

# Colombia

Action on



Published by the Colombia Support Network • Winter 2019



Delegation members Jack Laun, David Kast, Eunice Gibson, and Joni Clemens with Peace Community residents at the entrance gate.

**Editor's Note:** *The first two articles in this Newsletter focus on Colombia directly. The first is an analysis by CSN Secretary Eunice Gibson, who is a former Madison, Wisconsin City Attorney and law professor, of the linchpin of the Peace Agreement, the Special Jurisdiction for Peace (JEP). There follows a piece by CSN Board Member David Kast on the recent CSN delegation to Colombia. Then we turn to the issue of protection of water sources from corporate mining interests in Professor Al Gedicks' article on the response to serious threat to water sources and indigenous sacred lands in Michigan and Wisconsin presented by corporations' metallic mining plans, which resemble similar threats in Colombia. We conclude with an article I wrote on recommendations for actions to promote peace in Colombia. We hope you find these articles interesting and helpful in assessing the developments they describe.*

## Colombia's Special Jurisdiction for Peace

by Eunice Gibson

“If you want absolute justice then you won't get peace” is a statement made in the 90-minute film “To End A War”, by British director Marc Silver, describing the conclusion of Colombia's 50-year war. According to the trailer, “ ... the movie explores what it takes, both strategically and spiritually, for a nation of 50 million to move from hatred to forgiveness, from war to peace.”

Every peace agreement must deal with each side's desire to punish the crimes of its opponents and

*continued on the following page*

# Jurisdiction for Peace continued

with each side's desire for amnesty for its own crimes. No party will agree to a peace that will consign its own members to imprisonment. But the United Nations warns against amnesty for the perpetrators of war crimes, crimes against humanity, and gross violations of human rights.<sup>1</sup> The UN High Commissioner for Human Rights warns that amnesties that exempt those responsible for human rights crimes from criminal sanctions have often failed to achieve their goals.<sup>2</sup>

How did Colombia's peace agreement deal with this conundrum? First, the negotiators recognized the problem and victims were actually included in the peace negotiations. Second, the peace agreements create a Truth Commission that is not a court and has no power to punish. Its goals are to find out what happened, so that all of Colombian society will know what happened, and to create an atmosphere of dialog, where people can safely listen to each other.<sup>3</sup>

1 "Rule-of-Law Tools for Post-Conflict States", Office of the United Nations High Commissioner for Human Rights.

2 *Id.* page 3.

3 *Todos Por Un Nuevo País*", Office of the High Commission for Peace, "[But the peace agreements also provided a Special Court to investigate, judge, and punish acts that were committed in the context of and because of the armed conflict, especially serious and representative crimes. This court is known as the Special Jurisdiction for Peace or JEP in Spanish.<sup>4</sup> To receive the benefit of the court's authority, defendants must demonstrate that their actions were either because of or directly or indirectly connected to the armed conflict. Further they must agree to tell the whole truth and nothing but the truth, make reparations to the victims of their crimes, and not continue or repeat criminal activity. If the Special Court finds that their crimes were connected to the armed conflict, and if they to fulfill all three of the requirements, they may receive a sentence of restricted activity, to last no more than eight years, even for the most serious crimes.](http://www.altocomisionadoparalapaz.gov.co/Documents/informes-especiales/abc-del-proceso-de-paz/preguntas-</a></p></div><div data-bbox=)

The JEP has begun its work with great difficulty. Judges regularly receive death threats and are denounced as guerrillas. The Colombian Congress keeps looking for ways to make sure that guerrillas are punished severely and [respuestas-victimas.html](http://www.altocomisionadoparalapaz.gov.co/Documents/informes-especiales/abc-del-proceso-de-paz/preguntas-respuestas-victimas.html)

<sup>4</sup> The peace agreements accept that there are crimes committed in the context and because of the armed conflict that are so serious that they cannot be the object of amnesty.

members of the military receive mercy.

