheat industry made a move to get rid of bargaining agreements and the trade unions at once.

We then heard from the traffic controllers union, ASAGETTRAN, in Buenaventura, one of Colombia’s principal port cities. Their representative stated that the company had not paid workers for 12 months, and that, in addition to not having a salary, these workers now have to pay their own social security, pay their own health insurance premiums, make their own pension payments. What’s more, he stated that there is an ongoing plot to assassinate three of his union’s leaders. He mentioned the chop houses of Buenaventura which is a well-documented phenomenon in which paramilitaries dismember people while they are still alive so as to terrorize the community with their screams. This goes on despite the high military and police presence that exists in Buenaventura. The fact that members of the security forces, are looking the other way and do not stop paramilitaries from taking part in abuses and illicit activities (drug

trafficking, extortion, etc.). This has led many residents to conclude that they at least tacitly support this practice. And, as noted by union representatives, the threats against his union leadership are all the more bizarre because the job of the workers in his union is to maintain traffic safety, and yet they are being threatened with grisly murder.

The workers in the ports sector, a priority sector of the LAP, continue to face severe obstacles to unionization. According to the Port workers Union (Union Portuaria), from 2008-2012, Colombian workers received more support than ever before from unionists, congressmen, religious leaders, human rights defenders, students, retired and current professors in the United States to overcome the worst labor practices and persecution of unions: danger, denial of collective bargaining, assassinations, violation of union freedoms, impunity and that attention led to the LAP that, in turn led to laws and the creation of the of Ministry of Labor. As such, more labor inspectors were appointed, cooperatives were outlawed, criminal codes against those who violate union freedoms were strengthened and attorney generals were appointed to end impunity in the cases unionist killings. Also the LAP led to a significant increase in the amount paid in fines through legal inter-mediation, and the issuance of a new labor inspector's manual.

While all of the steps taken were positive, the Port Workers' Union laments that the business sector has not felt comfortable and the government has not sufficiently demanded that the law be fulfilled and these actions are fully applied. Business owners have ready to put forth a counter-reform that would eliminate many of these advances. As in the sugar sector, the cooperatives no longer mediate but they have transformed themselves into Simplified Stock Societies (SAS) or false unions.

In response to this, the UP proposes that four priority actions are taken to remedy this. That the Colombian State and its Treasury recognize and address the fact that intermediary companies have no paid pensions to workers in the last 25 years. Second, that the U.S. and Colombia guarantee that there is direct contracting of workers who perform core functions. Third, that the "union contract" model is eliminated and lastly, the port sector jobs are given to the ethnic population whereby the company operates.

Another union in this sector, SINTRAPORTECSA reported that there exists a culture of anti-unionism that prevails in the companies operating in the port, their freedom to associate is violated, great pressure is asserted against workers so that they will not unionize and accept subcontracting as the norm. Members of this union have received death threats. At least five efforts made by the union to report these wrongdoings to Labor Inspectors and independent agencies like the Procuraduria were thwarted due to coercion and corruption. The sentiment is that the labor inspectors and officials work "at the service of the companies...not the workers." Currently, the union has been warned by company administrators that they will no longer be in existence in the near future.

A number of the workers denounced privatization efforts, both in Buenaventura, Cali and other parts of Valle del Cauca. They noted that the privatization attempts in both towns, which one worker explained "has resulted in nothing but unemployment, poverty, misery and violence." One worker from Buenaventura indicated that the union received veiled death threats

after they complained to the ILO about the working conditions. The same individual said that in Buenaventura the life of a human being is worth nothing.

Senator Alexander Lopez Maya, another target of “Operation Dragon,” then spoke. He said that the Colombian state has utterly failed to guarantee the rights of workers as required by the Labor Action Plan and that instead the Colombian government is allowing unions to be destroyed, including by subcontracting. He said that there are two wars going on simultaneously in Colombia – one is the internal conflict which is the war against insurgency in which 5,000 people are killed a year and there is an economic war as well in which numerous unions and thousands of jobs are being destroyed. He noted that thousands of trade unionists have been killed in the last 20 years and that only five million people in the country have a direct employment contract with their employer. That’s out of a population of about fifty million. He said that paramilitaries still exist and are still supported by the Colombian state. This contradicts the claim of the U. S. Ambassador, who we met with, who claimed that this was largely not true anymore.

