



# THE ADVOCATE

## ACTION AT HOME FOR JUST POLICIES ABROAD

### Our Just Policy Agenda in Biden's Year 3

*Lisa Haugaard*

Trying to build a just U.S. foreign and immigration policy towards Latin America is no job for the easily discouraged. In the third year of the Biden Administration, we see some positive steps—and some serious backsliding. But with your help, we're just going to push forward.

In the northern countries of Central America, we're deeply concerned about growing authoritarian trends in El Salvador and Guatemala. We're pleased the Biden Administration has levied visa and financial sanctions on corrupt government, judicial, and private sector individuals in those countries, has urged the Honduran government to create a UN-led anti-corruption mechanism, and has created new programs to support civil society organizations at risk. But we're worried that the Biden Administration is increasingly focused on encouraging U.S. private investment in Central America as an answer to addressing the root causes of migration. So we just sent President Biden and Vice President Harris a [letter](#) questioning "how the administration's increasing focus on attracting private investment to the northern countries of Central America will fit within and support goals to combat corruption, improve governance and respect for human rights and worker rights, and spur the kind of equitable and environmentally sustainable development that can address the root causes of migration." We're also asking the administration to support, not oppose, the Honduran government's choice to revoke the law creating the extreme investor zones known as ZEDES (see p.2).

We're deeply disappointed that far from fully restoring asylum, the Biden Administration is putting up new obstacles to access asylum at the southern border (see p. 4).

And although the Biden Administration is advancing on dialogues with the Cuban government over issues such as immigration, that's not enough. We're still pushing for the State Department to remove Cuba from the list of State Sponsors of Terrorism, where it doesn't belong—and which blocks delivery of humanitarian aid.

On Colombia, we're delighted that our Secretary of State announced that the United States would officially accompany the Ethnic Chapter of the 2016 accords, and we are glad to see U.S. support for Afro-Colombian and Indigenous communities, land titling, and transitional justice. But we are not going to stop until the United States officially supports the ongoing negotiations with the ELN, in order to fulfill a dream of creating a more complete peace in Colombia.

**It's never going to be easy. But with your help, we will push forward!**

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# The ZEDEs Law in Honduras: Sanctuary for Exploitation, Corruption, and Organized Crime

Ana Pereyra Baron

What is a Zone for Employment and Economic Development (ZEDE)? Its supporters sell it as a chance for countries to attract investment and increase economic development. ZEDEs is a fancy term to cover up the fact that foreign investors can buy territory and hold complete control over a large portion of land within the state of Honduras. Yes, you read that right. The ZEDE becomes a state within a state. **This law has the potential to undermine the rights of workers, Afro-Indigenous, Afro-descendant, and poor farmers leaving them vulnerable to the whims of private investors.** In 2021, the [United Nations](#) warned the Honduran government that the ZEDE law could threaten the human rights of Honduran citizens. There are currently three ZEDEs in the country.

The ZEDEs concept originated with a U.S. economist at New York University, [Paul Romer](#). The law establishing the ZEDEs was originally passed in 2013. Former Honduran President Juan Orlando Hernández, who was extradited to the United States on drug trafficking and firearms charges, promoted this avenue of investment in Honduras between 2014 and 2021.

On April 21, 2022, President Xiomara Castro announced that Congress had voted [unanimously](#) to [repeal](#) this law, claiming it was a violation of national sovereignty. After the law's repeal, on December 20, 2022, ZEDE Próspera announced that it would sue the Honduran government for [\\$10.7 billion](#). The jaw-dropping sum sought by Próspera equals roughly [two-thirds](#) of the national budget for the fiscal period of 2023. Próspera argues that the government is violating the Central America-Dominican Republic free trade agreement, [\(CAFTA-DR\)](#).

