

Colombia

Action on



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The town of Santa Rita seen from the Carol Chomsky Mountain

Photo by Gearoid O Loingsigh

A Call to Save La Vega

Message from Oscar Salazar on behalf of the Proceso Campesino y Popular de La Vega, Cauca

Translated by Cecilia Zarate-Laun

We write to you from South America, from the Colombian Massif, a mountainous knot which stands out on the map because it is the place where the three cordilleras (mountain ranges) that constitute the Colombian Andes, form their three different branches. It is a region of high mountains and paramos (cloud mountains where water is produced), where the main rivers of the region are born which flow into some of the most important river basins on the planet. These are giant rivers not only for their size but for their importance. The Magdalena and Cauca rivers go to the Atlantic Ocean, the Caquetá River to the Amazon River and the Patia River to the Pacific Ocean.

This region of the Massif is made up of 8 municipalities in the Colombian states of Cauca and Huila. Located in the heart of this region is the municipality of La Vega, where we have worked as a campesino (small-scale farmer) organization since 1987. We call ourselves Proceso Campesino y Popular del Municipio de La Vega (PCPV),

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A Call to save La Vega continued

(Campesino and Popular Process of the Municipality of La Vega). We carry on a dynamic of communitary work, which has as an organizational base the Community Action Boards (Juntas de Accion Comunal), the production groups, cultural and artistic groups, campesino women's groups, study groups and environmental groups.

We work building our own policies as communitarian and campesino communities united with the Yanakuna indigenous culture. Those policies seek to defend the territory, water, campesino culture, traditional seeds, and agro-ecology to have our own production techniques. All of these ideas are expressed in our environmental, agricultural and health issues plan known as Aurora (Dawn). In this plan we give expression to the ideas that rule our actions, the main ideas and the projects and programs that bring them to be our reality daily.

One of these programs is the Collective and Integrated Appropriation of the Territory and the Sources of Water looking to the future. When we speak of ways to control the territory what we have in mind is to maintain under the sphere of influence of the community the material conditions that would allow the community to keep existing, and, with this existence, the culture upon which it lives and that gives it its own singularity and identity. These are communitarian forms of collective action to care for and defend life, the mountains, the water sources, the seeds, the culture, our own

techniques of production, and all the cultural heritage that allows us our way of life.

This is why we invited and met with Noam Chomsky, and he liked our community practice of building our own destiny. He came to visit our water source, La Carolina, and we offered in memory of his late wife, Carol Chomsky, the mountain where this water source is born. This is the source of water which allows life to the town of Santa Rita in the municipality of La Vega, located in the heart of the Colombian massif.

The threat presented to our area is the mining and energy policy of the Colombian state, which will have the

effect of damaging this eco-system, which has been declared by UNESCO environmental patrimony of mankind. We confront from our communitarian action the gigantic mining projects of Continental Gold and Anglo Gold Ashanti. This garden of nature is in serious danger and for this reason we seek sister community relationships with communities in the U.S., Europe and other regions. We depend on this kind of relationship to be able to preserve this ecosystem and the cultures that have taken care of it for the welfare of mankind.

If the Macizo Lives, We All Live, because This is Where the Water Lives!!



Waterfall in Carol Chomsky Mountain

Action On Colombia is the official newsletter of the Colombia Support Network, a national peace and justice network of groups and individuals working to promote respect for human rights in Colombia and a just relationship between the United States and Colombia through grass-roots activism.

CSN supports a nonviolent, negotiated resolution to the conflict in Colombia.

CSN is the only current project of Wisconsin Interfaith Committee on Latin America

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THE KLESTRINYE AND THE ATTACKS ON THE TERRITORIES OF THE KAMENTSA INDIGENOUS PEOPLE

By Carmenza Tez
Translated by Eunice Gibson,
CSN volunteer translator

The Kamentsa Indigenous people are one of the most ancient peoples settled in southern Colombia. They still survive in the ancestral lands known as the territory bequeathed in the will of Carlos Tamoabioy (1700). Today it is best known as the Valley of Sibundoy in the province of Putumayo, the entrance to the Colombian Amazon.