We then heard from Afro-Colombian representatives from the Association of Afro-Colombian Community Councils of Northern Cauca (ACONC), the Black Communities Process (PCN) and the Black Women’s March for Life and Dignity. They expressed talked about how illegal mining is a huge problem that is leading to abuses against Afro-Colombian communities and that this is being sped up by the FTA. The illegal mining, much of which is being carried out by paramilitary groups, is causing forced displacement and environmental degradation. Victor indicated that there are more than four super industrialists who have taken land away from the people under the pretext of land reform. At the same time, there is forced confinement because the community is surrounded by anti-personnel land mines. He talked about the fact that five rivers have been polluted by the mining companies. Also, Afro-Colombian leaders have been receiving death threats. He indicated that the Afro-Colombian community wants their land to be recognized as ancestral territories as already required by Law 70 which requires that it be so, but that more companies are entering their territory without prior consultation.

We then heard from Afro-Colombian women from northern Cauca. They told their history of how they brought to Colombia from Africa as slaves in 1636 and, even to this day, they are not protected by the state; they suffer constant death threats by the military as well as illegal armed groups. A representative said that the government has recognized that their rights to the territory have been violated. Indeed, they won a number of court decisions under Law 70 which was passed to protect their territorial land, but none of these court decisions have been enforced. She said that a slave-like system, a system of murder is instead being reinforced. She explained that they are being targeted by a number of armed groups, especially paramilitaries, but also by FARC who recently assassinated one of their leaders. Helicopters have bombed their homes, land mines have been laid around their communities and the water that they depend on is being contaminated by mercury from illegal mining operations. But, she says, with righteous indignation, “who cares, we’re black?!” She asks how one talk about a peace process does when there are chop houses operating in Colombia. *She says that sixty percent of their territory is being destroyed by mining operations. She emphasized that the U.S. has financed this war in Colombia and that the U.S. has a duty to construct the peace. She concluded by saying, “We Afro-Colombians gave birth to humanity, we must give birth to the peace.”*

We then heard from indigenous leaders from the Regional Indigenous Council of Cauca (CRIC) who talked about the big gap in the society that exists between the non-ethnic political and economic elites that run Colombia and the Afro-Colombians and indigenous communities. Their priority concern is the arrest of one of their top indigenous leaders named Feliciano Valencia, arising from the punishment by the indigenous group of a soldier that infiltrated a peaceful indigenous protest. This soldier who pretended to be indigenous tried to sneak bombs into the protest and he was given lashes pursuant to indigenous jurisdiction law which is recognized by the Colombian state. They stated that protests have now been criminalized and that Feliciano really is in jail because of his outspoken opposition to repression of the indigenous. They said that, in terms of the peace talks, neither the government nor the FARC represent them at the table and that they have a right to advocate on their own behalf. They said that those involved in social groups are being criminalized and that 40 members of their group have been killed for defending territory that the indigenous describe as “Mother Earth.” They urged us to advocate on their behalf with the United States because they believe that this could have an impact in Colombia.

Both the indigenous communities we spoke to and Afro-Colombians made it clear that under the Colombian Constitution, Colombia is officially a plural-ethnic country, but it is not treated that way. Racism and discrimination is rampant and those of Spanish descent are trying to impose on them economic policies that do not take into account their autonomy, economic development plans and their environmentally sustainable lifestyles. They said there is a big concern about the rights of indigenous and afro descendants’ vis-à-vis the FTA which is threatening both ethnic diversity and territorial autonomy because it is allowing companies to access their land for corporate exploitation. They reiterated that they are not opposed to economic development, an incorrect claim often made by members of the government persons tied to corporate interests; rather they would like to see a form of development that is environmentally and economically sustainable in the long run and that includes their communities in that development. Right now, most development benefits outsiders at the detriment of the communities.

