

Afro-Colombians are 26% of the Colombian population today, about 10 million people. They make up the second largest African descendant population in Latin America, after Brazil. Despite their significant numbers it was not until 1991 that Afro-Colombians were, for the first time, recognized as an ethnic group by the Colombian Constitution through Transitory Article 55 of 1991 (T55).

The Law

In 1991 during the creation of a new constitution, Afro-Colombians seized the opportunity to put forward a new law that would recognize their rights. The law, known as *The Law of the Black Communities* or Law 70 of 1993¹ guaranteed and recognized the rights to traditional territories, mechanisms of participation and affirmative action, and cultural rights. Through Law 70/93 5,198,967 hectares of Afro-Colombian ancestral territories were collectively titled and extensive legislation was written regarding Afro-Colombian's rights to prior consultation in any decision that would affect their territories². Community councils, the highest Afro-Colombian community authority, collectively have been designing Territorial Management Plans. These Councils have presented four sustainable development Plans to the Colombian government since 1992 but none of these proposals have received any consideration by the National Planning Council (CONPES), as mandated by the law.

Achievements Become Threats

Gaining these rights was a long and hard won struggle for Afro-Colombians. These types of achievements took a great deal of organizational and political development for communities and their leadership. And the process drew much attention, much of the time of the negative type, from the armed groups backed by developers whose power and economic interests are threatened by these achievements.

Land, Development, and Violence

Most Afro-Colombian communities and territories are located in areas rich in resources and environmental diversity. Similar to Native Americans, Afro-Colombian lands happen to be on, or close to, rich natural resources like oil, gas, coal and other minerals. The Pacific Coast, with the largest Afro-Colombian settlement, is recognized as third richest in biodiversity in the world, and developers for agro-industrial projects such as African Oil Palm Plantations covet its lands. The imposition of large scale industries on Afro-Colombian

land leads to violent expropriation of land, forced mass displacements, threats and the loss of many of Afro-Colombian lives.

Displacement

In Colombia the relationship between forced displacement and usurpation of land is historical. The Region of the Pacific Coast has experienced one of the highest rates of forced displacement in the last decade. As have areas that are rich in extractive resources or those which are favorable to cattle herding, and agro-business. Mining projects such as the Cerrejon Mine in northern Colombia, owned by Drummond Coal a U.S. company resulted in the forced displacement of entire Afro-Colombian communities. Many of these projects are contaminating rivers, lakes and forests, causing to very important species, invaluable biodiversity to disappear.

A Wish for Happiness, Peace and Freedom

Despite the legislative and organizational accomplishments of Afro-Colombian communities, and despite the opportunities that their cultural and territorial wealth provides for them, it is disconcerting that the African Diaspora in Colombia is facing serious threats to their land, lives and livelihoods. Afro-Colombians are trying to hold to their wish for a land of "happiness, peace and freedom" in the midst of the indifference of a society and a government that refuses to acknowledge and take action to end their plight. Afro-Colombians continue to suffer the effects of historical discrimination, racism, exclusion and poverty

The Proposed U.S.-Colombia FTA

The FTA will disproportionately affect Afro-Colombians by undermining collective territorial rights and further augmenting poverty, discrimination and persecution faced by these communities. Additional internal displacement of Afro-Colombian communities decreases access to job and food security, health and education systems and increases communities' susceptibility to human rights abuses. Afro-Colombian communities and organizations have articulated their opposition to the FTA, citing the government's violation of previous consultation mandated by law.

¹ Find out more about Law 70/93 at: http://www.benedict.edu/exec_admin/intnl_programs/other_files/bc-intnl_programs-law_70_of_colombia-english.pdf

² The right to Prior Consultation: Law 21 of 1991, Law 70 de 1993, Decree 1745 of 1995, Decree 1320 de 1998.

Some Facts Regarding Displacement

- According to the UNIC Register of Displaced Population (Registro Unico Desplazamiento Poblacion in Spanish), and the Contraloria de la Nacion, the internally displaced (IDP) Afro-Colombian population increases every year. Between 1995 and 2005 it increases 32.5% affecting around 900 settlements. According to the UN Afro-Colombian IDPs represent 1/3 of the 4 million Colombian IDPs though the registration of IDPs is incomplete.
- Afro-Colombian and Indigenous women have the highest rate of internal displacement: 47% and 49% respectively.
- In 2000, the Colombian Government legally titled 1,275,096 hectares of Afro-Colombian territories. And 3,018 families were forcefully displaced from that collectively owned land in the same year.
- Violent groups including the armed forces of Colombia have forcefully displaced 79% of Afro-Colombians from collectively owned territories. The majority of those displaced have not returned.
- Internally displaced leaders continue to be targets of threats and murder. From 2002 to the present, 19 displaced leaders assassinated have been reported.
- The offer to return to the collective territories has not guaranteed safety and stability for the displaced.
- Before massive violent displacements began to occur in Afro-Colombian territories, 60.1% of Afro-Colombians owned their homes. Today due to forced displacements only 3.5% own their property. 73.2% have lost their wealth (house, land, animals, machinery, etc); 74.2% have lost their ways of subsistence (job, self-employment); 55.8% lost at least one member of the family; 41.8% were separated from their families³.
- Only 0.82% of the rural Afro-Colombian population receives subsidize housing.
- The almost US\$2 billion budget of the 2007-2010 plan to attend to IDPs, does not make any

reference to differentiated attention to internally displaced ethnic groups as was mandated by the Constitutional Court (Ruling T-25/04).

- The Department of Ethnicity did not address internal displacement of Afro-Colombians until 2007.
- The City of Buenaventura, “door to the XXI Millennium”, is “home” to 47,536 internally displaced Afro-Colombians. This city is heavily patrolled by Colombian army and police, who terrorize that segment of the population. In addition some of the displaced find themselves under confinement by both guerrilla and right wing paramilitary groups. In 2006 alone, 576 youth between 15 and 27 years old were brutally assassinated; and by May 2007 265 more were killed. Today, 40% of the city’s population is unemployed; and 80.6% lives in poverty⁴.
- “In the five years between July 1997 and June 2002 (...) a total of 577 extrajudicial executions were perpetrated by state agents. During the five years from July 2002 through June 2007, the rate of extrajudicial executions by state agents increased by nearly 66%, with a total of 955 cases.”⁵



Territorio, Cultura, Autonomía y Vida

For More Information Contact: Charo Mina-Rojas (434) 760-0663

³ CODHES. Report on IDP, 2007.

⁴ National Department of Planning and The Household Survey, 2007).

⁵ Information presented before the Inter-American Human Rights Commission by The *Coordinación Colombia-Europa-Estados Unidos*, a coalition of 187 Colombian human rights and social organizations, December 2007.