One of the Special Court's biggest challenges is the appeals by officials and the military who have already been found guilty and sentenced by the ordinary justice system. They now want the Special Court to re-examine the evidence against them, set aside the guilty verdicts, and reduce or overturn their sentences. For example, the notorious General Rito Alejo del Río, convicted of murder by the ordinary justice system and serving a prison sentence, has asked the Special Court to overturn his convictions, declare his innocence, and set him free. The Special Court has granted him parole, but has not acted on his claim. In the meantime, the Attorney General has issued an arrest warrant for him, based on another massacre, with more murders.<sup>5</sup> He remains free on the parole order issued by the Special Court.

Colombia's Supreme Court sentenced another Army General, Jaime Humberto Uscátegui, to 37 years in prison for failing to prevent the massacre by paramilitaries of 49 campesinos at Mapiripán in 1997.<sup>6</sup>

<sup>5</sup> <https://eltiempo.com/justicia/investigacion/lo-que-encontro-la-fiscalia-en-el-caso-de-rito-alejo-y-mapiripan-193108>

<sup>6</sup> [radiored.rcnradio.com/noticias/judicial/corte-ratifica-condena-de-37-años-al-general-uscategui-por-masacre-](http://radiored.rcnradio.com/noticias/judicial/corte-ratifica-condena-de-37-años-al-general-uscategui-por-masacre-)

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 grassroots 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

Colombia Support Network  
P.O. Box 1505  
Madison, WI 53701-1505

email [csn@igc.org](mailto:csn@igc.org)  
[www.colombiasupport.net](http://www.colombiasupport.net)

phone 608.257.8753  
fax 608.255.6621

General Uscátegui was paroled by the JEP, although he insists he is innocent and has no intention of asking pardon of anyone.<sup>7</sup> Just like General Rito Alejo del Rio he appears to expect the JEP to overturn the verdict of the ordinary justice system and vacate his sentence. It does not appear that either General intends to “tell the whole truth and nothing but the truth” or make any reparations.

In response to appeals of this nature, the Special Court has ruled that guilty verdicts will not be re-examined, but penalties may be adjusted, if, and only if, the appellant agrees to the Court’s requirements.<sup>8</sup> There are many petitions like these. On August 10, 2018 *El Tiempo* reported that 2,159 members of Colombia’s Armed Forces have petitioned for the protection of the JEP on crimes committed because of or in direct or indirect relation to the conflict.<sup>9</sup> A Colombian Army colonel has even been promoted to Brigadier General while his accusation of “false positive” murders is before the Special Court, not yet resolved.<sup>10</sup>

de-mapiripan

7 <https://www.eltiempo.com/justicia/investigacion/general-uscategui-dice-que-no-va-a-pedir-perd-on-por-masacre-de-mapiripan-85956>

8 *Caracol*, August 30, 2018

9 *El Espectador*, July 26, 2017

10 *Semana*, December 14, 2018

Other military officers who have not been prosecuted but almost certainly will be prosecuted have sought to have the Special Court hear their cases. One example is General Mario Montoya, who has been under investigation by the Colombian Attorney General’s Office for “false positive” murders, but has not yet been tried. Some 2,400 “false positive” victims have been attributed to him.

He has signed a declaration of submission to the Special Court, and it will determine his guilt or innocence, and if guilty, an appropriate penalty. In such cases, Special Court rules are as follows: If he accepts responsibility at the beginning of the process, his punishment could vary from 5-8 years of limitations, but not prison. If he does not admit responsibility initially, but later decides to do so, he would face up to eight years in prison. If he refuses to accept responsibility, but after trial is found guilty, he would face up to 20 years in prison.<sup>11</sup>

The Special Court has warned defendants that they cannot enjoy parole or limited sentences unless they tell the whole truth and commit no more crimes.<sup>12</sup> Some soldiers already

11 <https://www.rcnradio.com/judicialgeneral-r-montoya-firme-acta-de-sometimiento-ante-la-jep-por-falsos-positivos>

12 *Caracol*, August 30, 2018.

found guilty of “false positive” murders of civilians and given long sentences have agreed to confess their guilt, tell the whole truth and nothing but the truth, and make reparations.<sup>13</sup>

On CSN’s December 2018 delegation to Colombia, we talked about the Special Court with two attorneys that we know and respect. Both were very concerned about the Special Court, both because of threats and accusations against the judges, but also about the regular attempts by Congress and other entities to challenge the Court’s authority. One commented that “the oligarchy is terrified of the JEP, because it has the power to find the truth about a lot of things.” The lawyer pointed out that milder sentences for shocking crimes may be a small price to pay for the information that the defendants could provide. That lawyer also commented that people who tell the truth will be in great physical danger.

