

TRANSAFRICA FORUM



Afro-Colombians

**Systematic Repression And
The U.S.— Colombia Free Trade Agreement**

This report summarizes conversations with Afro-Colombian civil society organizations throughout Colombia during a week-long February 2008 visit made by Nicole Lee, Executive Director, and Nora Rasman, Program Assistant of TransAfrica Forum as members of a Witness for Peace delegation. Their schedule included small and large community meetings convened with the assistance of Proceso de Comunidades Negras (PCN) and Asociacion de Afrocolombianos Desplazados (AFRODES).

Racial discrimination against Afro-descendants in Colombia is severe, and has taken so many forms; that it will take decades to properly address and remedy its effects. Centuries of racism, discrimination and neglect by successive Colombian governments and their international allies, including the U.S., have led to and maintained the iniquities that oppress Afro-Colombians socially, politically and economically today.

Colombia, headed by President Alvaro Uribe, is the U.S.'s closest ally in Latin America. The proposed U.S.-Colombia Free Trade Agreement (FTA), which is modeled after other free trade agreements endorsed by the U.S., claims to be essential for promoting trade between the two countries. Unfortunately, the FTA will do much more than increase the trade of goods between the U.S. and Colombia; Afro-Colombians report that their communities in particular will be adversely affected if the agreement is passed by the U.S. Congress.

Based on unfair trade policies that have increased poverty throughout Central and South America, the U.S.-Colombia FTA goes further and will legitimize various laws in Colombia that directly undermine Afro-Colombian rights. Afro-Colombians gained hard-won legal recognition through a 1991 Constitutional Change (Transitory Article 55 and its subsequent creation of Law 70), following a decade-long Afro-Colombian civil rights movement. If passed, the FTA will legitimize the forced removal of Afro-Colombians from their constitutionally-protected territorial lands while promoting the use of monoculture crops to ensure "sustainable" development.



Afro-Colombians also reported on the negative impacts of Plan Colombia, which is the U.S.'s billion dollar drug eradication effort that seeks to halt coca production and end cocaine shipments to the U.S. Since the implementation of Plan Colombia in 2000, cocaine use and demand in the U.S. has increased. Plan Colombia includes the aerial and forced manual eradication of coca crops, which has resulted in the exposure of food crops, water sources and sometimes even civilians to harsh and dangerous herbicides.

Based on such findings, TransAfrica Forum recommends the following:

- 1 **The U.S. Congress should vote against the U.S.-Colombia Free Trade Agreement.** Passing the FTA will endorse the social and political exclusion of Afro-Colombians and will reinforce the Colombian government's ability to maintain the status quo.
- 2 **The U.S. government should cease funding for military operations in Colombia carried out by U.S. or Colombian governments or private military contractors and redirect those funds toward programs that promote economic and social development.**
- 3 **The U.S. government should not consider any trade agreement with Colombia until there is documented evidence that:**

- The government of Colombia has followed its own law (Law 70, The Law of Black Communities, 1993), which requires consultation with affected communities and participatory approaches in creating development plans.
- The government of Colombia, as is required by its national laws, recognize, and respect Afro-Colombian bodies of representation as established and recognized under Law 70.
- Both the government of Colombia and trade union associations verify that the intimidation of labor and civil society leaders has ceased, and that perpetrators of attacks and extrajudicial killings are brought to adequate justice under the law.

Trade Union Opposition to the FTA

In meetings with union leaders throughout Colombia, we heard uniform opposition to the FTA. The labor rights situation facing Afro-Colombians is already extremely dire, and the passage of the FTA will only further the exploitation and abuse of workers' rights faced by trade unionists in Colombia. The country leads the world in the deaths of trade unionists, at least 750 unionists have been killed and at least one hundred more have forcibly disappeared since 2000. Forcible disappearances often include terrorizing communities through kidnapping, torture and extrajudicial killings. Available statistics fail to reflect the harassment, kidnappings and death of family and friends of union activists, whose lives are often similarly affected. These statistics also do not address the racial component of union murders, as Afro-Colombian labor leaders have been specifically targeted, an issue that has received little attention. The addition of stringent labor laws will not adequately address the flaws within the FTA which perpetuate structural poverty and racism within Colombia.



Sintramaritimo, Port Workers Union Buenaventura, Valle del Cauca, Colombia

Fourteen years ago, the port of Buenaventura was privatized into a company called the Port Society. The Port Society is currently vying for a second twenty-year contract. The potential expansion of the port under this contract will lead to the forced displacement of thousands of residents of Buenaventura. This further displacement will only exacerbate the problems already facing

Buenaventura, including poverty, unemployment, state negligence and a current displaced population of over 47,000. Inhabitants in some neighborhoods have already begun leaving based on the port's proposed expansion plans, harassment and violence. Sintramaritimo informed us of a multitude of labor abuses suffered by port workers. The Port Society has actively destabilized union organizing efforts through intimidation and harassment. The creation of small cooperatives has allowed the company to sub-contract employees, and has crushed any collective bargaining power. While there are currently 6,000 people working in the port, only 2,500 associate with the union. Health hazards also plague those working in the port and The Port Society continues to operate with impunity, despite widespread safety violations. Since its privatization in 1994, 31 people have been killed working in the port with no charges filed in connection with the deaths.