Every year these indigenous people celebrate the festival of Klestrinye to say goodbye to the year that is ending and to welcome the new year. It is these people's most important festival, since it gathers them as one big family to pay tribute to their creator Bengbe Betsá "Our Great One" and his mother Tsbatsana Mamá "Mother Earth" by means of different natural musical melodies. After the intense colonization that the people suffered, there developed another important Klestrinye festival, on the Monday before Ash Wednesday. Sometimes this day falls in the month of February and sometimes in the month of March.

On this big day you can see the diversity of colors in the outfits and feathers that the people put on so that they can meet others of their extensive families, all to the rhythm of drums, flutes, horns, loina, panpipes, and rattles, among others. The rhythm of the music creates different feelings that, when put together, create a single melody. It leads people to join together in a natural dance that opens the diverse group to their human feelings. For some Kamentsa it is a chance to be comforted after the cruel history that



Carmenza Tez discusses return of Kamentsa lands with new bishop of Sibundoy

Photo by Steve Bray

the people have experienced. For others it can be a shout of resistance to the attacks that are still threatened against this population. One such attack stands out—while the community is preparing for this great festival, the local political powers along with the Church authorities sold the last pieces of land that, by ancestral law, belong to the Kamentsa indigenous people. Those lands were seized from the native people during the "Capuchin Mission" and when the Capuchins left, they turned the land over to the Church as an Institution, and, a few years ago, to the Apostolic Vicarage of Sibundoy, now known as the Mocoa Sibundoy Diocese.

Statute #51, adopted on November 18, 1911, authorized the Church to take over land in every one of these places: In Santiago, San Andrés, Sibundoy and San Francisco, it was 100 hectares. And besides, they took 50 hectares in Santiago, Sibundoy and San Andrés for model gardens managed by the Marist Brothers. In Sibundoy they took 1,000 hectares of the best land in the Sibundoy Valley to support a special school for missionaries. They refused to acknowledge the thousand-year-old rights of the Kamentsa indigenous people to the land. The Spanish crown had recognized this reservation ever

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Klestrinye & Kamentsa continued

since 1625 and it was recognized in the will of Carlos Tamoabioy in 1700.

This law has impoverished this people for more than 100 years. And the Church has not returned to the community even 1% of the land it seized. All of it has been used for making deals. Now, of the last few hectares that remain, they have sold 12 hectares to the municipal government of Sibundoy for 1,200,000,000 pesos (about USD 400,000). These are Holy Sites of the people who are native to this territory. But neither the Church nor the municipal government care anything about the place where the remains and the spirits of our grandparents are found.

Because of the complaints that were made to the investigation carried out by the Servants of God, Masters of the Indians, the government bought part of this land in 1950 and in 1960 and turned it over to the Kamentsa Indigenous People. The rest of this land remained in Church ownership and the Church has been turning it over to the Municipality for development. Nevertheless, the Kamentsa Indigenous

People throughout their history have been demanding their territorial rights to this important land, but the Church has refused these just demands.

At the end of 2014 Bishop Alberto Parra Mora resigned his position. Meanwhile, the Archbishop of Popayan, Monseñor Ivan Antonio Marin López was put in charge of the Diocese, along with two priests who are not from Putumayo, Frs. Oscar Claros as Chancellor and Omar Parra as Bursar. In 2015, the year they were in charge, they decided to sell the last parcel of the “Capuchin Mission”. Negotiations began on December 31, 2015 and the agreement provided that the papers would be signed and the parcel delivered in the midst of the Klestrinye Festival in February 2016.

This situation aroused even more indignation in the indigenous community against the Church hierarchy and the local authorities, because it is repeating the history of domination, disrespect for human and territorial rights of the Kamentsa Indigenous People. They are at the edge of disappearing as a thousand-year-old

culture in their territory. Faced with this, they have filed actions against the new Bishop who was named recently to the Diocese and who on his first day will have to confront the just claims of the Kamentsa people.