The other lawyer said bitterly, “While 222 community leaders have been murdered since January 1, 2018, they have stopped killing lawyers, because lawyers aren’t important any more.” Both thought it was crucial to protect the Court’s functions.

13 <https://www.semana.com/nacion/articulo/audiencia-sobre-falsos-positivos---jep/5/8950>

# Report on our CSN delegation to Colombia

from November 29–December 8, 2018

by David Kast

On November 29 four members of Colombia Support Network (CSN) flew into Bogota, Colombia, for the beginning of a 10 day delegation visit to the Peace Community of San Jose de Apartado (San Josecito), to meet with miners from Marmato and later to meet in Bogota with civic leaders and international peace workers. The delegation consisted of Jack Laun, Eunice Gibson, David Kast, Joni Clemens with longtime CSN friend and collaborator Beatriz Vejarano acting as translator on December 6 and 7.

Despite the Peace Accord signed between the FARC and the Colombian government of President Juan Manuel Santos, ratified by the national legislature on 30 November 2016, the situation in Colombia is still dire. Although the overall level of political and military violence has decreased, the withdrawal of the FARC from active armed resistance to the government has left a lacuna in the political structure of Colombia leading to a restructuring of the power struggle between corrupt government, paramilitary and drug factions. This in turn has led to ongoing violence among those factions and against liberal civic leaders, human rights defenders and campesinos.

Between 1 November 2002 and September 2017 more than 609 civic leaders and human rights defenders were murdered (assassinated) with more than 120 killed in 2017 and over 100 this year as of early July.

<https://www.wola.org/analysis/june-update-deadliest-month-year-human-rights-defenders-colombia/>

Within this context Colombia Support Network first visited the Peace Community of San Jose de Apartado, where we met with numerous members

of the community and members of PBI (Peace Brigades International) and another Italian NGO Palomas (non-governmental organization) that offer accompaniment to community members to protect them from violence, primarily from paramilitaries that plague the area.

Paramilitaries, whose existence is often denied by the government which refers to them as ‘bacrim’ (‘bandas criminales’), are often involved or aligned with drug traffickers. A number of important drug routes pass through Antioquia to coastal drop-off points near Turbo and Necocli, making the area dangerous. As well the area is rich in coal deposits although it is not clear to us at this point how these deposits affect the Peace Community or San Jose generally. These factors, along with the Peace Community’s refusal to deal with the local and federal governments that it feels have betrayed and refused to defend them when they have been attacked, result in the community’s further marginalization and ongoing



Eunice Gibson with Peace Community Legal representative German Graciano and companion in the Peace Community’s sewing center.

harassment by local bacrim and paramilitaries.

At the Peace Community we met with the community's legal representative, German Graciano, recently served with a tutela accusing him, as legal representative for the community, of libel against the 17<sup>th</sup> Brigade for the constant reporting of harassment of the community by the brigade. (The 17<sup>th</sup> Brigade has been involved in many incidents against the community, including a massacre in 2005 in which 8 community members were murdered, including 3 young children, for which members of the brigade were found guilty by government tribunals.) The tutela called for a complete public retraction of all such complaints and reports or a five day jail sentence for German as well as five months of minimum wage reparations to be paid to the government by the community. The community has refused. Our delegation interviewed not only German about the tutela, but later in Bogota met with him and the Peace Community's lawyer, German Romero, and other legal representatives in the challenging of the tutela. We have since learned that on the morning of December 7, the Civil Court for the Second Circuit found the tutela null and void for a number of reasons including the lack of recognition of the human rights considerations required by the Resolution of the Inter-American Court on Human Rights of June 26, 2017. Immediately following this decision the Peace Community found pamphlets attacking the community distributed around the outskirts of their community by the Gaitanista Self-Defense Forces of Colombia (AGC), a paramilitary group: another



Making sweetener from the Community's sugar cane in a Peace Community shed.

threat to the community. And another testimony to the need for international accompaniment for the community's members.

