



Obstruction of Peace; Militarization and the Final Peace Accords

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Witness For Peace (WFP) is an international politically independent organization that has been working in Colombia for the last 19 years. WFP challenges and confronts U.S. and corporate imperialism in the Americas by bringing together and organizing people to build peace and sustainable economies in Latin America and the Caribbean.

Colombia has endured fierce internal war over the last six decades, conflict which has been exacerbated by United States involvement and military aid. The result is one of the largest humanitarian crises in history with over 6.9 million people internally displaced and over 200,000 dead. In 2000, under the devastating Plan Colombia, the United States provided \$10 billion in funding to Colombia purposed mostly for counter narcotics and militarization. This antiquated drug war policy has directly armed military and paramilitary groups that target and terrorize indigenous leaders, activists, and entire communities of the most poor and vulnerable people in Colombia.

In 2016, the Colombian government and the largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC) signed the Final Peace Accords (Final Agreement) in a historic effort to end the armed conflict. In response, the U.S. enacted Plan Peace Colombia- the predecessor to Plan Colombia. Yet the 450-million-dollar plan continues to rely on counternarcotic militarization rather than the social supports, transformative justice and peace building that people need. This continued funding for militarization and violent repression disproportionately impacts indigenous, campesino, and Afro-Colombian communities who resist unlawful government-led corporate penetration and extraction of resources from legally protected ancestral lands.

Communities Building Peace in the Territories (CONPAZ) is a network of 140 victim's organizations and is present in 14 departments where the armed conflict still continues. The CONPAZ network consists of members from indigenous and biodiversity reserve communities, Afro-descendant community councils, and small farming communities. WFP works closely with CONPAZ, whose network exchanges methods of non-violent resistance and human rights education and provides a space for collaborative construction of proposals of peace with a socio-environmental justice focus. In the framework of the peace negotiations, CONPAZ proposes an alternative model of transitional and restorative justice focused on reconciliation and investigation of the truth. The CONPAZ network also assists communities in their applications for legal entitlement under the 2011 Ley de Victimas 1448 as well as for their guaranteed rights under the Final Agreement.



From August 1st to 11th, 2019, WFP led a human rights fact-finding and peace-building delegation of Colombian and U.S. human rights activists, CUNY law students, and CUNY Graduate Center human rights researchers to the Middle-Pacific region of Colombia. The delegation visited Afro-Colombian and indigenous collective communities in the CONPAZ network in the port city of Buenaventura (Department Valle de Cauca), the rural areas of López de Micay (Department Cauca), and Litoral de San Juan (Department Southern Chocó). Two of these regions have been prioritized by the Colombian government for implementation of the Final Agreement. Delegates met with and conducted group interviews with CONPAZ base communities and leaders, asking them about the history of the conflict in their area, their experiences since the signing of the Final Agreement, their local peace process, what stage they are currently in, and what demands they wished to highlight. Communities also gave messages to the international human rights community which are provided at the end of this report. The data in this report is organized into three geographical zones: the urban Buenaventura communities, the San Juan and Calima River communities, and the Naya River communities.

The main purpose of our visit was to listen to and document direct testimony of community leaders from the CONPAZ Network about life in their territories since the signing of the Final Agreement.

TERRITORIES VISITED, CONTEXT, AND COMMUNITY DEMANDS

I. Urban zone; Buenaventura, Department of Valle del Cauca

Day 1: Meeting with leaders from Trujillo in Cali

Don Ancizar Cano, from the Municipality of Trujillo in the North of Valle del Cauca, is a farmer, artist, and community leader who uses music and agroecological production to resist the illegal, social, and environmental degradation of his ancestral territory. Over the last 29 years, he and his community have been the victims of an ongoing massacre in which 350 people have been murdered, tortured, and disappeared. To this day, community members remain missing.

He shared how his community's ancestral farming territory has been taken, deforested, and polluted by the Irish multinational corporation Smurfit Kappa Cartón of Colombia. The company controls more than 25,000 hectares of land today and is one of many companies profiting off of the perpetuation of armed conflict in Colombia.

Through music, Trujillo farmers such as Ancizar ask, and the community demands, that the truth about what has happened to their community be publicized, that the search for the disappeared victims be reactivated, that the lands they live on be protected from environmental degradation and that the government fulfill their legal obligations to provide security and prevent a repeat of the massacre.