## The ABCs of the ZEDE Law

Let's take a closer look at the ZEDE law. [Article 1 and 2](#) explains the principal ideas of what a ZEDE can do. Article 1 claims that these zones "are authorized to establish their own policies and regulations." The Honduran government in essence sold a part of its land to investors that have the freedom to create their own systems on Honduran land. [Article 2](#) states that ZEDEs can be "national and international financial centers, international logistics centers, autonomous cities, international commercial courts, special investment districts... or any other special regime not indicated in this article." **The ZEDE law provides investors with ways to gain more money and natural resources while leaving the Honduran citizens living or working in or otherwise affected by these zones with limited rights.**

**The ZEDEs law can create a sanctuary for exploitation.** As the ZEDE owners have a free hand to create their own laws and regulations, these zones cannot be easily [held accountable](#) for violations of political, social, economic, cultural, or human rights. Labor and environmental protections are particularly at risk.

[Articles 25, 26, 27, and 28](#) describe the way in which the Honduran government can expropriate [land](#) to create or expand ZEDEs if deemed

## ABOUT US

The Latin America Working Group (LAWG) and its sister organization, the Latin America Working Group Education Fund (LAWGEF), mobilize concerned citizens, organizations, and networks to call for just U.S. policies towards Latin America and the Caribbean. We educate the public about the impact of U.S. foreign and immigration policy and advocate before the U.S. Congress and the executive branch. We coordinate a coalition of over 50 U.S. organizations and work closely with civil society partners in Latin America to support their human rights campaigns and make sure their voices are heard in the policy debates that take place in Washington, D.C.

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necessary for the development of these special economic zones. [Article 43](#) mentions that ZEDEs can not expropriate land from Afro-Indigenous and Indigenous persons if they have been granted land titles from the government, but if ZEDEs expand, this may not protect Indigenous and Afro-descendant groups because many such communities have not received clear titles, even for the land they have occupied for decades or centuries, due to the land tenure system's inherently racist and discriminatory practices. Moreover, article 43 does not extend the same protections to campesinos. These articles demonstrate the potential for the ZEDE law to affect the land rights of historically marginalized communities.

**The ZEDEs law can create a sanctuary for corruption.** [Article 3](#) states the ZEDEs can create their own autonomous judicial system. With the supposed purpose of attracting more foreign investment, [Article 5](#) declares ZEDEs can “develop economic and legal environments appropriate to position themselves as centers of national and international investment.” One of the main arguments of ZEDEs supporters is that these zones provide an alternative to Honduras’ corrupt institutions; however, according to the Center for Economic and Policy Research, the ZEDEs structure “combines a lack of public accountability and deep conflicts of interest with the secret financing, thus creating a perfect environment for [corruption](#).”

**The ZEDEs law can create a sanctuary for crime.** [Article 22](#) of the ZEDE law states that these economic regimes can have their own internal police force, prison, and intelligence system which holds exclusive jurisdiction in the area. In a Honduran ZEDE called Ciudad Morazán, the state’s police force is not allowed inside without “[invitation or supervision](#)” from the ZEDE’s security forces. Also, having their own ZEDE police force can increase the chances of criminalization and violence against labor activists and Indigenous and Afro-Indigenous groups, and land defenders.



*Lisa and Ana meeting with ARCAH in Honduras.  
Photo taken by activist.*

## What's Next?

Aside from this billion-dollar lawsuit, what happens to the existing ZEDEs already in Honduras? Unfortunately, there is a loophole in [Article 45](#) of the ZEDE law that asserts that investors can keep their zones for 10 years after the law is revoked.

**As of today, ZEDEs in Honduras are still running.**

One of the Biden Administration’s top-stated policy goals towards Honduras is to address the root causes of migration. This goal will certainly not be reached through supporting extreme investor models like the ZEDES, which are unlikely to create decent jobs, can harm the environment, and can potentially cause displacement. Moreover, the damages sought in the lawsuit are higher than the amounts of foreign aid the United States has provided to all three northern Central American countries to address the root causes of migration under the last three U.S. presidents.

Although the Honduran Congress unanimously repealed the ZEDES law last April, **the fight is not over.** There is still a second vote in Congress in order to repeal the constitutional reforms on which the ZEDE law was based though there is [no set date](#) for this vote.

