

[September 28, 2017]

President Juan Manuel Santos

Members of the Commission to Monitor, Promote, and Verify Implementation of Colombia's Peace Accord (CSIVI)

Dear President Santos and CSIVI Members,

The undersigned gender, racial, social and environmental justice organizations and advocates from around the world applaud the inclusion of the Ethnic Chapter and other racial and gender rights measures in Colombia's Peace Accord.¹ If implemented, these provisions will allow Colombia to set a global example of holistic peacebuilding—one that meaningfully addresses the social inequalities that help fuel conflict. We are, however, deeply concerned about the inadequate consultation with and recognition of Afro-Colombian and Indigenous authorities in peace implementation activities to date, and the ways in which this endangers the lives, security, and territorial and human rights of Afro-Descendant and Indigenous Peoples, including women and girls. We encourage the Government to act in good faith to ensure that Indigenous and Afro-Descendant Peoples' rights are maintained and furthered in peace implementation.

It is crucial that the framework plan for implementing the Peace Accord contain indicators to measure the progress and outcomes of policies, programs and reforms in a manner that corresponds to the needs, values, and rights of Indigenous and Afro-Descendant Peoples, including their gender-based rights. These can only be developed with meaningful participation of their respective authorities and organizations. We understand that the Government and CSIVI recently agreed to a work agenda with the Special High-Level Body for Ethnic Peoples² to develop and include such indicators and to assign resources and provide conditions for meaningful participation of Afro-Descendant and Indigenous Peoples in implementation. This is positive news, as we believe inclusiveness at the outset of the framework plan will help ensure structural advances for Afro-Colombian and Indigenous Peoples, who have disproportionately borne the consequences of the armed conflict, and whose communities suffer the greatest levels of poverty and least access to health and educational infrastructure in Colombia.

While it is cause for hope that the Government and CSIVI agreed to this agenda of work, a broader pattern of exclusion keeps us vigilant. For example, while the Peace Accord requires the Government to include an ethnic and cultural perspective in implementing its Security and Protection Program,³ the parties have failed to meaningfully consult with and support Afro-Colombian and Indigenous authorities and communities in the design and implementation of community based self-protection plans, and to ensure adequate security overall in their territories. As FARC fighters demobilized, paramilitaries and other armed actors have filled the

¹ Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace (2016) [hereinafter Peace Accord].

² Special High-Level Body with Ethnic Peoples for Monitoring Implementation of the Peace Accord (*Instancia Especial de Alto Nivel de los Pueblos Étnicos para el Seguimiento de la Implementación del Acuerdo Final.*)

³ Peace Accord, § 6.2.3(c).

remaining power vacuum in many areas,⁴ as was predicted by parties to the Accord, which named these actors the “greatest threat” to peace.⁵ The site of the majority of fighting during the conflict, these areas heavily overlap with Afro-Colombian and Indigenous territories. Because of the lack of consultation and ensuing insecurity, entire Afro-Colombian and Indigenous communities are again facing displacement, as violence, forced disappearances, attacks on human rights defenders, threats, and kidnappings increase. The forced displacement rate increased in the first half of 2017, as compared with the first half of 2016, with Afro-Colombian and Indigenous Peoples comprising 94% of those displaced in the first months of 2017.

Afro-Colombian and Indigenous women and children, who suffered disproportionately high levels of conflict-related gender-based violence, face dramatically increased vulnerability to human rights violations in the face of this ongoing physical and economic insecurity. In light of this, it is concerning that there is no representative of Afro-Colombian women’s organizations on the Special Body on Gender,⁶ despite Afro-Colombian women’s and girls’ disproportionate victimization and lack of access to comprehensive care and restitution.