These last parcels of the “Capuchin Mission” that the Kamentsa people are demanding contain the history of their ancestors. In 2000 they found in these lands some burials that have important archeological value. Right now they are stored in the Cultural Center of the Municipality of Sibundoy. This is powerful evidence that this area is sacred to the Kamentsa People and deserves to be respected and conserved as a central example of the original history of this people. It is worrisome that former Mayor Mauricio Guerrero García intends to use the purchase for development and to build a transport terminal, failing to see the value of this land for the Kamentsa Indigenous People. In addition, this would also violate their right to free and informed prior consultation, as required by the International Labor Organization Convention. The acting Church hierarchy would be violating the Orders signed in previous litigation, where it is emphasized that before any eventual sale, the Kamentsa Indigenous People have the right of first refusal. In a public complaint that is being made because of these things, several leaders are planning to dance in the Klestrinye festival with a lot of energy, energy to refuse once again the attacks by the Church hierarchy and the local political authorities and to challenge them to be open and consistent in their dealing with the indigenous people.



Children musicians in the Kamentsa festival parade

Photo by Steve Bray

Overview of the Colombian Peace Process

by *Luis Carlos Arenas,*
a Colombian lawyer and environmental
researcher residing in the U.S.

Peace negotiations between the Colombian government and the leftist guerrilla group FARC-EP have been going on in Havana, Cuba since mid-2012 with the aim of ending the fifty-year armed conflict that has so far left over eight million victims. On December 15, 2015, the two sides made public a draft agreement regarding the conflict's victims that creates what has been called an "Integral System of Truth, Justice, Reparation and Non-Repitition." The victims' agreement is one of the most complex and significant topics among the six under discussion, in big part considering that since the creation of the International Criminal Court in 2002, the end of armed conflicts have become far more complex, as the international community doesn't allow any more impunity for war crimes and crimes against humanity committed by all the armed actors involved in a conflict. As a result, balancing the need for peace with the aim of justice for the victims of armed conflicts has become a very

complex task. As a result, the signing of the victims' agreement made visible the enormous progress in the current peace negotiation process so far and showed Colombians and the rest of the world that peace in Colombia might be possible this time. Considering the importance of this draft agreement, Colombian President, Juan Manuel Santos attended the signing ceremony, and for the first time publically shook hands with FARC-EP's main commander, Timoleón Jimenez, known as "Timochenko." Cuban President Raúl Castro also attended the ceremony as one of the main brokers of the agreement. President Santos and Timochenko also announced that their goal was to sign a final peace agreement by March 23, 2016. For several reasons the current peace negotiation process has been significantly different in comparison with previous attempts to bring peace to Colombia. The current peace negotiation formally started after secret negotiations among the parties laid down an agenda of six topics to be negotiated, that included: 1) Comprehensive agrarian reform; 2) Political participation; 3) End of the

conflict; 4) Solution to the problem of illegal drugs; 5) Victims; and 6) Implementation, verification and ratification of the agreement. The modus operandi of the peace process has been based upon the premise that "nothing is agreed until everything is agreed." As I write this article, four topics have already been agreed upon, and only two remain to be finalized, regarding the details about the end of the conflict, and the implementation, verification and ratification of the agreement. However, it appears that there is not enough time to have everything finalized by March 23. But it is believed that at least by that date the two parties will agree on a bilateral and verifiable ceasefire to be ratified by the UN Security Council. So far, there has been a unilateral, but real and effective, cease of hostilities by FARC-EP during the last four months, corresponding with a de-escalation of the conflict by the Colombian armed forces, which, according to the research center CERAC, has saved more than 1,500 lives so far, in addition to thousands of other types of potential victims. The Integral System for Truth, Justice, Reparation, and Non-Repitition laid down in the victims' agreement is

summarized in the table below:

Components	Nature	Expected outcome	Time frame
1. Commission for the Clarification of Truth, Coexistence and Non-repetition	The Truth Commission is a non-judicial body. It will focus on the historical truth of the conflict.	A final report with conclusions and recommendations.	Three years, including the preparation of the final report.
2. Special unit to search for persons forcibly disappeared in the context and of the conflict	The unit is a non-judicial body, created for humanitarian purposes	After executing a search plan it should submit an official report to the relatives of the victims detailing what happened to the person who was forcibly disappeared.	Not specified. It is only mentioned that it will have a transitory character.
3. The Special Jurisdiction for Peace (SJP)	Special judicial mechanism	Truth, justice, reparation and guarantees of non-repetition under a transitional justice framework.	There is no time frame. It is mentioned that it will operate until the completion of their duties.

