

THE BROOKINGS INSTITUTION

SOLUTIONS FOR COLOMBIA'S DISPLACED:
THE CONSTITUTIONAL COURT, COMMERCIAL ACTIVITY
AND THE INTERNAL DISPLACEMENT CRISIS

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INTRODUCTION:

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PANEL ONE: EFFORTS TO HAVE IDP VOICES HEARD AND THE
CONSTITUTIONAL COURT

PANELISTS:

GEILER ROMAÑA

Asociacion de Afrocolombianos Desplazados/Association of Displaced
Afro-Colombians

MARCO ROMERO

Consultoria para los Derechos Humanos y el Desplazamiento

ANNE-SOPHIE LOIS

Internal Displacement Monitoring Centre of the Norwegian Refugee
Council, Geneva

PANEL TWO: PALM OIL CULTIVATION AS A SOLUTION FOR
COLOMBIA'S IDP CRISIS

PANELISTS:

DANILO RUEDA

Inter-Ecclesstial Commission of Justice and Peace

ARILD BIRKENES

Internal Displacement Monitoring Centre of the Norwegian Refugee
Council, Geneva

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P R O C E E D I N G S

MS. FERRIS: Hi. Good afternoon. Just a quick logistical announcement in Spanish and in English, we're going to do some simultaneous interpreting of what is said here, both from Spanish to English and English to Spanish.

(Spanish.)

So let's test the equipment to make sure that it's working okay. You should be on Channel 2.

(Spanish.)

And you just turn on that thing at the top of your receiver. If the red light is on, it's on and if you're on Channel 2, you should be able to hear Andrea de Vasco (ph) who is repeating everything I'm saying in Spanish.

Anyone having trouble with it?

(Spanish.)

Now it's going to be the same channel for English to Spanish as it is from Spanish to English. So when you need it, turn it up and when you don't need it, just turn it down. Okay.

If you have any trouble with your receivers, just take yours back out and they'll give you another one with better batteries or something. Okay?
Thanks.

Thank you in advance to our interpreters for enabling this session to take place.

Buenos tardes. Good afternoon. My name is Elizabeth Ferris. I'm a Senior Fellow here at the Brookings Institution and Co-Director of the Brookings-Bern Project on Internal Displacement.

For many years, those of us working on humanitarian issues have often focused on Colombia, both because of the large number of internally displaced persons but also because Colombia has a strong judicial system and has come up with some of the best policies in the world on internally displaced persons. However, as in many places, there is often a gap between wonderful sounding policies and the reality on the ground.

In today's session, actually I should say two sessions, we'll be looking at different aspects of displacement in Colombia. The first session will focus on the constitutional court, some of the legal issues that have come up and on particularly the role of civil society, which is playing a unique role in Colombia in terms of the implementation of laws and policies.

The second panel, and we will have a short coffee break in between for those of you for whom sitting more than two hours is a bit of a challenge. The second panel will focus much more on palm oil cultivation and its role in displacement in Colombia.

To moderate our session today, we have Gimena Sánchez-Garzoli who is, I would say, best known by the fact that she used to work with the

Brookings-Bern Project on Internal Displacement, now working with the Washington Office on Latin America, who has long years of experience in Colombia and particularly with Colombian civil society organizations. So I'll turn the panel over to her.

Oh, here's our microphone person who will hook them up, so they can be vocal.

Delighted to have this good cooperation with the Internal Displacement Monitoring Center in the Washington Office on Latin America. It is kind of a tripartite initiative.

And, I know that you're really going to enjoy the presentation about IDP voices. The collection of life stories of Colombian displaced will be shared with you a little later in the panel by Anne-Sophie.

So I'll turn it over to Gimena. Welcome again.

(Spanish.)

MS. SÁNCHEZ-GARZOLI: Thank you very much, Beth. Thank you to all of you for coming today for this very important topic that, unfortunately, doesn't receive the attention in the United States that it should. So I'm very happy that the Brookings Institution has agreed to host these two panels so that we can work to raise the visibility of these important issues.

I'm going to introduce our three panelists and just say that the first

panel is focused on Colombia's constitutional court and the very important role it has played in order to implement the rights of the internally displaced.

The constitutional court, however, hasn't done its work all alone. It has done its work in conjunction with a very active civil society in Colombia as well as very well organized and very creative and solutions-based IDP organizations that have worked very hard to try and figure out a way out of their internal displacement situation.

Today, you will be hearing from two of the leading experts basically who have worked with the constitutional court to help it implement the rights of the displaced.

To my right, you have Marco Romero for the Consultancy on Human Rights and Displacement, CODHES. CODHES is perhaps the leading academic institution that works on internal displacement in Colombia. They run their alternative statistical system in order to give a real picture of what the displacement situation is like in Colombia.