Day 2: Buga, Afro-Colombian Collective Community of Vereda La Esperanza

Located next to the main port city of Buenaventura, and along the Pan American Highway, is the city of Buga and the Afro-Colombian Collective Community of Vereda La Esperanza. The Community Council of Vereda La Esperanza won legal recognition of their territory in 1993, granting community members inalienable rights to their land. In 2014, they won further environmental protection of their territory through the declaration of the land as a Biodiverse Territory for Peace in 2014. Now, CONPAZ and community leaders are actively working through the land restitution process for displacement victims under the Ley de Víctimas 1448, an autonomous mechanism for protection. Yet despite these protections, during our delegation we witnessed widespread environmental damage and territorial dispossession resulting from the invasion of non-community members into their land. For 19 years the people of Vereda La Esperanza, which today consists of about 40 families, have been getting forcibly displaced despite the legal protections they have won.

Community leaders told us that to date, more than 600 buildings have been illegally erected in their territory by non-community members. Leaders also described how their territory is being affected by illegal logging, mining and farming, and the planting of illicit crops by armed paramilitaries despite the awareness of such activities by local and national law enforcement authorities, and the issuance of an order of protection for the territory in February 2017 from a Land Restitution judge. In fact, the military was present in the territory during our visit, yet no action was taken to stop the environmental destruction and territorial dispossession which continues unabated. To date, the government has failed to prosecute any of the private actors, often armed, who are openly breaking the laws protecting this community.

The main demand from the legitimate owners of the collective territory of Vereda La Esperanza is that the authorities act immediately to protect the territory from further dispossession and environmental damage. They then ask that legal recognition of their territory be restored, and that the legal status of the Community Council be protected from encroachment by non-community members, so that the residents who fought for and won the collective title may oversee the process of removing non-community members and allowing the return of displaced members.

Day 3: Playita, Punta Icaco & Puente Nayero, Buenaventura

While in Buenaventura, the delegation spent almost every evening visiting neighborhoods in Playita in the District of Buenaventura. The neighborhoods are close to the main port terminals of Buenaventura, and because of their strategic location near the ports, inhabitants have suffered extremely high levels of paramilitary violence, leading the Inter-American Commission on Human Rights (IACHR) to declare the areas humanitarian spaces. Until 2014, paramilitaries openly controlled the area and operated a “chop house” in Puente Nayero where many people were publicly tortured and dismembered. Puente Nayero and Punta Icaco are located on land along the seashore in the jurisdiction of La Payita District commune 4, areas that are also highly desirable to real estate capitalists and developers who are looking to construct touristic boardwalks and hotel chains in the area.

The leaders of Puente Nayero and Punta Icaco denounce the national government’s breach of its obligations under the Final Agreement by allowing the paramilitaries to act with impunity. They demand that the government acknowledge the existence of the paramilitaries and dismantle their structures in Buenaventura and Tumaco as pilot proposals. Buenaventura today is the most formally militarized city in Colombia yet its streets and neighborhoods are overseen by paramilitary structures that control illegal economies. This informal territorial control also coincides with the port expansion and commercial development under the Pacific Alliance trade agreement.

Day 3: Olympica basketball court Buenaventura Displacement camp, Waunaan Indigenous Community from Resguardo Indígena de Chag Pie Tordo

At the edge of the city of Buenaventura, wedged against the Pacific Ocean, is a refugee camp for internally displaced families from Chag Pie Tordó of the indigenous Waunaan people. The Waunaan people were forcibly displaced in February 2017 when the military began bombing their territory during clashes with the guerrilla group ELN. After the fighting, the government directed the displaced community to an outdoor basketball arena behind an Olympica commercial establishment in Buenaventura, where they remain today.

Since their displacement, several people have died as a result of the inhumane conditions of the camp. An outbreak of tuberculosis killed a three-year-old child and an elderly person and infected many others who became seriously ill. Cases of malnutrition are on the rise and the community still does not have access to health care, education, food, or humane housing.

In their meetings with the local government and the Public Prosecutor’s Office, community leaders continually inform the government of the horrible conditions in the camp and that they are willing to return to their ancestral territory. Unfortunately, community members reported that the government continually fails to make basic humane improvements to the camp and

fails to take steps to begin moving the Waunaan people back to their land as they are legally obligated to do under Ley de Victimas 1448 of 2011 and Ethnic Decree 4633.

Community leaders here demand that the national government recommence peace negotiations with the ELN, promote a humanitarian agreement that facilitates their return to the territory, a continuation of dialogue, and a definitive agreement that resolves the armed conflict. They also demand that the government fulfill its legal obligation to guarantee dignified conditions for their return and the eradication of inhumane conditions at their displacement camp.