Peace Process continued

The Special Jurisdiction for Peace, one of the main components of the victims' agreement, has been very controversial for several different reasons. Most of the human rights organizations in Colombia have been very supportive of the model and praised the agreement. That has been the case for example of the Comisión Colombiana de Juristas, the Colectivo de Abogados José Alvear Restrepo, and DeJusticia, among many others. However, some well-known international human rights organizations such as Human Rights Watch (HRW) and to a lesser degree Amnesty International, have been very critical. HRW has been the most vocal international critic, and even referred to it as "an exchange of impunity". The main criticism from international human rights groups is based on the belief that the transitional justice model created in the agreement is not in line with the International Criminal Court's requirements. In Colombia, the position toward the victims' agreement has mostly taken party lines. Parties on the right don't like the agreement and parties to the left and center of the political spectrum are supportive. Former right-wing Colombian Presidents Alvaro Uribe

and Andrés Pastrana have been very vocal against the victims' agreement. Uribe, who has never supported the peace negotiations, is now actively rallying against the agreement and the peace process as a whole. Part of the reason for his opposition is that it is based on the fact that the Special Jurisdiction of Peace will judge not only FARC-EP's members and members of the Colombian military accused of war crimes, but it will also cover civilians that have financed and supported paramilitary groups. Uribe himself could be investigated by the Truth Commission, but as a former president with special immunity he will not be judged by the SJP. However, his family members and closest political allies can and probably will be. As Colombia enters into the final days of the peace process, the polarization has continued growing. Clearly, it is not the ideal scenario for reconciliation among Colombians, and as a result there is a lot of uncertainty about the success of the peace process. We should hope for the best, but we at the same time should be aware of how difficult the signing and implementation of the agreements will be.

The Colombia Support Network

Action on Colombia

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The Business of Natural Resources, Corruption and Violence

By Francisco Ramirez,
translation by Cecilia L. Zarate-Laun

One could think that it is a coincidence that in 35% of the mining-energy rich towns in Colombia, 80% of the human rights violations occur, with 87% of the forced displacement of persons, 78% of the killing of unionists, 89% of the killing of indigenous and 90% of the killings of Afro-Colombians. One could

also think that it is another coincidence that in general those towns are the ones with the highest indices of elementary needs not fulfilled. Or one could think that the corruption and violence that propel the governments and multinationals from developed countries to exploit natural resources is a matter of the past. But what has happened with the selling of ISAGEN returns us to a

reality that we cannot deny: the business activities exploiting Colombia's natural resources are business activities based upon corruption and violence at very high levels.

One cannot explain how if the Counsel of State had established procedures with respect to sales by bidding to privatize resources of the state, signaling the prohibition of having

The Business continued

only one bidder, that requirement was not followed by the public officials in charge of having the established rules followed, and because of that “anomalous situation” the bid (“subasta”) with only one bidder resulted in the nation receiving the sum of 9 billion pesos and losing 3 billion pesos in the process. Could we ask, knowing the colossal levels of corruption in Colombia, who wound up with that money? Where did it go? One needs to be either very innocent or very stupid to think this was an “involuntary error” or, as one government functionary told me, it’s that “we do not know how to negotiate.”

ISAGEN is the second largest generator of energy in Colombia. Besides that it owns 23,000 hectares of forests and water sources that protect the generation of energy. ISAGEN had so far transferred 500 billion pesos to the country, had paid 144.175 billion pesos in taxes (multinationals pay \$100 and in return they receive \$138 or \$165, depending upon what area of the country they are located in). Last year ISAGEN generated 336 billion pesos in income. Therefore it is one of the companies which gives the greatest profit to the country and this is why it is not a good idea to sell it.