They're also part of a commission that is monitoring and verifying sentence T025 of the constitutional court from April, 2004, and they're also able to produce a great many number of books and reports on regional situations of internal displacement as well as some sectoral reports on IDP women, Afro-Colombian indigenous displaced person as well as other

reports which really have set the thinking on internal displacement issues worldwide.

Seated next to Marco is Anne-Sophie Lois from the Norwegian Refugee Council's Internal Displacement Monitoring Center. This monitoring center is basically the repository of information on internally displaced persons in 50 countries around the world. It is where all of the U.N. agencies and practically everybody else turns to when they're looking for information on IDPs.

Also, Anne-Marie Lois, who is the Director of Communication, has headed a very important project called IDP Voices which is basically helping the displaced themselves have their proposals, their voice and their ideas heard by the international community.

The third person on our panel is Geiler Romaña, the President of the Association for Internally Displaced Afro-Colombians, AFRODES. AFRODES was founded nine years ago by a group of IDPs that wanted to find a solution to their problems. They have 11,000 members with a presence in all of the areas where Afro-Colombians are most hard hit by internal displacement. All of their members are internally displaced persons, and they've been leading lots of national and international efforts to try and find solutions to their problems.

Geiler is here this week because he is presenting in front of the

Inter-American Commission on Human Rights on the lack of an effective response to the internal displacement question and how that has affected Afro-Colombians.

So we're just going to go ahead and get started first with Marco.

MR. ROMERO: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Thank you very much, Marco.

As you can all tell, internal displacement in Colombia is an incredibly complex situation, and one of the complicating factors is that it is one of the countries that has probably the most extensive response, at least in terms of legislation and public policies and plans developed for the displaced, but in the reality what actually gets to the displaced is very different.

So, with that in mind, we are now going to hear from an IDP leader, Geiler Romaña from AFRODES.

MR. ROMAÑA: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Thank you, Geiler.

Now we're going to turn to Anne-Sophie.

MS. LOIS: Okay, ladies and gentlemen, it's a pleasure for me to be able to speak here at the Brookings Institution. I will speak about the IDP Voices project, but first I would like to thank Elizabeth Ferris and Erin Williams here at Brookings to make this seminar possible and also

Gimena here from WOLA for preparing everything for us.

I have a question to you: Have you wondered why you have just one mouth but two ears? Actually, it's because it's much easier to talk than to listen, and that is a question for you which is a challenge from the third speaker. So I want to see how much you can listen.

Actually, this question of listening, it has to do with the basis of this IDP Voice project. The basis is to listen to what IDPs or displaced people want to tell us. The project is not about issues on displacement as they seem but about real lives and real people. It's about communicating personal experiences, biographies and the impact of displacement. To capture this, we need to engage not only our brain but also our heart and we need to listen.

This IDP Voices project, where you see the book out there -- you can take on there in English and Spanish --- was developed jointly with the Norwegian Refugee Council in Colombia, Panos London which is a specialized organization working on oral testimonies, with several local NGOs in the country and with IDP communities, especially from the regions which Geiler will talk about, from the Chocó region and also from various communities.

This work is something we have wanted to develop to actually complement a more quantitative and factual document than the Internal

Displacement Monitoring Center normally produces. It's the first project of this art to capture IDP voices and now we will go on to other areas, Georgia coming out in April, and then we go to other countries too.

So why did we choose Colombia? I think the reason has been explained already by the panel here. It's a complex situation, and it's not very well known in the world. So that's the reason why we wanted to make the voices of IDPs known around the world.

One of the results is this book, but we also have a web site. So, actually, these stories that are in the book, they talk about and witness the reality of internal displacement. There are man and women. There are young and old. All of them are civilians. They tell their stories of what it meant for them to flee and to leave their homes and to leave everything behind with little prospect to return.

So, from personal accounts, we may also glean the diversity behind overgeneralized notions of the experience of being displaced. The focus is, therefore, to capture the feelings, the tones of voice, the spirit of the vivid experience. This places the internal displaced person at the center by giving them the opportunity to speak out in their own words on issues which concern them rather than having their needs and priorities interpreted by others.

That means we have made interviews very open. They have put

forward what they wanted to talk about. We didn't ask them, what do you think about education, and they spoke about education. We talked, can you speak about your life? How is your situation? Very open questions which have permitted them to speak and to make their own priorities.

So, by looking at the entire cycle of somebody's life, we get a deeper understanding of the impact of displacement. The narrators, they become not only victims of displacement but also citizens with all the challenges which life entails. Many stories tell about individual coping mechanisms and survival strategies which they developed. Through the stories, the listener can better grasp what really displacement means for them and what impact it entails. If you don't know how people were living before, it's difficult to understand actually the losses.

