

BUENAVENTURA: Caught Between War and Despair³

Sociopolitical Context

Buenaventura is Colombia's principal port where around 70% of import and exports are transported. It is strategically located in the Pacific region of Colombia which is inhabited by 90% Afro-Colombians. It is possible to connect with close to 300 ports or different places around the world from Buenaventura, an advantage unmatched by the country's airports. This characteristic gives it strategic importance in respect to circuits of international maritime trade.ⁱ It is also the commercial, cultural and social capital of the Pacific, in addition to being the country's second richest region in terms of natural resources.

These characteristics, among others, have caused a concentration of the internal armed conflict in the region since the end of the 1980s and the beginning of the 1990s. Since 1998, the conflict has deteriorated and generated harmful consequences for the collective and ancestral rights of the ethnic communities. Since 2000, armed actors in the region (**Colombian military, guerrillas, and the paramilitaries**) have violently disputed over territorial, economicⁱⁱ and social domination. This situation is worsened by the increase of coca cultivation (for illegal use), in the rural area of the municipality, especially for the San Juan, Calima, Dagua, Anchicayá, Raposo, Mayorquin, Cajambre, Yurumanguí and Naya rivers whose mouths have been converted into storage spaces for pre-cursor chemicals, fuel and the drug processed by the coca.ⁱⁱⁱ The community councils have made huge efforts to eradicate the coca manually and autonomously despite never receiving any institutional support to slow the growth of illicit activity. The situation is compounded fumigations propagated by the national government in the Naya river region. Last February fumigations damaged traditional food crops; contaminated the river that is the principal source of potable water for the inhabitants; and posed problems for the black communities that live there.

This trend has resulted in grave consequences against the civilian population, represented by systematic human rights violations, that are continuous and progressively getting worse. These violations disturb our values and cultural practices as black communities.

³ Background paper written for the Senate/House staff delegation to Buenaventura on August 26, 2010 organized by the Washington Office on Latin America (WOLA) and the support of its Colombia partners PCN, Pastoral Afro-Colombiana, NOMADESC, MOVICE and the Office of Senator Lopez Maya.

CURRENT HUMAN RIGHTS CONDITIONS IN BUENAVENTURA

The Afro-Colombian population of the Pacific region – Buenaventura in particular – is the object of crimes against humanity, institutional and structural racism, and the imposition of a development model that puts the survival of our ethnic group at risk. Afro-Colombians are targeted because they are located in regions of great geostrategic importance where port, tourist, infrastructural, and agro-industrial large scale development projects are being planned and executed. These projects are linked to violence that internally displaces Afro-Colombians from their territories in order to pave way for the subsequent appropriation and exploitation of natural resources by domestic and multi-national investors with acquiescence of the State and the Colombian government.

Human rights violations take place in the following fashion:

Killings and forced disappearances are a constant occurrence in Buenaventura. In the past five years, on average of 500 violent deaths were registered in Buenaventura which totals to 2,500 violent deaths. According to the municipal human rights ombudsman office 357 forced disappearances have taken place in the past three years. From 2007 until the present forced disappearances have become the new modality to politically and socially control communities. It is also a method utilized to be able to continue the genocide that is taking place against afrodescendant communities of Buenaventura without leaving bodies that can be utilized as evidence of those crimes taking place.

These deaths and disappearances are intimately linked to the social political violence and internal armed conflict in the area that at its root is based upon economic interests over the territories in order to continue with large scale development projects and narcotics trafficking. It is not coincidental that the forced disappearances phenomenon has appeared given the deepening of the war in the region. It has become common practice as one of the indicators of the internal armed conflict in Buenaventura. During 2007, 2008, 2009 and 2010 thus far, it is the principal modality of systematic violations of human rights and international humanitarian law. According to the local military authorities this situation is due to “polizontaje” (silent, illegal and clandestine flights to Canada, the US and Europe), youths and adults’ activities with the insurgency (FARC guerillas) and persons (youths and adults) and their links to narcotics trafficking activities (“raspachines” coca leaf pickers, processing and transporting of narcotics). For the Human Rights Defenders’ office this is due to a new strategy employed by illegal armed groups to hide evidence that links them to crimes against humanity and a method for them make it difficult to bring legal charges against them. However, for civil society organizations and for the victims’ families this constitutes the principle form of systematic human rights abuse linked to the government’s interest in showing a war without bodies (decreased number of victims) in order to legitimate its policy of democracy security. It is also linked with the government’s interest to show Buenaventura as an example of pacification and social recuperation to increase interest for the implementation of several large scale economic development projects.