While Sintramaritimo is recognized by the Office of the Minister of

Social Movements, the government entity dealing with unions, their recognition is futile as The Port Society itself refuses to acknowledge the union. In an effort to protect trade unionists, the Colombian government claims to record threats and harassment towards union activists, and respond with security support. Sintramaritimo has petitioned for these heightened security measures, which often include a bullet-proof car, cell phone and body guards, but these measures have been denied. The

workers told us, "Until one of us is killed, we won't get greater security measures." While the Port Society does not acknowledge the union, it is a member of the International Transport Workers' Federation (ITF-UK), and has informed them of abuses of workers' rights and conditions in the port. Sintramaritimo is also members of the CUT, the Central Union of Workers, Colombia's largest union. Sintramaritimo implored us to take back their messages of protest to the FTA and any additional expansion of the Port of Buenaventura.

FECODE (Federacion Colombiana de Educadores, Cali, Valle de Cauca, Colombia)

FECODE is the Colombian federation of teachers and makes up one of the largest and most influential unions in Colombia. While FECODE works specifically on issues of education, they have also organized around issues of broader economic and social change,

CASE STUDY

Buenaventura and the effects of Violence, Displacement and Marginalization

Buenaventura, located in the department (or state) of Valle de Cauca, is Colombia's largest port, located on the Pacific Coastline. Buenaventura is about 97% Afro-Colombian and has historically been inhabited by Afro-Colombian communities. The city is surrounded by rural areas and includes some of the most bio-diverse regions in Colombia. Multi-national corporate interests, and government incompetence and complacency, have caused large numbers of internally displaced people from throughout the department to migrate to Buenaventura. NOMADESC stated,

"Buenaventura is an example of a model of development for great wealth for multinationals and wealthy Colombian investors, but we are unable to bring any development to local inhabitants."

Staff working for Colombian Senator Alex Lopez stated that *"besides facing issues of extreme poverty, problems of violence and displacement of rural and urban communities make Buenaventura the most violent city in Colombia. Violent deaths in Buenaventura average 120 to 130 per 100,000 inhabitants; while Colombia's national average is 40 to 60 per 100,000."*

The privatization of the port has already brought mass displacement and attacks on Afro-Colombians. Megaprojects have brought over \$500 million in private investment to Buenaventura and have directly contributed to the displacement. This will only get worse with the passage of the FTA. Two megaprojects for development have been directly linked to assassinations. The two projects include the expansion of the port and the building of a road connecting Buenaventura to the rest of Southwestern Colombia. FTA passage will require the evacuation of 20,000 people. Yet, displacement in Buenaventura is already estimated at 46,000, primarily the result of rural fumigations.

Leaders of PCN shared the story of one woman living in Buenaventura; her experience symbolizes the terror felt by Afro-Colombians throughout the country,

"...She has five children and lives in one of the most dangerous communities in Buenaventura. There are constant battles between the armed groups. Some say it was a battle, others say it was only one armed group; regardless, in one of these battles a bullet entered her home and killed one of her daughters. This was just over a year ago. The people that are being killed here are the young Afro-Colombians."

and this activism has been met with intimidation and killings. FECODE members noted the importance of discussing the impact of the FTA on education as well as the specific needs of Afro-Colombian communities. Recognizing the centrality of race, in 2003 FECODE created a campaign that included a racial component. The union acknowledges that it has been challenging to organize people within the trade union movement around race. Although a union of ethno-educators was formed two years ago, much coordination remains to be done between the union movement and black rights movement in Colombia. The racialized tension within FECODE was evident at our meeting, illustrating the challenges faced by Afro-Colombian teachers and union leadership working to demonstrate the specific educational inequalities faced by Afro-Colombian youth.

FECODE articulated an immediate need to address employment discrimination against Afro-Colombian and Indigenous workers, the majority of whom work without formal labor contracts. With continued attacks on organized labor, more and more Afro-

Colombians have been forced to take jobs as day laborers, decreasing their job autonomy and job security. *"The FTA is very worrisome to us all; it is going to pretty much kill all hope in Colombia and we are afraid [the requirements] of the FTA will become more important than the needs of people in their own country."*



A copy of the full report is available at: www.transafricaforum.org. TransAfrica Forum, 1629 K Street, NW, Suite 1100, Washington, DC 20006, 202-223-1960, www.transafricaforum.org, info@transafricaforum.org.

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