We then heard from a human rights activist from Buenaventura who again talked about the systematic forced displacement and dismemberment of individuals at the hands of paramilitaries in the impoverished Baja Mar neighborhoods where port operations are being expanded. He also talked about forced disappearances of which there have been hundreds in Buenaventura alone in recent years. He says that eighty percent of the newly displaced in Colombia are Afro descendants who live in extreme poverty. Again, Afro descendants are not opposed to economic development in Buenaventura, they are greatly concerned about development that is not inclusive of their communities and is linked to human rights violations.

We then heard from victims’ advocate, Martha Giraldo, who forms part of the Movement for Victims of State Crimes (MOVICE). Her father was a trade unionist who was killed in a so-called “false positives” operation. She said that perpetrators of state violence in Colombia receive military aid from the U.S. therefore has the responsibility for the acts of the state. She indicates that over 5,000 families have been affected by extra-judicial killings by the military and there is ongoing impunity for these killings. She said they must make visible the problem also of

forced disappearances. There have been over 50,000 people disappeared in Colombia in the last 20 years which generates terror amongst the population. According to the International Committee of the Red Cross (ICRC), the number of disappearances for the past 50 years is higher than 92,000.

We then heard from community activists concerning violence engulfing the city of Cali where an estimated one million Afro descendants live, including many displaced persons from throughout the Pacific region. There are more Spanish speaking Afro descendants living in Cali than any other area in the Western Hemisphere. It is also one of the seven most dangerous cities in the planet. Thirty people are killed every day in Cali, and a lot of the violence stems from the fact that the city is being flooded by people who have been displaced elsewhere, who don't have jobs, don't have protection from the state, and don't have social support and, therefore, many of them end up pressured into recruitment by gangs and other lives of crime. This individual expressed concern about the "laying down of arms" that is being discussed in Havana because he is unsure how this will affect civilians in urban areas. Given the presence of other illegal armed groups in urban settings and how these could sabotage peace implementation, it is important that Afro-Colombians have a seat at the table to discuss how these issues will be addressed.

The delegation visited displaced families who were forcibly resettled in government sponsored shelters known as "Llano Verde" in the Agua Blanca District. This area is dangerous due to the presence of illegal armed groups and housing is inadequate for Afro descendants who have large extended families. Most of the displaced families are headed by Afro-Colombian women heads of households who must find solutions on their own. Overcrowding, whereby more than four people are forced to live in a room set up for only two inhabitants is the norm. These homes are poorly equipped for the handicapped and elderly. Their location is far from the center of town, making it very hard for persons to get jobs or access Cali's informal economy to make a living. Often, residents of the District of Agua Blanca are rejected for jobs once they disclose where they live due to the stigma that exists for persons living in this area. We were bombarded with numerous cases of neglect by the national authorities to the displaced claims. The few displaced who received responses by the government did so only after filing law suits demanding their rights be respected. AFRODES plays an important role in helping the displaced organized and band together to find joint solutions to their problems.

We then flew from Cali to the town of Quibdó, the capital of the Department of Chocó. It is 30 kilometers on both sides from both the Atlantic and Pacific Oceans and yet there are no roads from Quibdó to either ocean, and Quibdó is a city of extreme poverty without sewage, without running water even despite the fact that it's one of the wettest cities in the world with 400 inches of rainfall a year. In Quibdó, we met with various representatives of the Inter-Ethnic Forum Solidarity (Chocó), the organization that brings together the Afro-Colombian community councils (territorial authorities), indigenous cabildos and social organizations in the Department and local politicians including the Mayor of Quibdó, Zulia Mena. We talked to a Catholic priest who explained that half the city of Quibdó is made up of displaced peoples. He said that the Catholic Church, once reviled by the slaves, is now a church of the people. Slaves once hated the feast of St. Francis – now the Afro-Colombians embrace it and have turned it into a days-long festival which is recognized by UNESCO as a historically significant event. He talked about the displacement of Afro-Colombians beginning from 1996 onward due 'Operation

Genesis,” a joint military-paramilitary operation whereby the Colombian State held responsible for by the Inter-American Court of Human Rights and violations committed during the paramilitary takeover of the region and actions of the guerilla groups. The first displacements started from places like Rio Sucio, from where the leader of our delegation, Marino Cordoba, was himself displaced in 1997.