Major Massacres Recorded in Buenaventura: 2000 – 2005

Place	Date	Number of victims
Seis de Enero	Febrero 02 de 2000	03
Sabaletas	Mayo 11 de 2000	11
Zaragoza	Agosto 26 de 2000	04
Las Palmas	Septiembre 09 de 2000	07
Campo hermoso	Septiembre 17 de 2000	03
Carretera Cabal Pombo	Diciembre 12 de 2000	12
El Caldas	2001	03
Olímpico	Febrero 02 de 2001	03
Citronela	Abril de 2001	06
Alto Naya	Abril 12 de 2001	106 (murders and disappearances)
El Firme	Abril 27 de 2001	07
El Triunfo	Mayo 09 de 2002	03
Obrero	Mayo 11 de 2002	08
Lancha Mar	Mayo 23 de 2002	04
Pueblo Nuevo	Junio 07 de 2002	04
Vereda Triana	Agosto 26 de 2002	07
Kilómetro 23 veredas la esperanza	Octubre 22 de 2002	05
Vereda la Esperanza	Octubre, 23 de 2002	05
Reten	Falta fecha fija	03
Cascajal	Falta fecha fija	06
Comuna 12	Junio de 2003	04
Sabaletas	Junio 15 de 2003	07
Barrio, 6 de Enero	2004	03
Nueva Frontera	2004	03
La Delfina	Febrero 2004	03
Carretera simón bolívar	Febrero 2005	05
Barrió Alberto lleras Camargo	13 de febrero 2005	04
Barrio la playita	18 de marzo	03
Barrio la playita	20 de marzo	03
Barrió el triunfo vereda la gloria	16 de abril del 2005	12
Barrió el Caldas	12 de junio del 2005	03
Barrió Alberto lleras Camargo	9 de julio del 2005	07

The presence of the armed group FARC has also caused forced alterations in the culture of the afrodescendant communities. Their presence is the pretext utilized by the State to avoid its public responsibilities to protect these communities. The use of informant networks by the armed forces and the insurgency FARC has caused hundreds of selective assassinations in the river areas of Buenaventura. The majority of such deaths are not reported.

Internally Displaced Persons; Buenaventura, as a population center in the Pacific, serves as both a reception and expulsion site for internal displacement. According to the government's agency, Social Action, the registered IDP population is 12,320 families totaling 68,873 persons. Internal displacement began to take place in Buenaventura municipality in September 1998 due to combat operations between the Colombian marine infantry and the FARC guerillas in the Raposo River. Until now not one family from this early wave of displacement has been re-established economically as required by law 387 of 1997 on internal displacement. Since this time, Buenaventura has experienced numerous and constant displacements including intra-urban displacements (from one neighborhood to another). The most recent reception of displacement of persons to Buenaventura came from the San Juan River area of Chocó with 64 families fleeing the internal armed conflict and violence.

Internally displaced organizations in Buenaventura are under threat by the Black Eagles (emerging paramilitary groups that formed after the AUC's demobilization process) because of their human rights advocacy activities. On July 18, 2010 IDP leader Jair Murillo, President of the IDP organizations in this municipality was assassinated. Mr. Murillo's organization FIPAN was listed in an email threat by the Black Eagles received by the Washington Office on Latin America in spring 2010. This has generated great fear among the rest of the internally displaced in Buenaventura.