So, for us, it's fundamental, and for the displaced person themselves, that these experiences in nature are recognized by others and particularly by the international community. Thus, we are pleased to be here in Washington today with you and to talk about this.

There were actually nine people who were trained to do interviews in the different communities. Half of them were IDPs themselves. Half were coming from NGOs, local NGOs working with displacement.

So this project did serve dual purposes. One was to have the voices heard through this book and the web site, and the other was to

empower these people through different forms of training. But you know, in Colombia, to tell and to explain what happens to you also implies a lot of risk and can even be life-threatening. So most people, they wanted to be anonymous.

We had to develop a lot of projects to protect their identity. So real names were not used. We had to change the places. We had to create a diplomatic support group in Bogotá who helped.

Despite this significant challenge that we had, the project found that there was both a need and an enormous desire to share the stories. One person said, we know our story, and it's terrible that no one knows about it. Another one said, I demand that the truth be known about what happened and why we are displaced and about what really is behind all this.

They were setting their agendas and they were talking about the issues which were important for them. Also by interviewing individuals, we had the possibility to listen also to more quieter members of the society, not just have the IDP leaders or certain groups interpret for them without them feeling harassed.

Also, having the opportunity to tell your life story can be very therapeutic, and that was a restoring and empowering experience, many of them said. So it was a trust created and many hearts were opened

when people started to talk, and they felt relieved afterwards. Actually, that was key to creating this space where people could speak out and there was somebody to listen to them about these.

These life stories, you could say they are personal, unique and direct and vivid, and they challenge all the generalization and cliché regarding displacement and its consequences.

We recorded all these, transcribed them, edited them and, really in a respectful way, trying to keep the atmosphere and the personal touch of them. This had to do with listening to people, but it also had to do with participation. As Geiler was mentioning before and also Marco in this presentation, the importance to listen to what IDPs themselves think about this, especially now with the constitutional court's work. To have them to participate and to give their views on how things can get better and be improved is really, really important.

So what did all these stories here tell us about the situation of the lives of IDPs? Actually, they talked a lot about pain, about fear, about trauma. It's really extremely striking. You see how civilians, they are really pushed in a corner. There are no boundaries and there is no protection. They have very few options. This is, of course, something we all know, but it's very important to raise those questions and to see how little attention actually is devoted to social support for these communities.

People feel themselves extremely isolated, both physically and mentally. They are cut off from their social networks and support groups, so they feel fear and anxiety. That's also the question of they have lack of information on where to go and how to be better protected.

Then you see also the people finding strategies after multiple displacement situations. They try to struggle to fight back and to establish themselves time over and time again. So these coping strategies, you can see that people are actually on their own. There are a few programs there, existing programs, but the majority, they actually have to cope and find solutions themselves.

It is evident that in Colombia as elsewhere, the displaced population, they are not consulted prior to displacement. Nobody asks them if they have any options or invites them to participate in any decisions regarding their future. To survive, they just have to flee without asking any questions. Nobody is interested to see what the people think, what they say. You just become a victim, and you lose control over your life, and your rights are violated. All of this we know.

For these stories, they are not about passive victims. They are about people with inner strength and with a strong will to survive and regain control over their lives. They have shown this enormous amount of courage to standing up for their rights. So this IDP Voices project has

been also an attempt to restore a certain level of dignity to those affected by helping them to break the silence and letting them speak out from their heart, to be listened to and then to transmit their information.

Actually, as working for a humanitarian organization, we are looking for what we can do. One is the advocacy part to convey the messages but also to look at programming and how to increase better protection. To do that, we need to know what are their problems. We need to understand what are they are living through. Otherwise, we can develop any programs that make sense.

By this, we can analyze the causes of them and then getting their views of how to find solutions, and that's only by spending time with people. So you can have the development of the protections clear, and we can learn about their own coping mechanisms. So, from there, we can build up support and to find solutions.

Ladies and gentlemen, this is the hope of this book. We contribute to better understanding of the causes and effects of internal displacement for civilians. It is aimed at the hearts and minds of decisionmakers, politicians, planners and policymakers in order that they may fully appreciate the complex and varied impact of internal displacement and identify new ways to protect those affected.

Thanks for your attention.

MS. SÁNCHEZ-GARZOLI: Thank you, Anne-Sophie.

Four million internally displaced persons, and it is important to think of it is four million individuals with hopes, dreams and aspirations. This work that the NRC has done, cautiously also protecting people, at the same time telling their stories, is crucial for the international community to really understand how to address this problem.

