



What Happened in the Recent Afro-Colombian Strikes on Colombia's Pacific Coast, and Why Are They Important to U.S.-Colombia Relations?

During the month of May, the Pacific Coast of Colombia was engulfed by non-violent civic strikes. In response to long-standing government neglect, poor living conditions, and insecurity, residents of the Chocó Department and the port city of Buenaventura halted work activity and peacefully protested to call on the government to address their needs. While security forces responded with excessive force—and some illegal armed groups took advantage of the situation to respond violently and loot—the strikes ended on May 26 and June 6, respectively, with negotiated agreements. In the agreements, the Colombian government made commitments to invest in infrastructure and basic services in the region.

Addressing the conditions that led to the strikes is critical for the successful consolidation of peace in Colombia. The U.S. government should press the Colombian government to meet the commitments it made in the agreements that ended the strikes. In particular, expressions of support and concern from the U.S. Congress will be crucial to ensure that the situation on the Pacific Coast is not forgotten and remains a priority for both the Colombian government and for the U.S. State Department in its interactions with the Colombians.

Below is a summary of the factors that led to the civic strikes, the outcome of the strikes, and how the U.S. government can best support efforts to address the structural issues that led to the strikes.

Colombia's peace agreement is still a major achievement, but progress is uneven and security challenges remain.

The end to the five decade-long internal armed conflict with the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) has significantly improved the overall security situation in Colombia. However, the security gains of the peace accord are not evenly distributed among Colombia's social sectors and regions. In particular, more is required to improve the safety and security of mostly afro-descendant and indigenous Colombians living along the Pacific Coast of Colombia, as well as of social activists.

In the areas where the FARC has left security vacuums, there has been an uptick in violence by the smaller National Liberation Army (*Ejército de Liberación Nacional*, ELN) guerilla group and successor paramilitaries, including the Gaitanista Self-Defense Forces (*Autodefensas Gaitanistas de Colombia*, AGC). These groups are re-asserting their power and vying for control of drug routes and control of territory and illicit economies. Armed confrontations and violence by these groups is leading to selective assassinations, displacements, and acute humanitarian emergencies. In the case of Chocó Department, which makes up much

of the Pacific Coast, the Human Rights ombudsman's office has issued 27 *early warning alerts*, or alarms urging institutions to intervene to protect the lives of civilians due to security concerns, since 2015.

Social activists are bearing the brunt of security problems

Across the country, social activists are experiencing a security crisis, with dozens killed so far this year. In 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) observed 59 killingsⁱ. Although official numbers have not been published for 2017, OHCHR expressed concern due to the increase in killings to human rights defenders and noted that 41 defenders have been killed in the first four months of 2017ⁱⁱ. Last week's killing of Bernardo Cuero Bravo of the Association for Internally Displaced Afro-Colombians (AFRODES) was particularly concerning because on four occasions, the National Protection Unit, which is responsible for providing protection for activists who have received threats, denied him protection measures.

Bernardo's case, as well as those of many other activists, illustrates that the Colombian government is not doing enough to address threats to activists across the board. This is in spite of the fact that Colombia had agreed to take steps to address its deficiencies in this area following an Inter-American Commission on Human Rights hearing on protection of Afro-Colombian activists back in 2013.

The economic situation is likewise not improving, and the benefits of U.S.-Colombia FTA are not reaching ethnic minorities along the Pacific Coast.

Buenaventura houses a port that serves as the Colombia's main commercial gateway with the Pacific. In fact, the entire Pacific Coast is vital to the nation's economy due to its wealth of biodiversity, extensive coastline, and natural resources. Unfortunately, the economic development brought on by various international trade agreements—including the U.S.-Colombia Free Trade Agreement, which went into effect in May 2012—is not reaching the local population. Rather, increased commerce and extension of the port infrastructure is negatively affecting the poor and conflict-affected population that is already living in sub-standard conditions.

In terms of labor rights, the situation has not improved since the FTA went into effect. In spite of committed and consistent engagement of Members of the Congressional Monitoring Group on Labor Rights with three Colombian Labor Ministers over the past 6 years, progress has been limited, demonstrating that the Colombian government lacks the political will to seriously tackle these issues. The promises of the U.S.-Colombia Labor Action Plan to do away with labor subcontracting so that workers can unionize and improve their rights and working conditions have not materialized. Pressure against union organizing remains strong, with arbitrary firings remaining the norm.

Many factors led to the situation that exists today on Colombia's Pacific Coast, including structural, chronic problems that have existed for generations.

It is worth noting that the national government's abandonment of the mostly afro-descendant and indigenous rural communities residing along the Pacific Coast is not a new

problem. Sub-standard living conditions, including a lack of access to services and basic necessities such as water, adequate shelter, health care and education, have long been the norm. This is due to a variety of factors, including conflict-related insecurity, the region's geographical remoteness, lack of infrastructure and institutions in the region, and poor local and regional governance. In addition, outside assistance and local programs have had limited efficacy due to the infiltration of illegal armed groups in local politics and corruption scandals.