The development of large scale development projects; among them the housing project of national interest for low-tide zones (Bajamar) that USAID finances, this project aims to displace Afro-Colombians from homes they have been occupying (***the affected neighborhoods include muro yusti, viento libre, piedras cantan, la playita, el lleras, palo seco***). The pretext of the displacement derives from it being a high risk zone, but the real interest is to vacate the territory by constructing a seawall and expanding the port to facilitate the pending FTA. Projects such as this one are examples of how economic interests override the rights of people by violating their right to previous, free and informed consultation complemented by the internal displacement strategy of legal and illegal armed groups. Other large scale development projects being developed in Buenaventura are; ***TCEBUEN, Aguadulce, an International Airport, an industrial and port complex among others. The following image is of the island of Buenaventura and the colors show the low-tide zone that makes up the relocation housing program that will allow for the seawall project later.***

TCBUEN and its consequences; The ***Container Terminal of Buenaventura (TCBUEN in Spanish)*** large scale development project began in 2007 in the *La Inmaculada* neighborhood of Buenaventura. The project is part of a group of port projects that make up the "port expansion" whose central purpose is to deepen the economic enclave platform in Buenaventura and the Colombian Pacific. In accordance with the testimonies of the inhabitants of the neighborhoods affected by the TCBUEN, the project has brought unfortunate consequences for them such as:

- The removal of land and materials without the adequate procedure has given way to mosquitoes that can transmit malaria and hemorrhagic dengue that particularly affect infants and the elderly.
- The construction of TCBUEN originated in the disappearance of one of the primary sports and recreational sites; furthermore, senior citizens no longer have a place for safe traditional forms of entertainment such as: table games, dominoes, parks, *damas*, cards, *sapo*, etc. given the constant transit of heavy vehicles through streets.
- The state of unemployment has increased among fishermen, boat drivers and lumbers given that the construction of the TCBUEN impedes the exit to the sea through the Aguacate straight. Additionally, the banana, coco, avocado, *chontaduro* and plantain crops were lost; they were grown by the inhabitants of the lot where the project is currently being constructed and their loss has negatively affected family subsistence.

- The force exerted by the machines on the land has deteriorated housing, and TCBUEN has not responded in some cases.
- In the removal of land and materials for the construction of TCBUEN, workers have encountered while working human remains which have generated debate, panic, threats and intimidation among them.

Photograph of the Large-scale development project Malecón



- **Illegal mining exploitation;** This is another example of a case human, territorial and environmental rights abuse taking place in the Zaragoza rural area of Buenaventura. Since 2009, at the height of 23 kilometers along the Buenaventura-Cali road, uncontrolled and indiscriminate exploration of gold has taken place by outsiders coming from other cities in Colombia such as Medellín, Cali and Bogotá and countries including Brazil and Canada. This illegal mining has taken place without consideration of treaties or international conventions and the constitutional guarantees that protected the territories of the black communities.

More than 250 machines that excavate gold the following areas have been affected: *Río Dagua (Zaragoza, Bendiciones, Triana, Catanga and San Ciprinano) and San Marco and Agua Clara in the Anchicaya river region (areas connected to the Natural Parque Farralones of Cali)*. According to testimonies from residents in these areas more than 100 homicides are registered linked to violence related to the economic control of the area in order to mine. Furthermore, the groups in charge of “security” for the mine are the paramilitaries. These men receive payment for finding gold buyers. They also steal from and kill the artisanal miners who refuse to pay them extortion payments for “providing security.” Local miners note that persons who are murdered or who die due to becoming trapped in the mine are buried in the same place that the excavation machines operate. As such the machines realize new holes in the ground and pull up the bodies many of whom witnesses state contain a large number of bullet holes. These testimonies coincide with the large number of forced disappearances report in the area. While the national government through the vice minister of the interior and justice and the mayor of Buenaventura called for an end to illegal mining in this area, it has not stopped. It

continues to happen at a lower scale. According to residents 20 machines are still operating and new forms of extraction are being implemented. The environmental, social and cultural affects of this illegal exploitation is large. The Dagua river's flow has changed and as such has led to a destruction of Afro-Colombians' traditional crops and food security. Some shelters were destroyed by the heavy machinery and many persons were assassinated for attempting to defend their territorial rights. On February 19, 2010 Rosa Elena Plaza was murdered in Zaragoza. She is the sister of the General Coordinator of the Community Council in the area. Also Lorenzo Plaza was killed for the same reasons. Silvano Caicedo Girón, of the Black Communities Process (PCN) has received death threats for denouncing this situation on Caracol radio and pointing out the continued presence of extraction machines in San Marcos-Anchicaya River area.