LAWG supported a bicameral [letter](#) led by 33 members of congress urging the U.S. Trade Representative Tai and Secretary of State Blinken to end investor state dispute settlements (ISDS) in existing and future trade agreements. The letter also requested Biden intervene in the current ISDS case brought against Honduras on behalf of the Honduran people.

LAWG will continue to echo the concerns of the many Honduran civil society organizations who have organized to show their opposition to the ZEDE law. Honduran citizens opposed to the ZEDEs should be heard. [“Honduras will not be ZEDE-d.”](#)



*Lisa and Ana meeting with CEHPRODEC in Honduras.  
Photo taken by activist.*

# Biden's Asylum Ban: We Won't Go Backward!

Yadira Sánchez-Esparza

Despite President Biden's promises to restore the right to asylum after years of former President Trump's attacks on asylum, the White House has put yet another obstacle to access asylum at the southern border. **On February 21, 2023, the administration introduced a proposed rule: those who can't prove they applied for and were denied access to asylum in a country through which they traveled will be barred from receiving asylum.** The only exception is if they have made an appointment at a port of entry along the border using the new CBP One app. This policy unfairly limits access to asylum for people fleeing violence who traveled on dangerous journeys through other countries before trying to apply for asylum at the U.S. southern border.

**We joined prominent advocates of asylum working together in the [Welcome with Dignity Campaign](#) in calling this transit ban as what it really is—an asylum ban.** During the 30-day comment period (the time the administration agreed to receive comments on the proposed ban), we rallied with partners across the country sending out emails, tweets and videos, even standing in front of the White House to mobilize others to join us in speaking out. [Members of Congress](#) joined our outcry. Thanks to all of you who added your comments during this public comment period! The White House defends its new rule by saying that it is only temporary and will go hand-in-hand with the creation of additional legal pathways for asylum seekers and migrants to enter the United States. We know that for many migrants they seek safety in countries near their home country, unfortunately regional trends such as corruption, violence and insecurity don't allow them to prosper. Often they may even be pushed out of the countries because of their nationality, race or sexual identity.

The administration touts the availability of the new [CBP One App](#) as a new tool for more organized migration. However, we learned from our partners who work near the border that the app leaves many problems unsolved. First, these asylum seekers must have access to a smartphone, electricity, internet, and read English, or Spanish or Kreyol. Those applying for asylum will need to be lucky enough to get through on the glitchy app that only has a certain number of appointments available. Even those who are able to navigate the app were initially still faced with racial [discrimination](#), as upon the release of the app it was discovered that those with darker skin tones have trouble being recognized by this new technology. This issue has since been addressed but points to the larger trend of creating policies and methods without fully understanding how it will impact the most disproportionate groups. What forces Black, Indigenous, LGBTQ+, low-income, and disabled persons to migrate and their experience seeking safety is different and often more complicated than the general population.

In recent years we have seen democratic backsliding, internal armed conflicts, and natural disasters force people from around the world to seek safety at the U.S.- Mexico border. **With your help we can let President Biden know that we don't want an asylum ban.** We know that access to asylum is a human right and that there are people across the globe looking for safety so we need to push the Biden Administration to do the right thing.

**Restore access to asylum now!**



Graphic created by Abril Fonseca.



# Rural Reform: Colombia's Long Lost Promise Begins to Move Forward

Valentina Zuluaga & Ana Pereyra Baron

**Access to land is a human right.** Yet when it comes to land distribution, Colombia holds one of the most dismal track records in Latin America. In Colombia, [0.4% of the population owns 46% of rural land](#), making it one of the most unequal countries in the world with regard to land distribution. This inequality has led to vast problems in the country, such as rural poverty and food insecurity. Moreover, land inequality is one of the principal drivers of the conflict in the country. While the conflict was sparked partially by land inequality and the need for reform, the Colombian armed conflict also dramatically and tragically worsened the land situation for many campesinos, Afro-Colombians, and Indigenous communities. The Colombian armed conflict left over [7,752,964 victims of forced displacement between 1985-2019](#), many of whom were violently forced to flee from their rural lands, largely into urban areas, leaving their entire lives behind. From one day to the next, Colombians were ripped away from the land they always knew and cared for.