We then heard from Afro-Colombian women and youths from the Gender Commission of COCOMACIA, la Ruta Pacifica de Mujeres, OBAPO and the Red Departamental de Mujeres Chocoanas. The women argued that Afro-Colombian women’s concerns have to be integrated into the pre-accords and the internationally supported post-conflict efforts. They talked about the huge problem of gender violence which arose out of the armed conflict. The women mentioned U.N. Resolution 1352 which guarantees the rights of women in the peace, but which is being violated on a daily basis. Women have the right to lead a life safe from violence. They want a permanent observatory to guarantee rights of women, for example, against gender violence. Furthermore, they insisted that companies operating in this region must do so sustainably; there must be effective inclusion of women in the political process, and that all must work to guarantee that the Afro-Colombian territories must be made free of violence.

We then heard about the specific issues facing Afro descendant youth. For many, there do not exist good possibilities of education or employment. Some become educated but then do not find adequate work, so they are thrown into the informal sector. Youth are disproportionately affected by the internal armed conflict because they are the most vulnerable and most susceptible to recruitment by gangs, legal and illegal armed groups. The majority of members of the Afro-Colombian community are youth, and children are often used as human shields used by armed groups to carry out atrocities. They mentioned that Quibdó, in the Chocó Department, is ninety percent Afro descendants, seven percent indigenous and three percent Mestizo. Ninety-five percent of the territory of the Chocó is the communal property of Afro-Colombians, but those property rights have been violated. The majority of the population in Chocó has been victimized by the internal armed conflict and much of it is facing pressure due to illegal mining operations. In the case of the lands belonging to the Afro-Colombian Community Council of COCOMOPOCA, an estimated seventy percent of the territory has been granted in concessions to or taken by gold companies. At the same time, the FARC is pressing the communities to be part of their political process so that they can control the territory. Therefore, the communities and in particular youths are caught in the midst of competing political and economic interests linked to armed groups.

We also learned about the humanitarian crisis in the Chocó, about the lack of adherence to international human rights standards by the different armed factions. Afro-Colombian communities have been forced to go the Inter-American Commission of Human Rights (IACHR) to seek protection related to displacement and humanitarian crises linked to economic projects, as is the case of Jiguamiandó and Curvaradó. Meanwhile, 160 leaders of Afro-Colombians and indigenous and have been killed by paramilitaries in the region, and as of late, there has been an increase in death threats against leaders of these groups. They have asked for protective measures from the state, but this has largely fallen on deaf ears. The National Protection Unit has not advanced with the decree required to be able to provide collective protection measures for groups like Afro descendants who live in rural areas. As a consequence of the FTA, mining

and other forms of resource extraction has grown exponentially, leading to the “physical extermination of our people, physically, spiritually and culturally.” For this year alone, there have been 82,500 victims of the armed conflict, and of these, 69,000 are people who have been forcibly displaced according to Colombia’s National Registry.

An underlying factor that has driven much of the violence and displacement in this region is that economic interests have been implemented through illegal, violent and fraudulent means utilizing illegal armed groups. Leftist guerillas from the FARC and ELN have a strong presence in this region and they violate the rights of Afro-Colombians by pressuring communities and generating displacements. The FARC is most known for its role in the tragic Bojayá massacre of 2002. Afro-Colombian communities are concerned about how the transition from conflict to peace in their territories where there is a FARC presence will affect them since this group has not respected their autonomy and their collective land rights.