The government's long-standing failure to meet basic needs is what prompted the recent non-violent civic strikes in Buenaventura and Chocó.

On May 16, a civil strike began in Buenaventura to get the government to respond to the poor living conditions of Buenaventura residents, known as Bonaverenses. The protestors were organized by a Committee for the Civil Strike to Live in Dignity and Peace, a coalition of 20 organizations, and their demands were basic: access to water, sanitation, and dignified work. The Committee notes that 62 percent of residents are internally displaced); that 54 percent of people do not have adequate housing; and that 36 percent of the population does not have its basic needs met.

The civic strikes in Quibdó and Riosucio (Chocó) were a response to deteriorating security in this Department due to increased activities of illegal armed groups, despite the presence of public forces. Furthermore, the civic strikes in Quibdó came about because the government did not act on the commitments it made in the agreement end the prior strike that took place.

The government's response—violent repression—has made matters worse.

The initial response of the government was to violently repress and attack protestors, who were non-violent and included women, the elderly, and children. The Civic Strike Committee reported multiple instances of excessive use of force by the anti-riot police ESMAD. Numerous videos and photos support these claims. The ombudsman's office reported 91 complaints of excessive use of force by ESMAD, of which 39 were reported to the Attorney General's Office due to their severityⁱⁱⁱ.

Locals, including the illegal armed groups present in these areas, saw the ESMAD's attacks as a provocation. While members of the illegal groups responded violently and used the opportunity to loot, the majority of Bonaverenses responded non-violently. The Colombian National Police reported injuries to 10 officers during this time. May 26, seven days after the initial clashes, the National Police stated on its website that ^{iv} "police have retaken control of Buenaventura." In a tweet and official statement, President Santos acknowledged support for peaceful protest^v but condemned looting and violence in Buenaventura. In June the Organization of American States' Inter-American Commission on Human Rights called upon Colombia to investigate the abuses committed by the police against protestors in Buenaventura. It also asked the country to take the necessary legislative action to protect the rights of the Afro-Colombian inhabitants of the country's Pacific coast.

The civic strikes ended in commitments by the Colombian government to invest in the region.

On May 26, after 18 days, the Colombian government and the Chocó civic committee agreed to end the strike. The government pledged^{vi} to invest US\$150 million in infrastructure projects and hospitals and to resolve the Belén de Bajirá territorial dispute between Chocó and Antioquia Departments^{vii}. Initially, the investment will be focus on paving the Quibdó-Pereira and Quibdó-Medellín roads. Quibdó, the capital of Chocó Department, does not even have paved roads between it and the two closest major cities.

Similarly on June 6, after 20 days of strike in Buenaventura, the Colombian government came to an agreement with the Civic Strike Committee of Buenaventura. As part of this agreement, it has pledged to^{viii} invest \$342 million in housing, infrastructure, health, public services, and access to justice. Additional areas of increased investment include money for rural aqueducts—including money to fix the sewage problem—a new hospital, and renovation of the Marino Klinger soccer stadium. It is expected that on July 20, the government will present to Congress a bill that will create a ten year special development plan and the creation of an autonomous endowment that will finance these development projects.

The Colombian government also made important commitments to improve the situation of port workers in Buenaventura.

On June 4, representatives from the Ministry of Labor, labor unions, and members of Buenaventura's Civic Strike Committee reached a 12 point agreement that outlines a series of improvements in labor standards, such as ending indefinite labor contracts for workers, a call by the Ministry of Labor to work with workers who have not made pension contributions, and thorough investigations of work dismissals since 2012 that occurred due to labor persecution or labor standard violations. The Ministry of Labor committed to identifying non-reported labor-related injuries and deaths in Buenaventura in order to provide compensations and to work with labor unions to issue further regulations of proper activities in ports. The parties formally requested that Todd Howland, the Colombia Representative at United Nations Office of the High Commissioner for Human Rights (UNHCHR); Carlos Negret Mosquera, Colombia's Ombudsman; and Fernando Carrillo, the Inspector General of Colombia, act as guarantors to the agreement.

Addressing the needs of communities on the Pacific Coast is crucial to consolidating a sustainable peace in Colombia, and the U.S. government should press the Colombian government to meet its commitments.

While the commitments outlined above are a positive step forward, they are no guarantee that the government will actually implement them in ways that are responsive to the needs of communities. In fact, without outside pressure, it is likely that it will not: in 2014, over 30,000 Bonaverenses engaged in a similar strike that ended when the government promising to take steps it never took.

In addition, the commitments made by the government are only the tip of the iceberg of the Pacific Coast's needs. Substantial investments and political will are needed to expand the

state's presence in remote areas; provide security for threatened activists; and ensure that the rights of workers are respected. As the United States continues to support Colombia's transition to post-conflict, it should focus attention and assistance in guaranteeing full implementation of the ethnic chapter and the U.S.-Colombia Labor Action Plan (PAL) in the Pacific Region.