So now, we're going to take a few minutes to take a round of questions. If you would like to ask a question, the lady over here with the mic will come up to you. Please state your name and your organization, and I just ask that you please keep your comments brief and you go directly to a question.

So we're going to take four questions and then let our panelists answer.

QUESTIONER: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Okay, another question.

QUESTIONER: Thank you. In Spanish or English?

MS. SÁNCHEZ-GARZOLI: Whichever language.

QUESTIONER: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Let's take two more.

QUESTIONER: Eric Olsen (ph) from the U.S. office in Colombia.

I understand that part of the problem in providing services to IDPs is

lack of government support, government programs and so on. I wondered if you could talk about if there's another factor, and that is lack of confidence, lack of faith, fear, suspicion in accessing whatever services might be available.

In other words, even if there were all the money in the world and all the programs in the world, how much of the problem is deep-seated suspicion over what's being offered by the government and how do you overcome that suspicion and fear?

MS. SÁNCHEZ-GARZOLI: Okay, the lady over here.

QUESTIONER: Yes. My name is Mary Mullen.

I don't work in Latin America, but I belong to Children International where we send money to needy children there, and I was wondering if you could explain to me how these people become displaced. Are there many reasons or is it just because of the FARC or some of the rebel groups, if you could explain maybe, the government not running things properly? Thank you.

MS. SÁNCHEZ-GARZOLI: Okay. I'm going to ask each of our panelists to answer the four questions briefly in a minute -- so, Marco -- and try to touch some of these questions, please, maybe starting with how do the people become displaced first because that is general.

MR. ROMERO: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Thank you, Marco.

I don't know if Anne-Sophie, do you want to just answer quickly?

MS. LOIS: Yes.

MS. SÁNCHEZ-GARZOLI: We have to really close this panel. So it would have to be very short.

MS. LOIS: About this fear and suspicion, actually it's a normal reaction for an abnormal situation and to have fear is actually a way for people to cope. It's a strategy to flee to and to go away. Of course, it's difficult to solve those problems as long as tension and terror remain. That's obvious.

But still, there are things which could be done within the context. I mean to help to build up new social networks are really important. To create better protection mechanisms so that the people themselves have better knowledge of their rights is very important and also to create spaces where they can be listened to.

We felt that in this project the people were actually extraordinarily happy to be able to tell their stories, and many times they said it was the first time they ever spoke with somebody so in detail about their lives, and they felt relieved afterward. It doesn't solve the problem. It's just kind of ventilation. You can feel a bit better to go on and to find new strength.

MS. SÁNCHEZ-GARZOLI: Great.

Geiler, do you have any responses to the questions? It has to be very brief.

MR. ROMAÑA: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Well, thank you very much, Geiler.

I'm going to ask everyone to give a round of applause to our panel.

(Applause.)

MS. SÁNCHEZ-GARZOLI: And now, we're just going to take one minute to have the second panel set up.

(Break.)

MS. SÁNCHEZ-GARZOLI: So our second panel is going to be looking more deeply into one of the causes of internal displacement which is basically the displacement caused by land usurpation from illegal armed groups in order to implement African oil palm projects.

Our first speaker is going to be Danilo Rueda from the Commission for Justice and Peace. This is an accompaniment organization in Colombia that accompanies communities that have become displaced in Chocó due to the violence. Danilo is also a reporter, and he is one of the most well-known advocates of the region of Chocó and who has been working diligently to get a lot of the cases of the Chocó such as the case of Operation Genesis, to bring justice to these cases and to the inter-American system.

Next to Danilo is Arild Birkenes. Arild Birkenes is the country specialist for Latin America for the Norwegian Refugee Council's Internal Displacement Monitoring Center. Arild and myself just recently visited Colombia where we did a fact-finding mission that looked specifically at the violence generated due to the oil palm cultivation efforts in Nariño and Cauca as well as we met with some leaders from the Chocó affected by oil palm cultivation as well and how internal displacement is generated by the oil palm cultivation but also whether or not it is a good idea to consider oil palm projects as a durable solution for internally displaced persons.

So, Arild, who spent several years in the field, working in Rwanda, also works on other countries in the world, but today he will be talking about Colombia.

Why don't we go ahead and start with Danilo?

MR. RUEDA: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Gracias, Danilo.

And, Arild.

MR. BIRKENES: Yes, thank you. I will talk about a mission that Gimena and I carried out in southern Colombia a couple of weeks ago to *(Spanish.)* Basically, it's a follow-up to a report that we published in November of last year on the impact of the African palm plantations in *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: *(Off mic.)*

MR. BIRKENES: Okay, so we carried out a follow-up mission to a mission that resulted in a report on the impact of the African palm plantations in *(Spanish)* in November last year which you can find outside.