Paramilitary groups, that once formed part of the Self-Defense Forces of Colombia (AUC) then formally demobilized and regrouped into new factions, have thrived on their relationships with local economic and political power in the Chocó. Nowadays these paramilitaries function as a sort of hybrid between illegal armies and organized crime. They infiltrated Chocó’s corrupt, weak state structures since the 1990s following Operation Genesis and aligned themselves with Chocó political leaders in order to expand their control of the drug trade, and to benefit from resource extraction, in Afro-Colombian and indigenous territories. Sectors where the para-economies have flourished include timber harvesting, oil palm cultivation, cattle ranching and bananas. An arrangement known as the “Singapore Plan,” documents from the 2002 congressional campaign in Chocó, referring to a “Regional Political Program for a Great, United, and Peaceful Urabá” or a “Political Program for the Colombian Darién,” shows direct involvement of then-Congressmen Edgar Ulises Torres and Odín Sánchez. Torres supported the Senate candidacy of Antioquia politician Rubén Darío Quintero, a chief promoter of the Colombian Darién Program in northern Chocó. Quintero won his seat due to paramilitary control over the area, solidified by the Singapore Accord. He was sentenced to prison in 2010. Despite the arrest of para-politicians at the regional and local level in the Department, much more needs to be done to dismantle the links between these illegal armed groups, local politicians and economic sectors in the Chocó.

The most famous case of a company supporting armed groups to take over territory involved U.S.-based Chiquita Brands International which pled guilty to a Justice Department indictment accusing them of paying paramilitaries to the tune of \$1.7 million from 1997 to 2004, and providing them with 3,000 automatic weapons. According to the President Uribe’s own Attorney General, Mario Iguaran, it was this support from Chiquita which allowed the paramilitaries to take over huge swaths of Colombia, including, most notably, the Pacific Coast where many Afro Colombians live.

On our journey back to Bogota we changed planes in Medellin. As we went to pick up our luggage, Representative Hank Johnson became a victim of racial profiling by the airport security. Mr. Johnson was asked for his ID in a derogatory fashion for no apparent reason other than the fact that he is afro descendant. This incident is symbolic of what happens to many Afro-Colombians on a daily basis. They are often stopped by the police, security and authorities

without basis or denied entry to establishments, solely because their race arouses suspicions. Racism was a crosscutting theme during our trip. It leads to abuses against Afro-Colombians, prevents and obstructs their organizing, prevents their access to opportunities and is reflected in the implementation of public policies and lack of actions to uphold their rights on the same level as other Colombians. In essence, prevalent racism makes Afro-Colombians second or third-class citizens in Colombia.

In Bogota met with the Solidarity Center and the ILO who indicated that the Labor Action Plan is critical to combating labor abuses in Colombia but that it is just not being fully enforced; that it is being flagrantly violated by a number of companies including those in the Palm oil sector where 150 union leaders have been murdered. *They indicated that while companies are supposed to be fined under the Labor Action Plan for such things as illegal subcontracting, out of the thousands of companies involved in such subcontracting, only 18 have been sanctioned, and none of those sanctions have ever been collected. We talked about a strike at a palm company of Palm de Cesar where 5,000 workers struck and where 1,000 of these had to leave the area due to death threats.* There is little political will to enforce the Labor Action Plan on the part of Colombia's Ministry of Labor and, in fact, more union leaders have been killed after passage of the Labor Action Plan. The U.S. Embassy echoed their disappointment with the lack of progress with the LAP.

On October 5, the delegation participated in a Forum on Afro-Colombians and the peace process at the Memory, Peace and Reconciliation Center in Bogota by CONPA. More than 300 Afro-Colombians from throughout the nation came to the event and the subsequently marched to the Plaza Bolivar (in front of the Congress) under the banner of "Otra Vez Sin Nosotros" or "Once Again without Us." This is in reference to the fact that Afro-Colombians as a collective group have not been included in the peace negotiations. While Afro-Colombian victims have formed part of the six delegations that went to Habana and these have included members of CONPA who have presented their views as victims of specific acts of violence committed by the FARC and others, yet the collective issues that affect Afro-Colombians and their territorial authorities have not been consulted or integrated into the pre-accords. A factor, unless it is remedied and the opportunity still exists to do so, will significantly weaken the proper implementation of the accords in Afro-Colombian areas.

This is the third time in pivotal moments Colombia's history that Afro-Colombians are left out. The first was after the abolition of slavery, where the slave owners received reparations and the slaves did not. The second was during the Constitutional Assembly of 1991 following the peace talks, where Afro-Colombians did not form part and had to ask an indigenous representative to help them guarantee Transitional Article 55 that later paved the way for the development of law 70 of 1993, the black communities law.