**Rural reform is crucial in providing restorative justice for millions of victims.** In enacting rural reform, the Colombian government has the power to return land to victims who had land stolen from them. More than this, however, the government may also formalize ownership of land for campesinos, Afro-Colombians, and Indigenous groups who do not have land titles and broaden access to land from state-owned land, including vacant "*baldios*," land confiscated as asset forfeiture from drug traffickers, and land purchased for distribution. Rural reform is imperative in moving the country forward, and as such, it lies **at the core of the 2016 peace accords**.

## Recent Rural Reform Efforts

**Despite appearing radical to political opponents, Colombia is no stranger to the promise of rural reform. In fact, rural reform was introduced much earlier.** To give just a couple of examples, Law 70, which was passed in 1993, provided a basis for recognizing Afro-Colombian territorial land rights. More recently, the return of land to internally displaced persons is a major element of the [Victim's Law](#), introduced in 2012 and still in the process of being implemented. Most prominently, rural reform is a major part of the 2016 peace accords which were advanced by President Juan Manuel Santos. Yet despite its roots in Colombian history, some political opponents of reform continue to consider rural reform too radical, with concerns that in order to achieve reform, the government would have to overreach its power and steal land from wealthy landowners.

As a result, **the process to achieve rural reform has been slow going and uneven.** A first breakthrough was the passage of the [Victim's Law](#), which began the return of land to internally displaced persons. Yet what the law was able to return was insignificant compared to the vast amounts of illegally stolen land in the country. By the fifth year of the peace accords, [only 618,000 acres were distributed](#), or about 8 percent of the total goal.

## Hope for Land for Small Farmers, Afro-Colombian, and Indigenous Persons

The Petro Administration has so far aimed to address rural reform by fulfilling the promises made under the 2016 peace accords, which largely have not been met. The 2016 peace accords promised to [formalize ownership titles to over 7 million hectares \(approximately 17 million acres\) of rural land, as well as distribute 3 million hectares \(approximately 7.4 million acres\) of rural land to small and medium-sized farmers](#).

Although progress is slow moving, there is hope, and the Petro Administration is taking steps towards restoring stolen land and broadening access to land. His government has laid a [three-step approach](#) towards his rural reform, which does not involve expropriation of large landowners' property, with the exception of those involved in drug trafficking crimes.

•[In the first phase](#), the government is providing proper land titles to over 681,000 hectares (approximately 1.6 million acres) of land to campesinos, Indigenous communities, and Afro-Colombians.

•In phase two, the government leased out [150,000 hectares](#) (approximately 300,000 acres) of land which were confiscated illegally by drug traffickers to different campesino communities.

•The final phase includes a combination of efforts from the public and private sectors, in which the government will sell 5 million hectares (approximately 12 million acres), bought from large landowners, at a lower price to farmers and small/medium enterprises.

Petro's government has worked towards step three under a deal reached with the [Colombian Federation of Livestock Farmers \(FEDEGÁN\)](#). In October 2022, the government signed an agreement that would allow the purchase of over [3 million hectares](#) (approx. 7 million acres) of land from cattle ranchers at a fair price. These ranchers are willing to sell their land, combining the efforts of the government with that of the private sector. In doing so, thousands of farmers and their families will be given the opportunity to buy land at a fair price.

[This deal with FEDEGÁN](#) is also critical in advancing rural reform since FEDEGÁN historically has been one of the main groups opposing land reform. By selling their land at a fair value, without the fear of land expropriation, for the first time in Colombian history, this group will be making a contribution towards rural reform.