I will have to take you. I will have to draw a bit of a panorama so that you understand the context in which African palm policy in Colombia is implemented. It has been mentioned already several times today, there are more than 4 million IDPs in Colombia. There is an internal armed conflict which is ongoing. It has been ongoing for more than 40 years, and

it is going on at full tilt as we speak.

Another consequence and cause of the conflict has been land-grabbing. The estimates of land-grabbing range from between 2.6 million hectares to 6 million hectares, and large tracts of this land are taken, grabbed from the people who have been forced off from their land, the IDPs. The paramilitary groups are believed to be in control of at least 40 percent of this land. It is probably much higher, but it's very hard to ensure that you know is the de facto controllers of the land, but these are very conservative estimates.

So, in this context of intense internal armed conflict, the government has embarked on a policy to increase the area of land covered with African palm plantations from the current state of around 300,000 hectares to 3.5 million hectares within a decade or so, so a substantive increase from the current area of land in African palm plantations.

This policy is meant to serve at least three purposes, probably even four, but, as Danilo argued, the government justifies the policy by using environmental arguments, saying that this is for the benefit of the environment. This policy also fits the environmental policy in the E.U. and in the U.S. because in these two areas, the E.U. and the U.S., they have decided to increase the percentage of agrifuel consumption substantially within the next decades.

So there is a demand for agrifuel which is probably a better name or concept than biofuel which has other connotations. So I prefer to use the term, agrifuel, but there is a demand created in the E.U. and the U.S. for a product that Colombia can produce. Colombia has the climatic conditions to provide and supply that market which is an emerging market both in the U.S. and in the E.U.

Then the government argues or defends the African palm policy in the name of the demobilization process of the paramilitary groups, saying that by setting up these African palm plantations on 3.5 million hectares of land, we will give jobs to the demobilized combatants. So that's a second justification.

The third one is that these African palm plantations will contribute to replace an illicit crop with a licit crop. So, instead of coca production, there will be African palm. African palm is a legal crop and it is meant then to replace coca.

Three very valuable justifications to implement this African palm policy, so it sounds very reasonable and it sounds very good from the outside.

Then the fourth justification is that this African palm policy will constitute a durable solution for the IDPs in Colombia, the more than 4 million IDPs in Colombia. So many of these are meant to given jobs on

the plantations that the government is supporting. This is the situation.

One of the problems, I have to take you to the Law 70. You're probably familiar with it, but you really have to be aware of the consequences or the nature of law 70. Law 70 was adopted in 1993, and the purpose of the law is to preserve the cultural identity of Afro-Colombia communities in Colombia. So the major tool of the law is that it removes land from the market, and it says that it is illegal to treat land which will be adjudicated to Afro-Colombian communities as a commodity. That is a fundamental difference from other countries where the same policies have been implemented, the same African palm policies have been implemented.

In Colombia, there is a large which removes large areas of the land from the market. It is simply forbidden by law, by this law, Law 70, to sell and/or to treat land which is where the Afro-Colombian communities live as a commodity. It cannot be sold on the market. Just keep that in mind.

By virtue of Law 70, the Afro-Colombian communities in Colombia, they have been adjudicated up to 6 million hectares of land. A lot of this land is very favorable to the production of African palm because it has to be humid, a humid tropical climate, and most of the Afro-Colombian in Colombia, they live along the Pacific Coast where this kind of climate is prevailing.

So the question is: Is it possible to reconcile the purpose of Law 70 to preserve the cultural identity of the Afro-Colombian communities with the African palm policies? We are arguing, I mean the findings of the mission are quite unequivocal in that sense that it is impossible to reconcile the purpose of Law 70 to preserve the cultural identity of the Afro-Colombian communities with implementation of this African palm policy.

I will take you to *(Spanish)* particularly in *(Spanish)* where there is a pilot study or a pilot project to implement this African palm policy. It's quite complex. Please, if you have questions, if you don't follow, please don't hesitate to stop me. That would be perfectly understandable.

This African palm policy, as it is meant also to replace coca, production of coca cultivation with African palm, we have to look at the intensification of the conflict and the consequences of the fumigations in Nariño and in Putumayo, in neighboring Putumayo, because one of the consequence of the fumigation has been that the conflict has displaced the coca cultivation from Putumayo into Nariño.

What we saw during the mission was that the coca cultivation, the fumigation has as a consequence that the conflict is being displaced, and it's being pushed ahead of the fumigation. So there's fumigation, and then the coca cultivation is moved and has moved to Nariño and is now moving

further north to (*Spanish*), so further north, which is also one of the reasons why the government wants to implement this African palm policy because it believes that it's going to remove the economic income from the armed groups.