At this event, prominent Afro-Colombians leaders expressed their views on Colombia's peace process. All are in favor of the peace process and believe that while it will not resolve all of the long-standing issues facing afro descendants in the country that it is an opportunity to demobilize one of the conflict's long-time actors and to construct a new reality for Afro-Colombians. The CONPA is asking for a seat at the table not just for participation's sake but to guarantee that the accords agreed to by the Government and the FARC take into account the

concerns, rights and recommendations of Afro-Colombians. Amongst the issues that require raising with the table are the rights of Afro-Colombian victims to truth, justice and reparations; monitoring of the bilateral ceasefire and de-escalation of the conflict in Afro-Colombian areas; guarantees for independent political participation for afro descendants in areas the FARC plans to foment their political base; addressing the illicit drug issue in Afro-Colombian territories in an effective and non-harmful manner and an agrarian reform effort that strengthens and respects the collective land rights of Afro-Colombian peoples.

Afro-Colombian authorities, organizations and leaders want the peace to be long-lasting and sustainable. To guarantee that this takes place they will need to be involved in the reintegration and reconciliation efforts that will take place in their territories between the demobilized and victims of the conflict. Security efforts in Afro-Colombian areas will need to be worked out with authorities in order to make sure that they actually work. Afro-Colombian women leaders highlighted the need for the Constitutional Court orders for displaced women and their leaders to be respected in a post-conflict Colombia.

Sadly, while there was a panel designated for afro descendants in the government to participate, two key figures did not attend. The Vice Minister of Interior in charge of ethnic issues, Carmen Ines Vasquez, did not attend and the second was Luis Gilberto Murillo, the Administrator of Plan Pazifiko, who sent his deputy. The lack of their presence was viewed by Afro-Colombian participants as a lack of real interest in engaging Afro-Colombian communities in the public policies and plans that affect them. On the part of the Ministry of the Interior, it was especially disappointing since this Ministry has traveled to the U.S. to present its work regarding the U.S.-Colombia Labor Action Plan (CAPREE), traveled to Geneva to show “advances” in front of the UN CERD and OAS in the context of the convention against racial discrimination. Yet it won’t participate in a forum organized by the Afro-Colombian leadership.

Much concern was expressed by Afro-Colombian participants about the lack of transparency with which many of the Government’s plans and policies operate. Also, discontent was expressed regarding the fact that Plan Pazifiko is largely a commitment of the government made to political and economic actors in the region and that it has not gone through a prior, informed, consultation process with Afro-Colombian territorial authorities, as required by Colombian law. As one leader stated, “the government focuses on public relations i.e. presenting to the U.S. and elsewhere plans for addressing Afro-Colombian issues that supposedly are constructed with us...but in reality they do their utmost to exclude us.”

Conclusions & Recommendations

Based upon the findings of this trip, the CBTU mission concludes that there is woefully poor enforcement of labor and human rights in Colombia, particularly on behalf of Afro-Colombians. We make the following recommendations which we believe are necessary to improve this dire situation:

To the U.S. Government:

U.S. Special Envoy for the Colombia Peace Process:

-Take action to guarantee that Afro-Colombian territorial authorities and representatives unified in the CONPA platform are integrated in the peace dialogues taking place in Havana, Cuba.

-Encourage the Colombian Government and the FARC to incorporate CONPA's recommendations in the final accord and integrate their leaders into the implementation of the same.

U.S. Secretary of Labor and USTR:

-Take bold actions that guarantee that the U.S.-Colombia Labor Action Plan is fully implemented. In particular:

- That subcontracting in all of its forms is eliminated.**
- That the over 90% impunity rate in cases of trade unionists murdered is significantly reduced. Demand that the Attorney General of Colombia show significant results, i.e. perpetrators in jail, for committing killings of trade unionists.**
- That sanctions against companies who violate the LAP are paid by violators.**
- That the labor inspection system is properly implemented to improve labor conditions for workers.**
- That significant progress is made in implementing the LAP in the sugar, port, oil palm, mining and flower sectors.**
- New efforts to subvert the LAP are stopped.**

-Work with the Colombian Ministry of Labor and ILO to 1) Do away with subcontracting and guarantee the labor rights of bodyguards who provide protection for unionists, defenders, activists and politicians; 2) Guarantee that workers who were fired for organizing due to the LAP in the priority sectors are rehired or compensated; 3) Address the issue of lost pensions due to subcontracting for workers in the priority LAP sectors; 4) Immediately put a stop to the decree that is being developed to more easily fire Colombia's injured workers; 5) Put in place timelines with Colombia whereby results must be reported, and 6) Work with Afro-Colombian labor unions and activists to help implement the U.S.-Colombia Labor Action Plan in the Colombia labor sector.