The lack of consultation also bodes poorly for the Government’s commitment to uphold Afro-Colombian and Indigenous Peoples’ right to give or withhold free, prior and informed consent to laws, policies, and development projects that impact their lives and their territories. It was cause for celebration that the Peace Accord reaffirmed this constitutionally protected right, but history reveals a continued pattern of undermining territorial rights in practice, and megaproject development in Colombia has frequently worsened social, economic and environmental crises in these territories. In the context of implementing key components of peace implementation, such as the Development Programs with a Territorial Focus (PDETs), it appears the Government again risks overriding territorial rights. The National Afro-Colombian Peace Council (CONPA) has observed that the Land Renovation Agency (ART), which is tasked with implementing the PDETs, has failed to work directly with Afro-Colombian and Indigenous authorities and organizations to develop a methodology that will ensure meaningful, rather than symbolic, participation in forming the PDETs. Meaningful participation is critical for ensuring that PDETs are grounded in Indigenous and Afro-Descendant Peoples’ own aspirations and goals for well-being and development. It is their respective authorities and organizations who are best positioned to devise participation methods.

Protecting Afro-Colombian and Indigenous People’s territorial and other collective rights is fundamental to ensuring peace in Colombia. In order to fully implement the Ethnic Chapter, it is critical that the parties consult and collaborate with Indigenous and Afro-Descendant Peoples, including women’s organizations, at all stages of peace implementation. By doing so, we believe that Colombia could transform itself, as it heals from decades of conflict, and become a global leader in social justice and environmental protection. The Chapter and related provisions in the Peace Accord are a step in that direction, and they build on Colombia’s other landmark legal

⁴ UN Security Council, *Report of the Secretary General of the United Nations Mission in Colombia*, ¶¶ 23, 24, U.N. Doc. S/2017/252 (2017), available at https://colombia.unmissions.org/sites/default/files/s-2017-252_eng.pdf.

⁵ Peace Accord, §3.4.4

⁶ Special Body to Contribute to Guaranteeing Gender Focus in Implementation of the Final Accord (*Instancia Especial para contribuir a garantizar el enfoque de género en la implementación del Acuerdo Final*)

norms for racial and gender justice. Towards fully realizing the vision contained in those laws and policies, we urge you to consider the following recommendations:

1. In the framework plan for implementation of the Peace Accord, ensure inclusion of indicators designed to measure the progress and outcomes of policies, programs and reforms in a manner corresponding to the needs, values, and rights of Indigenous and Afro-Descendant Peoples. Develop the indicators in collaboration and consultation with Afro-Colombian and Indigenous authorities, and with women representatives and organizations, and commit the necessary resources for implementing these aspects of the plan.
2. Immediately provide security in Afro-Colombian and Indigenous territories, in consultation with their respective authorities and community organizations, in order to prevent violence against them, and to ensure that paramilitaries and other armed actors are investigated and held fully accountable for violence, including gender-based violence. This should include resources for training and strengthening traditional security forces, and should include support for and implementation of a gender perspective.
3. Create a line of direct communication between Indigenous and Afro-Colombian authorities and representative organizations, and both the Special Jurisdiction for Peace (JEP), and the Commission for the Clarification of Truth, Coexistence, and Non-Repetition, to adequately address issues facing victims of sexual and gender-based violence in the conflict, and ensure that these bodies prioritize these cases. Ensure data collection includes information disaggregated race, ethnicity and gender.
4. Urge the Land Renewal Agency (ART) to meet with Indigenous and Afro-Colombian authorities and representatives, and to develop in consultation with them a strategy to secure full participation and autonomy of Indigenous and Afro-Colombian Peoples in formulation and implementation of PDETs.
5. Take good-faith, immediate steps to implement and fund all initiatives in the Ethnic Chapter of the Peace Accord, and to ensure respect for the fundamental right of Indigenous and Afro-descendant Peoples to free, prior and informed consent regarding any policies or development program impacting their territories.

We thank you for your consideration of these recommendations.

Sincerely,

Co-Sponsors:

Black Alliance for Peace
Common Frontiers
Human Rights and Gender Justice Clinic- CUNY School of Law
MADRE
NORDIK Institute at Algoma University

Washington Office on Latin America