So in Cauco which we visited and we had meetings with Afro community councils, it's a municipality which is bordering Ecuador, and it borders the sea, and it covers around 340,000 hectares of land. Just to give you an idea, 260,000 hectares of 340,000 hectares belongs to the Afro-Colombian communities. So it's statistically practically impossible to establish large plantations without affecting the Afro-Colombian communities, and this is what is happening.

To implement the policy, and I'm not talking about the recent African palm policy supported or promoted by the government but previous plantations or plantations that have been established there more than a decade ago. But the methods they have been using in Tumaco very much resemble the methods that Danilo was describing in Chocó and (*Spanish*). It's assassinations of the civilian populations, get rid of them, force displacement of the owners of the land and then, consequently, establishment of the African palm plantation. It's the same pattern.

But, recently, and we think that based upon the conversation we had with the communities, we think that there's a change in policy

compared to the situation in Chocó, that the human rights violations in Chocó and the establishment of the African palm plantations in Chocó, they drew so much negative attention from the international community, that the interests behind the African palm plantations have changed strategy. The method is not so violent anymore or obvious. The violence is not so obvious anymore.

So what they are doing is rather in exercising pressure and trying to convince the communities of the benefits of engaging in what is called or what Danilo referred to as strategic alliances, and that is a provision in the Law 70 which opens up for a collaboration between private capital and the Afro-Colombian communities. So if a person has a lot of money and wants to exploit the Afro-Colombian territories commercially, there is a possibility for that and operating legally within the framework of Law 70, but the purpose of the law cannot be violated.

So such an alliance, a strategic alliance still has to ensure that the cultural identity of these communities are preserved and that the activity doesn't harm the biological diversity and the environment in the area meant for or covered by this commercial activity.

In Tumaco, some of the community, Afro-Colombian community councils, they accepted these proposals to engage in strategic alliances with private capital. There, we found that the consequences have been

devastating, to put it mildly.

First, in these alliances, the Afro-Colombian communities, they have to come up with or provide the land and the capital, private capital provides them credit because it takes around four years from sowing of the seed until the plant yields. So it's a very long time between. You have to invest a lot of time and resources before you can harvest the benefits which is why these large-scale plantations cannot be implemented without support from government structures or from private capital outside these communities.

The consequences have been devastating in the sense that many of these communities, they have not made enough money to repay the loans that they have been granted to set up these plantations. So they've had to give up the land and end up in Tumaco, in the municipal center as what under normal circumstances they would simply be categorized as economic migrants but this is, of course, far too simple a category to apply.

This is just one of the strategies. I am not saying that violence has not been exercised or has not been used in these areas. There is a long history of assassinations of owners of land on these territories in Tumaco, and that's also one of the major findings of our mission.

In neighboring Guapi which is a bit further north, there is a pilot

project to implement this national African palm policy in one of the Afro-Colombian communities. Further to pressure and proposals from the government and from different finance institutions, one of out of eighty community councils accepted a proposal to set up such a strategic alliance to establish an African palm plantation on collective territories protected by Law 70, one out of eighty.

We found out during the mission that that community council, the leadership of that community council had been manipulated. So when we talk to other members of that community council which has accepted the proposal, they told us that the elections had been rather murky and that the elections had been manipulated. There, the plan is to establish 15,000 hectares of African palm plantation on this territory.

When we talked to the other community councils in the area, they said none of them had been consulted. We also talked to environmental authorities in Guapi and they knew nothing about it officially. Of course, they knew unofficially, but they couldn't act, they said, because they hadn't been notified about this plantation through the official channels. But it was quite obvious that they didn't dare act ex officio, which they should have.

I mean we asked them about that. Why? How come you don't intervene if you have this as a rather small municipality and then you have a 15,000 hectares plantation in the process of being established in your

municipality? How come you don't act? They said that we would need instruction from the departmental capital, and it was obvious that they were scared because these African palm plantations, there is an increased presence of the either recycled or remobilized paramilitary groups which are working in alliance with the African palm plantations. There is no doubt about that.

Finally, I will just refer to some examples that are being highlighted by the government to show that where there have been violations of these territories, that the government has taken action, and there are some examples.

There is one which has been a lot in the media lately and that is from the (*Spanish*) Department and in a municipality called (*Spanish*). You may already be aware of it. But, there, in line with a national policy to increase the area of land covered by African palm, the government decided to take 17,000 hectares of land which was already given to IDPs as a kind of compensation for the loss of land. The government decided to take the land back from the IDPs and give it to African palm companies in a blatant violation of all the promise and of something they had already decided on.