-Guarantee that the ILO's mission in Colombia is renewed and that its work is expanded so it can cover more issues that guarantee implementation of the LAP.

-Advocate with the U.S. Congress to guarantee that a post-conflict package for Colombia includes strong support for implementation of the LAP and transversal inclusion of workers' rights and the particular concerns affecting Afro-Colombian female and male workers in the U.S. supported aid for the peace accord.

U.S. State Department and U.S. Embassy:

-Support the CONPA's recommendations and efforts to guarantee an inclusive peace process and post-conflict effort that addresses the concerns of Afro-Colombian victims and communities.

-Publicly condemn violations of the U.S.-Colombia Labor Action Plan and human rights abuses committed against Afro-Colombians and indigenous populations.

-Highlight the human rights and labor rights issues facing Afro-Colombians in the annual U.S. State Department country report for Colombia, and ensure compliance with the Leahy Amendment which requires the cessation of military aid to units guilty of human rights violations.

-Work with Colombian counterparts to address the human rights, labor rights, collective land rights and protection concerns affecting Afro-Colombian and indigenous communities. In particular, guarantee full implementation of the U.S. human rights conditions for Colombia's receipt of military aid.

-Advocate in all pertinent spaces for greater social inclusion of Afro-Colombian and indigenous communities in Colombian society and efforts to address racial discrimination.

-Urge the Colombian government to respect Afro-Colombian and indigenous communities' right to prior, informed consent on all development projects designated for their territories.

-Intervene to help resolve the situation confronted by Feliciano Valencia of the ACIN.

To USAID:

-Work with the CONPA to create a post-conflict peace package that expands the current Afro-Colombian and Indigenous Program (ACIP) so that it addresses the myriad of labor, human rights, justice, displacement, women, youth, collective land rights and environmental issues facing afro descendants.

-Guarantee that all USAID funding to Colombian institutions is vetted and includes strong monitoring mechanisms to prevent corruption and misuse of funds. Funding to strengthen governmental programs for Afro-Colombian and indigenous communities must include the condition that communities affected are previously consulted and that these programs operate with full transparency and integration of those communities.

ⁱ The CONPA is a coalition of Afro-Colombian authorities and organizations that was founded in November 2014 to unify the voices and proposals of Afro-Colombians with regards to the Colombia peace talks. It is an autonomous space representative of national and regional Afro-Colombian organizations whose objective is to construct and to make visible the collective and consensual organizational processes in the search for peace and the protection and Afro-Colombians at the negotiating tables between the Colombian government and the Revolutionary Armed Forces of Colombia

(FARC), and the National Liberation Army (ELN). It includes but is not limited to: the Afro-Colombian National Authority (ANAFRO), National Association of Displaced Afro-Colombians (AFRODES), Association of Community Councils of Northern Cauca (ACONC), Afro-Colombian Pastoral Center (CEPAC), Afro-Colombian Labor Council (CLAF), National Conference of Afro-Colombian Organizations (CNOA), Inter-Ethnic Solidarity Forum of Chocó (FISCH), Process of Black Communities in Colombia (PCN) and the National Network of Afro-Colombian Women (Kambiri).

ⁱⁱ Participants included: Willie L. Baker, Jr. - Coalition of Black Trade Unionists (CBTU); Daniel Kovalik - United Steelworkers, AFL-CIO/CLC (USW); Sheila Gruner - Professor, University Algoma (ON, Canada); Walter Turner - Correspondent, Pacifica Radio and Board – Global Exchange; and Carlos Quesada - Institute for Race & Equality and Gimena Sanchez of WOLA.