II. Rio Calima & Rio San Juan, Departments of Valle del Cauca and Chocó

Day 4: Bajo Calima, Resguardo Humanitario y Biodiverso Santa Rosa de Guayacán, Calima River

In Bajo Calima, we visited the Humanitarian and Biodiverse Reserve indigenous community of Santa Rosa de Guayacán. The community is located on the banks of the Calima River, which serves as a strategic route for the trafficking of drugs, arms, and people from the Western Andean Mountain region to the Pacific Ocean.

We met with Fabiola Quintero, the governor of Santa Rosa de Guayacán, who told us that on July 9, 2019, she was travelling on a public transport boat from her community when it was stopped by armed paramilitaries at an illegal checkpoint along the river. The paramilitaries forcibly removed a number of people from the boat, including an Afro-Colombian woman who was later found murdered. The woman's young child was left abandoned on the boat. Now, the families of this indigenous community are stuck in a state of confinement as the paramilitaries and other armed groups engage in battle all around them.

Since 2004, this indigenous community has been forcibly displaced 3 times by the incursion of paramilitary forces into their territory, most recently in February 2017- just 3 months after the Final Agreement was signed. Despite having legal protections granted by the Inter-American Commission on Human Rights of the OAS, the rights of this community have been violated again and again, and their legal return agreements continue to be breached by the District Government of Buenaventura.

The community leaders of Santa Rosa de Guayacán demand that the national government and the paramilitary groups respect their humanitarian proposal for peacebuilding, that they abide by the return agreements, and that the government implement its legal responsibilities of the Final Agreement. The community also demands that the government recommence negotiations with the ELN who were precluded from participating in the Final Agreement.



Day 5: Burujon Union San Bernardo Reserve, Humanitarian Community and Biodiversa Unión Agua Clara of the Waunaan

In the region of Bajo San Juan, we visited the Humanitarian Community and Biodiversa Unión Agua Clara of the Waunaan people, located in the Burujon Union San Bernardo Reserve. This community is located near to where the San Juan river empties out into the Pacific, and also where two Colombian naval bases are located. These bases house U.S. Marines, and the surrounding area is subject to their jurisdiction. Despite this U.S. and Colombian military presence, Bajo San Juan remains the main route for illegal arms and drug trafficking in the Colombian Pacific.

This community was forcibly displaced by the incursion of paramilitary forces into its territory in November 2014. They returned in December 2015 after having secured a right of return from the Colombian government, but thus far the government has failed to fulfill their legal obligations to provide safety and human conditions for the community.

In 2016, while awaiting the signing of the Final Agreement, the paramilitaries once again entered the territory and stole the collective community's only motorized boat, a boat donated by the international aid organization Christian Aid. Without the availability of a community humanitarian boat, several children in the community have died during medical emergencies because they could not make it to a hospital.

Leaders are asking the national and district governments to comply with the implementation of the Final Agreement, and particularly with the dismantling of the paramilitary structures present in their territory. Leaders also ask for the implementation of the Development Program with Territorial Approach (PDET), which is supposed to plan and manage rural development to comprehensively transform the 170 municipalities most affected by the armed conflict with the participation of the communities themselves.

Day 6: Cabeceras, Bajo San Juan

In Bajo San Juan we also visited the collective territory of Cabeceras, an Afro-Colombian community which won a declaration as a Humanitarian and Biodiverse Territory for Peace in 2018. The Cabeceras community was forcibly displaced in 2017, when ELN guerrillas entered the neighboring Afro-Colombian community of Carrá and massacred 5 people.

The return to their ancestral territory in 2018 was made within the framework of a legal agreement with the District Department of Buenaventura, however, as is all too common, this agreement has been breached as the government continues to fail to uphold their legal obligations. Similar to the indigenous communities of Santa Rosa de Guayacán and Agua Claro, the community of Cabeceras also demands that their right of return be respected, and that the

national government comply with the implementation of the Final Agreement.

Day 7: Docordó, Displaced community of the Pichima Quebrada Reserve

In Docordó, south of the Department of Chocó, we visited the Waunaan indigenous community of the Pichima Quebrada Reserve. This community was displaced in May 2019 after armed confrontations between the ELN and an unidentified illegal armed group (speculated by the community to be FARC-EP dissidents) within their collective territory. About a hundred people are currently living in the Docordó community center in hammocks and on the floor. This community shared its concern about the armed conflict that has displaced them twice since the signing of the Final Agreement.