That created a lot of unease in the country among those who are interested and concerned about these issues, but the government so far

has not changed its position. So these 17,000 hectares of land are now in the hands of African palm developers.

We had a meeting with the minister of agriculture in Bogotá where we discussed the issue of the African palm plantations in (*Spanish*), and we asked him about that because there had been, as you may already know, these African palm plantations in (*Spanish*) and in Chocó, they are under investigation for having commissioned forced displacement.

So we asked him what's the status now, and they said that they had returned the land in line with a decision by the (*Spanish*) office, but they also said that the minister of agriculture and the government did not intend to return the land without the plantations on the land to the communities. The reason was that the government, through its finance institution, had invested so much money that they couldn't just lose these investments.

From the community's perspective, the situation is that you have had your family killed, assassinated. You've been forced to leave your land and leave everything behind. Then in the meantime, while you're away during displacement, there is an African palm plantation established on your land. Then the government comes and says, now you can get it back, but you have to work on that plantation which was established at a cost of your family and your land.

So, from the affected community's perspective, this may be a very

skewed or a very strange of being compensated for the loss of land as nothing is going to change. The African palm plantation will continue being there.

So I'll stop there, and if you have any questions, please don't hesitate.

MS. SÁNCHEZ-GARZOLI: Okay, we have about 10 minutes for questions. So let's do like last time. Let's take three questions.

Please identify yourself.

QUESTIONER: Jim Jones.

To what extent is the international development community supporting these African palm plantations in Colombia?

MS. SÁNCHEZ-GARZOLI: Let's take two more.

QUESTIONER: I have two questions. I've been told by government officials in Colombia that the World Bank is supporting some of these African palm developments, but the World Bank itself says they're not. So I'm wondering if either of you has clarity on that.

Then I also know that USAID is actively supporting African palm cultivation in Colombia, and their argument for doing so is that they follow environmental and human rights standards and that it is one of the only options to provide people with a viable income. So I'm wondering if you can respond to that argument. Do you think that there's any way that we

can support African palm production in Colombia without violating human rights or an industry that violates people's land rights as well.

MS. SÁNCHEZ-GARZOLI: The lady over there.

QUESTIONER: Ashley Brown, I'm representing Gap Consulting for World Watch.

My question is kind of a piggyback onto the last question. USAID has funneled hundreds of millions of dollars into the cultivation of African palm oil and you all spoke about a trend of trying to demobilize the paramilitary. So I'm wondering, has there been any relation or link made between Plan Colombia and what's going on with the African palm industry?

MS. SÁNCHEZ-GARZOLI: Well, I was on that mission as well so I just want to respond to those two questions.

Something that was very interesting when we visited the project in Guapi was that we were told that because of all of the international pressure related to (*Spanish*) situation, that USAID decided they weren't going to finance the Guapi project. However, their contractor is financing a food project for the Afro-Colombian communities. Now they wouldn't have to finance a food project for Afro-Colombian communities if the cultivation of African palm wasn't destroying their entire food security.

So one thing that we find that's been very difficult to get exactly from

USAID, even though it's been raised in several consultation meetings and in private meetings, is exactly what they're financing. But what we hear from the ground and what we heard from our last trip is that USAID is financing indirectly the palm projects in Guapi by financing an association of mayors, Afro-Colombian mayors and municipalities that was part of this sort of sham consultation process that put forward the African oil palm in violation of Law 70 in Guapi as well as it's financing side projects to help facilitate oil palm projects.

What it's not financing, even though according to U.S. legislation in the changes that happened last year, is the proposals of the community councils of the Afro-Colombian communities which are basically every community council has a core group of leaders. They, by consensus, come up with an alternative or a development plan. They present those to the government.

What we're seeing almost everywhere is that what is being financed is either palm or there's no other option. So that's another effort that's being undertaken by some sectors, financed by USAID, that's going to the communities and saying: Okay, we don't want coca cultivation. So your only option is palm, and we're not going to finance anything else. So you either get with the program or you're not going to have any support at all.

MR. RUEDA: *(Spanish.)*

MR. BIRKENES: I think it's important to remember that the demand is coming from abroad. There is a national market for this product, but the biggest demand comes from abroad, through these policies that the U.S. and the E.U. have already adopted. By saying that a certain percentage of the fuel consumption for transport purposes should come from renewable energy sources, they are creating this demand.

So with this demand, there is also support in terms of capital. This national African palm policy in Colombia is accompanied by support from USAID and also from the European Union. In *(Spanish)*, there is an African palm plantation supported by the European Commission and also there is a wide range of private finance institutions enrolled.