ISAGEN in 2015 “generated 37% more energy than in 2014, increasing its income by 12% to 1.9 billion pesos, with an EBDITA (earnings before depreciation, interest, taxes and amortization) of 935 billion pesos, larger by 88% over the previous year”. “Its operational costs fell by 200 billion

pesos or 17% and the operational profit was doubled to reach 756 billion pesos.” To sell it when it is so profitable indicates at least a terrible direction and administration of government resources, which is in addition to the consequent loss of state control, which will cause the activation of a contractual clause of nearly 70 billion pesos, due to an inexplicable agreement with an insurance company in the United States. This is the height of corruption.

The sale was preceded by manipulation by one of the “proponents”, who said it had an insured offer, and then when it decided to withdraw from the negotiation it should have lost a gigantic amount of money, multimillions, but the supposed bid insurance did not appear, for this reason, leaving in doubt the words of the Minister of the Treasury. As a consequence of this series of “mistakes”, civil servants from the Treasury Ministry drafted a memorandum by which they “interpreted” the decision of the Council of State with respect to holding an auction with only one bidder, which is what happened, mocking even the decisions of the highest administrative tribunal in the country.

Situations like this indicate a high degree of corruption which has saturated all Colombians, united with other strategies from multinationals such as hiring public employees as their managers, after these individuals as government employees had approved decreasing taxes for mining companies, concession contracts for mining, for oil drilling or for road construction. These

persons also collude with politicians who work with paramilitary forces, in what is called “la parapolitica”, in order to get laws approved which, for example, prohibit the use of native seeds in the country; and approve price increases for multinationals by allowing them to take their medicines off of lists of common medicines and put them on lists of special medicines. These persons also approve arbitration tribunals, in which 95% of the decisions favor the multinational corporations against the country. Meanwhile, more than 3,000 Wayuu indigenous children die from hunger, malnutrition and lack of potable water due to the daily use in their territory by the multinational Cerrejon Mine of 17 million liters of water, while their families use only 0.7 liters. This should call out to the conscience and mobilization of the people, singing to the high public administrators and to the functionaries of the multinationals the chorus of the great combo of Puerto Rico: There are not enough beds for so many people. “Throw them down because on top they are a danger, that crowd is dangerous, out, out to the street, out, out, to the street!!”

With respect to the U.S.-based coal company Drummond, it is being sued in the courts of Alabama and soon its entire executive leadership will be denounced in a criminal proceeding for having committed war crimes and crimes of lese humanity under universal jurisdiction, possibly in Argentina or Ecuador, because in the United States and Colombia there is no type of guarantee that justice will be done.



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Dear Newsletter Readers:

We love you.

Our office in Madison where this newsletter is put together has wonderful workers, every one a volunteer. Many student interns have been introduced there to the realities of human rights challenges in Colombia. Volunteers are helping to make arrangements for our April delegation to the Peace Community of San Jose de Aparadó and Bogotá, and are helping prepare to bring an extraordinary indigenous leader from Colombia to speak at our Annual National meeting in Madison, June 2 – 3.

On a less sublime subject, we need to continue paying the rent, energy, internet, telephone and postage bills for the office. In short, we are asking for your support again.

This is a critical time in the ongoing peace process between the Colombian Government and the FARC-EP guerrillas. Many of the communities with which we work are in areas of conflict. We need to be able to respond to the human rights challenges they will be facing even if the guerrilla wars come to an end.

While the U.S. Embassy's chief concern is helping American businesses and corporations do business in Colombia, it does little for local human rights. CSN can bring a focus here at home to human rights in Colombia, and so to a significant degree, protect rural communities there from threats posed by some of the very businesses receiving help from the U.S. Government. We need to help in subjecting the various paramilitaries in Colombia to terms of the Peace negotiations. CSN can help to prevent ongoing depredation of our sister communities by paramilitaries in Colombia as well, as stopping their violence is essential to peace in Colombia.

Please help this work with a donation to CSN as soon as possible.

With best friendly greetings from CSN members living conveniently near Madison who make up its board of directors,

CONRAD WEIFENBACH
CSN Board Member



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