These reforms that the Petro Administration laid out are just the beginning of moving Colombia toward a more equitable peace. However, rural reform is one of the government's most important projects. Land security would give landowners stability and justice. Proper land titling also helps small farmers resist the lure of the drug trade. Proper land titling helps prevent violent conflict. **Without rural reform, Colombia cannot overcome its history of conflict and total peace cannot be achieved.**



*Picture taken by Valentina Zuluaga in Antioquia, Colombia.*

## The Long Road Ahead

**The work has just begun.** The Petro Administration has taken on many ambitious goals with the hope of bringing restorative justice to those most affected by the violence in Colombia. In a country with as much economic inequality as Colombia, addressing land inequality and fulfilling the reform promises which have been long ignored is a vital step for enabling Indigenous, Afro-descendants, and campesinos to return home or to remain securely on their lands. For some Afro-descendants and Indigenous persons, properly titled collective lands can help preserve their traditional way of life. **These communities have the right to security and ownership of their lands.** They have the right to live a peaceful life following decades of violence, persecution, and death by different armed actors. Rural reform in Colombia is a chance for transformative justice for the victims of the internal armed conflict and greater inclusion and equality across the country.

**The United States must play a crucial role in advancing the peace accords and land titling in Colombia.** Since 2011, USAID has been [playing](#) a positive role by helping the Colombian government in pilot projects to return land to displaced persons, formalize land titles, and support the construction of a more modern framework for land titling, such as the creation of a multi-purpose cadaster (land registry). In October 2022, the U.S. government said it would be an [international accompanier](#) of the Ethnic Chapter of Colombia's 2016 peace accords. To urge the Biden Administration to continue this path towards supporting inclusive peace efforts, LAWG, along with other civil society organizations, sent a [letter](#) to Secretary of State Blinken recommending concrete steps to advance the implementation of the Ethnic Chapter. **Carefully carried out rural reforms and return of land to internally displaced persons are key to constructing a more sustainable peace in Colombia.**

# Unfair Designation: Cuba on the State Sponsors of Terrorism List

**Ana Pereyra Baron**

Even after devastating hurricanes and the Matanzas oil fire, it is nearly impossible for U.S. humanitarian and faith organizations to provide humanitarian aid to Cuban people. The main obstacle is the fact that Cuba is on the State Department's "State Sponsors of Terrorism List." **It doesn't belong there.**

President Obama removed Cuba from that list in 2015 as part of the opening of diplomatic relations with Cuba. But then the Trump Administration placed Cuba back on the list because Cuba was hosting members of the ELN guerrilla group. Yet the previous Colombian government had asked Cuba to help host them as part of exploratory peace talks. Today, the Colombian government has once again asked for Cuba's help in supporting peace negotiations with the ELN.

**Cuba's presence on this list is one of the biggest obstacles for Cuba to receive any type of financial transaction from the private sector, faith, and humanitarian organizations for fear of running afoul of U.S. anti-terrorism laws and regulations.**

This blocks humanitarian organizations from addressing the severe challenges facing the Cuban people—including shortages of food, medicine, and other life-saving items. To this day, Cuba remains in the U.S. State Sponsors of Terrorism List (SSOT). Yet everyone should have the right to give and receive humanitarian aid.

**LAWG, along with many members of civil society across the country came together on March 15 and 16th for national call-in days** to the [White House](#) to remove Cuba from the U.S. State Sponsors of Terrorism List. **With your help, we had our voice heard.** Over 20 groups from the [faith community](#) also wrote a [letter](#) to the Biden Administration urging him to remove Cuba off the list detailing the hardships of providing humanitarian aid to the Cuban people. To learn more about the SSOT designation click [here](#).

Unfortunately, Representative Salazar (FL-27) introduced a bill (H.R.314 - FORCE Act) in the House of Representatives that prohibits the removal of Cuba from the States Sponsors of Terrorism List. On March 28th, the House Foreign Relations Committee held a full committee [markup](#) on the FORCE Act. Senator Rubio (R-FL) also introduced the FORCE act ([S.538](#)) in the Senate. Please urge your senators and representative not to cosponsor the FORCE Act in the House (H.R. 314) or Senate (S. 538). And we will keep urging the Biden Administration to do the right thing and remove Cuba from this list.



*Graphic created by Ana Pereyra Baron.*



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