Photographs of Illegal Mining in Zaragoza



Our organizations kindly request that House and Senate staff please consider the following recommendations:

- 1) That the US Congress increase international attention to the situation facing Afro-Colombian civilians in Buenaventura municipality. In particular, that violations taking place against afrodescendants' human rights and the lack of respect for international humanitarian law on the part of all the armed groups are given proper attention and addressed. Visibility can be increased by US Congress producing reports, public statements and organizing hearings and briefings on the human rights and internal displacement situation in Colombia.
- 2) That the US Congress encourages the US State Department and US Embassy to guarantee that the US human rights conditions for military assistance to Colombia are fully implemented. Cases violating such conditions in Buenaventura should be included in the US Department of State's monitoring of human rights in Colombia. For these cases, State should make sure that

investigations take place and the perpetrators are brought to justice. If this does not happen then the Senate should freeze military assistance to Colombia or cut off funding to the armed forces operating in Buenaventura that are not complying with their obligations to protect Colombian civilians.

- 3) Evaluate and change the international cooperation that the US gives to Colombia via USAID so that it guarantees that Afro-Colombian and Indigenous territorial representatives (community council representatives and indigenous cabildos) are previously consulted in a free, informed and transparent manner on all USAID financed projects that will be implemented in their collective territories. USAID should cease to finance oil palm projects and guarantee by implementing funding filters that no economic development project it finances is linked to the activities of illegal armed groups or utilizes their services to implement the project.
- 4) Co-sponsor, support and pass House Resolution 1224 in favor of Constitutional Court Orders 005, 004 and 092 on Afro-Colombian, Indigenous and Women IDPs.
- 5) The US Congress should recommend the following to the Colombian authorities:

Work with the Afro-Colombian community councils and grassroots groups' representatives to implement the norms that apply to the black communities. These include Colombian Constitutional Court Order 005 on Afro-Colombian displacement, law 70 of 1993 of the black communities and law 21 of 1991. To properly implement these norms the State should previously consult with the Afro-Colombian community councils. Additionally, the Colombian authorities should work on codification (*reglamentación*) of law 70 of 1993 in accordance with the steps previously agreed to with the community councils and Afro-Colombian grassroots organizations.

That they work to take steps to find a politically negotiated end to the internal armed conflict in Colombia.

That they cease to utilize aerial fumigation in order to eradicate coca crops. Rather, the authorities should construct jointly with the Afro-Colombian community councils agreed upon methods for how to best eradicate coca cultivation and design alternative development projects.

That they strengthen the right to previous consultation on development projects affecting Afro-Colombian and Indigenous communities by conducting a previous consultation process on how best to strengthen this right. All projects proposed by the government on how to strengthen this right should be previously consulted with the Afro-Colombian community councils including all proposed laws and initiatives proposed by others.

Work with Afro-Colombian community councils and grassroots organizations in Buenaventura on how to address the serious human, environmental and territorial affects of illegal mining in Zaragoza.

Work with Afro-Colombian IDP and grassroots organizations on how best to improve the physical protection for IDP leaders and Afro-Colombian community leaders and organizations.

Proceso de Comunidades Negra – Palenque Regional el Congal

Pastoral Afrocolombiana

Fundemujer

Rostros y Huellas del sentir humano

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ⁱ MÉNDEZ, Aníbal (former of director the Regional Port Society of Buenaventura). “Zona Económica Especial de Buenaventura: la gran Oportunidad de Colombia en la Cuenca del Pacifico.”

ⁱⁱ The economic control ranges from food markets in popular sectors – mostly by paramilitaries – to illegal arms and drugs trafficking.

ⁱⁱⁱ “Desplazamiento Forzado por la Violencia y Conflicto Armado Interno.” Report to Project a Resolution for the Human Rights Ombudsman’s Office, Buenaventura, September 2003.