In a way, it follows a lot of the same pattern from other situations when there has been an emerging market. I would say the pattern is first that there are national actors, national capital doing the dirty job. Then when the dirty job is done, in comes the international capital and buying up the national enterprises which have done the dirty job.

I think one of the major differences between Colombian and the other countries like Indonesia and Malaysia where they have already been through this process, there are millions of hectares of land covered African palm and they have gone through very similar processes. But, as opposed to these countries, Colombia has this legislation which makes it

illegal to do this whereas in other countries, in Brazil, Indonesia and Malaysia, the companies have had easier access to this land. Yes, so this is the major difference.

MS. SÁNCHEZ-GARZOLI: Any final questions?

QUESTIONER: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Any other questions? Final thoughts?

QUESTIONER: Hello. My name is Janelle Naturft (ph). I'm here with American University, and I just traveled to Colombia.

I wondered if you could comment a little bit, just briefly, on how the free trade agreement, if passed, could complicate some of the issues that you just referred to.

MR. BIRKENES: Sorry?

QUESTIONER: I wondered if you could comment on how the free trade agreement, if passed, could complicate some of these issues that you're referring to and talking about, especially with African palm.

MR. RUEDA: *(Spanish.)*

MR. BIRKENES: Yes, on the free trade agreement, Law 70 is an obstacle to the free movement of capital, goods, services and people. So the government has adopted several laws which are more in line with the free trade agreement than with Law 70.

Law 70, as I said, removes land, collectively owned land, from the

market. Land is not a commodity. Within the framework of any free trade agreement, land is a commodity. So a law which prohibits land being treated as a commodity is contrary to the purpose of that free trade agreement.

The government has adopted several laws. I think, Danilo, you mentioned (*Spanish*), three laws that the government has adopted which contradict the Law 70. That is (*Spanish*): the water law, the forest law and the law on rural development. The common denominator of these three laws is that they promote privatization of land and thereby, in a way, they prepare the ground for the free trade agreement.

MS. SÁNCHEZ-GARZOLI: I will add that in terms of the free trade agreement, when I've been on about four visits in the past two years with Afro-Colombian community councils, I've probably met with I don't even know how many but more than four hundred Afro-Colombian leaders on this issue.

The first thing that they tell me is that most Afro-Colombian community councils do not know what the contents of the free trade agreement are. They don't know what the chapters consist of because there's been no previous consultation mechanism in place which is supposed to happen through national legislation in Colombia, mainly through Law 70 but also through the rights found by the International

Labor Organization Convention 169 that such agreements need to be first disseminated and a consultation process needs to take place with the appropriate authorities of the Afro-Colombian communities.

Those Afro-Colombian leaders and community councils that have been able to access some information say that they're extremely concerned about the impact that the free trade agreement is going to have on their land and some of them say it's going to be extremely devastating because it favors investor rights over the rights of the persons living on those lands.

Already in Colombia, there has been a series of legislative changes that have taken place at the national level in order to pave the way for the free trade agreement. These are the changes that Arild was mentioned. For example, the rural statute law says that if you abandon your land for five years and others have occupied that land, that you no longer have ownership of that land. That's one of the problems.

Another law is the forestry law that basically says okay, you still own your land, but you basically don't own the forest products that are here or here. So, basically, what do you own if you don't own the land?

With the changes in the mining code which has also been changes in legislation to pave the way for the free trade agreement, what we heard from community councils, mostly in northern Cauca, is that companies,

private industries and multinationals have been taking advantages of the changes in the mining code to put claims on their lands and their right to be able to dispute that has been severely diminished. So I think there is great concern.

There are other concerns with the free trade agreement in terms of the Buenaventura port city in that in order to pave way for amplifying the port area so that cargo can come in for the free trade agreement, some 200,000 or so *(Spanish)*.

MR. RUEDA: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: *(Spanish.)*

MR. RUEDA: *(Spanish.)*

MS. SÁNCHEZ-GARZOLI: Okay, so the whole area, which is mostly made of up Afro-Colombian poor communities, most of the people are going to be displaced to pave way so that you can amplify the port and bring this cargo in.

Ironically, although the Colombia Government and supporters of the free trade agreement have been doing a lot of lobbying in Congress, saying that the free trade agreement is the solution in terms of poverty for the Afro-Colombian communities, almost all of our fact-finding missions on the ground of the past two years show the exact opposite. So I just wanted to highlight that.

Well, thank you, everyone for coming today and listening to our panelists.

(Applause.)

MS. SÁNCHEZ-GARZOLI: We will be releasing the report of the palm mission very soon which will contain more details as to this whole process. Then in the back, you can get copies of *(Spanish)*, case study by the NRC and the IDP Voices booklet.

So, thank you very much.

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