The delegation was given a copy of the community's return proposal document which includes several points that guarantee a return to their ancestral territory with dignity and protection by the government. The proposal includes an exploratory visit with the support of international human rights organizations and with the presence of the Colombian Public Ministry. It also includes the declaration of the territory as Humanitarian and Biodiverse Protection in a clear affirmation of International Humanitarian Law (IHL).

III. Naya River, Departments of Valle del Cauca and Cauca

Day 8-11: District of Buenaventura and the Municipality of López de Micay, Naya River Communities

In the rural areas of the District of Buenaventura and the Municipality of López de Micay, we visited Nayero Afro-Colombian communities in their ancestral and Biodiverse Territory along the Naya River. This collection of collective communities sits amongst 177,700 hectares of protected tropical rainforest (equivalent to 30.3 Mannhattans, or 332,074 football fields), and has been building peace as a freed slave community for 339 years.

Day 8: Concepcion, Rio Naya, Department of Cauca

We visited the community leaders in Concepcion (Concha) where leaders explained that Naya is one of only two rivers left in Colombia without multinational corporate development. In April of 2001, there was a paramilitary incursion into the Nayero community. In response, the Colombian Navy established a permanent perimeter presence at the mouth of the river. At the request of the Nayero community and in compliance with the Biodiverse Territory status of their land, no armed forces may disembark onto land within the Territory. However, in 2018, after the Final Agreement was signed, the collective territory was subject to further militarization under the Horus plan and the national army's operation Atalanta.



During a heightened military presence in 2018, 4 Nayero community leaders were kidnapped by paramilitaries. They were promoters of the Final Peace Agreement and were specifically supporting the crop substitution program which calls for government facilitation of the substitution of illicit crops for legal farming and economic development in the region. The government continues to refuse to implement this program.

The leaders testified to us that they are concerned with the presence of illegal paramilitary structures controlling the river as well as the formal militarization of the Territory. The community expressed that despite the military build-up, violent threats against anyone who advocates for the crop substitution program and other infrastructural support owed to them through the Final Agreement continue and are carried out without consequence. While the community continues to express these concerns to various governmental bodies in Buenaventura, the Duque administration continues its aggressive, indiscriminate, and deadly fumigation campaign, using U.S. Drones, which threatens the continued existence of the Nayero Communities in their ancestral territory.

Nayero leaders actively participated in the creation of the PDET for the Middle Pacific region, and they demand its implementation by the national government. They also demand the implementation of the crop substitution program and the expulsion of both paramilitary forces and Colombian military forces from their ancestral and preserved territory.

Day 9-10: Puerto Merizalde (Valle del Cauca)

Before exiting the area, the delegation verified a Colombian military presence on the banks of the Naya River, in front of Puerto Merizalde Corregimiento, in violation of both the Biodiverse Territory declaration and the precautionary measures recommended by the IACHR in 2002. As in Santa Rosa de Guayacán, the military presence has done nothing to deter the violence that continues to be inflicted against Nayero community members by paramilitary groups, which continue to operate openly and with impunity.

CONCLUSION

After discussions with communities of the CONPAZ network in the Pacific, the delegation of Witness For Peace hereby testifies to what has been observed and heard:

1. The collective-community members of the CONPAZ network, whom we have been accompanying for several years, maintain their conviction to continue building peace and restorative justice. They will continue their search for truth, the protection of biodiversity and the promotion and defense of Human Rights, despite the continuity of the armed conflict with the ELN, the violence of the paramilitary successor structures that facilitate illegal economies and continue, amid the military presence of the State, to terrorize communities with forced



displacements, murders, disappearances, territorial dispossession, confinement and threats to social leaders.

2. The territories of the Afro-Colombian, indigenous, and farmer communities visited by this delegation are biodiverse territories, cared for by community members as spaces of the environmental heritage of humanity, under the full realization that the preservation of such spaces guarantees peace and preservation of life for the rest of the planet.

3. The collective-community members of the CONPAZ Network have suffered and continue to suffer violence, displacement, disenfranchisement, and disinvestment by the State because of their unyielding commitments to building peace and living sustainably with nature, and their refusal to acquiesce to capitalist exploitation of their land.

4. The collective-community leaders of the CONPAZ Network call for people in the legal community to join in the international accompaniment of the ongoing peace processes in Colombia.