This is why it is crucial for the U.S. Congress to continue to monitor this situation and speak out when necessary. In particular, the U.S. Congress should, through letters, meetings with the U.S. Department of State, and in bilateral discussions with the Colombian government:

1. Call on the Colombian government to meet the commitments that it made in the agreements that ended the strikes. Ask Colombia to provide a timeline for its implementation and monitor that it meets its deadlines.
2. Urge Colombia to prioritize consulting and working with ethnic minorities (as called for in the ethnic chapter) as discussions about development in the region take place.
3. Investigate, prosecute and put in jail perpetrators of murders, threats and violence against social activists. Publicly condemn murders and attacks against defenders. Guarantee that the protection mechanisms for persons at risk are adequate.
4. Encourage it to advance the peace process with the National Liberation Army (ELN) guerillas and fully operationalize the work of the National Commission to Guarantee the Dismantlement of Criminal Organizations, which would be responsible for attacks against defenders, social and political movements that include paramilitary successor groups.

June 15, 2017

ⁱ March 14, 2017. "Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia." Office of the United Nations High Commissioner for Human Rights (OHCHR).

http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A_HRC_34_3_Add%203_AUV.pdf

ⁱⁱ May 1, 2017. "Al menos 41 defensores de derechos humanos han sido asesinados este año en Colombia." Office of the United Nations High Commissioner for Human Rights (OHCHR). <http://www.unmultimedia.org/radio/spanish/2017/05/al-menos-41-defensores-de-derechos-humanos-han-sido-asesinados-este-año-en-colombia/#.WUKUGfnysdV>

ⁱⁱⁱ June 5, 2017. "Defensor del Pueblo llama la atención por abusos del Esmad en paro de Buenaventura." Defensoría del Pueblo. <http://www.defensoria.gov.co/es/nube/enlosmedios/6402/Defensor-del-Pueblo-llama-la-atenci%C3%B3n-por-abusos-del-Esmad-en-paro-de-Buenaventura-Buenaventura-ESMAD-Fuerza-P%C3%BAblica-crisis-humanitaria-orden-p%C3%BAblico-Derechos-colectivos.htm>

^{iv} May 26, 2017 "La fuerza pública retoma el control en Buenaventura." Policía Nacional de Colombia.

<https://www.policia.gov.co/noticia/fuerza-publica-retoma-control-buenaventura>

^v May 20, 2017 "Gobierno garantiza protesta pero con la misma convicción reprimirá actos vandálicos como los de Buenaventura." Presidencia de Colombia. <http://es.presidencia.gov.co/sitios/busqueda/noticia/170520-Gobierno-garantiza-protesta-pero-con-la-misma-conviccion-reprimira-actos-vandalicos-como-los-de-Buenaventura/Noticia>;

May 20, 2017. "Al menos 10 policías heridos en violentos disturbios en una ciudad colombiana." EFE. <http://www.efe.com/efe/america/politica/al-menos-10-policias-heridos-en-violentos-disturbios-una-ciudad-colombiana/20000035-3271917> ; and May 20, 2017. "Respeto y defendiendo derecho a la protesta. Vandalismo y saqueos no son permitidos. Situación en Buenaventura, bajo control de fuerza pública." Juan Manuel Santos.

https://twitter.com/JuanManSantos/status/865905755110748161?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.publimetro.co%2Fco%2Fcolombia%2F2017%2F05%2F20%2Fjuan-manuel-santos-situacion-buenaventura-paro-civico.html

^{vi} May 27, 2017. "Tras 18 días de paro, Gobierno y comunidades del Chocó logran acuerdo." El Tiempo.

<http://www.eltiempo.com/colombia/otras-ciudades/acuerdos-para-acabar-con-paro-en-choco-92882>

^{vii} Belén de Bajirá is a Colombian "corregimiento" involved in a territorial dispute lawsuit between the Colombian departments of Antioquia and Chocó. The dispute dates back to 2000, when Chocó declared Belén de Bajirá as a municipality. In response, the department of Antioquia sued the ordinance claiming that by declaring Belén de Bajirá a municipality it would create border changes to Law 13 of 1947 that created the Department of Choco. On November 27, 2007 the Council of State of Colombia stated that the territory could not be reconfigured since it was under jurisprudence of the department of Antioquia. Nine years later, on February 11, 2016, the Agustín Codazzi Geography Institute of Colombia (IGAC), Colombia's entity responsible for producing the official maps and basic cartography of Colombia, and managing the national cadastral infrastructure and the national soil survey provided a technical report which explained that the territory of Belén de Bajirá did in fact belong to the department of Choco. Despite this, on December 14, the Senate of Colombia decided not to accept this technical report leaving the region under the same status quo it has observed over the past 17 years. In February of 2017, IGAC published Colombia's official map for 2017, which included Belén de Bajirá under Chocó's jurisprudence. This led to an official visit by Chocó's governor and his team to the area in late February. Despite official technical analyses that continue to give Chocó official control over the region, the controversy continues at the local and national level. It is important to note that the area is rich in coltan, nickel, copper and petroleum.

^{viii} June 6, 2017. "Más que obras, Buenaventura ganó conciencia." La Silla Pacífico. <http://lasillavacia.com/historia/mas-que-obras-buenaventura-gano-conciencia-61264>