As a point of information, a tutela decision is a legal decision or ruling made by a local or other magistrate at the request of an individual against another individual or governmental agency for libel or defamation of character. The purpose of the tutela was to protect the rights of individuals to freedom of expression against governmental or other agencies or individuals in government office that were persecuting them. This tutela against German Graciano was brought against him for defamation of the good name of a governmental agency, in this case the 17<sup>th</sup> Brigade, which had already been accused and adjudicated against successfully for participating in persecution and a massacre against the Peace Community. It was a bizarre turning upside down of the function of the tutela, to protect citizens from

governmental persecution, that it should be used by a guilty governmental agency to condemn an individual or group who was calling that same agency to task for its actions. This is in direct contradiction of Article 181 of the Constitution of 1991, which requires the president to protect the human rights and rights of freedom of expression of individuals, which is in part to be achieved precisely through the means of tutelas.

At San Josecito we also met with community members Jesus Emilio Tuberquia, Jose Roviro Lopez, and Brigida Gonzalez. The latter is a textile worker and seamstress for the community, the first two former and current members of the Internal Council of the community respectively. We also met with Javier Garate, the U.S. representative of PBI in Colombia as well as accompaniment activists from Italy.

Since my last visit to San Josecito in 2013 the community has built a memorial for the community members

# San Jose de Apartado continued

killed in violence perpetrated by personnel from paramilitaries, the military and the FARC. Since 1997, when the community formally declared itself a 'Peace Community', several hundred members of the community have died in this violence, including more than 10 members of German Graciano's family alone. The memorial is very moving. It is interesting to visit the outdoor memorial and see at the same time the pigs, chickens, dogs, horses, and ducks of the community wandering freely within the confines of the community. As well the people, the young children and the adults, busy at their cacao and cane sugar processing. When we were there they were preparing cane syrup similar to a medium molasses from sugar cane grown on their land. The community runs their own school for their children up to secondary school level. We are

always welcomed with a meal and, of course, freedom to roam and talk with the members of the community. The atmosphere for us is very relaxed despite the constant threat the community is under, requiring 24/7 accompaniment. The entire community, including children and adults, is quite amazingly resilient and relaxed considering what they have endured. The countryside is beautiful.

How sad that this beautiful country of Colombia, so rich in abundant water from the paramos, gold, silver, coal, emeralds, gems and oil is under constant assault by avaricious multinationals, a government that colludes with the multinationals, paramilitaries working for these interests and themselves, corruption at all levels of government from the municipal to the national, and a violent drug trade to satisfy international demand for drugs. And,

we need to add, all this with continued military aid from the United States and virtual disregard for human rights by either the United States or Colombian governments despite their rhetoric to the contrary.

Although all aspects of Colombia's problems are interrelated and mixed up with one another, it's important to be aware that the guerrilla wars and drug trafficking are actually of distinct origin, although the revolutionaries, military and government have become entangled with the drug trafficking. The revolutionary activity is a result of tremendous wealth inequality, poverty, the displacement of campesinos and resultant land distribution inequities, and the killing of liberal politicians. Specifically, the conflict broke out in 1946 as a result of Conservative Party candidate Mariano Ospina Perez defeating Liberal candidates Jorge



Two girls who prepared our delicious meals in the Peace Community kitchen.

Eliecer Gaitan and Gabriel Turbay with a plurality (not majority) of votes. In the countryside the conflict was between Liberals and Conservatives. Although Chiquita Banana was responsible for a 1928 massacre of banana plantation workers, current multinational interests and violence in support of their interests became particularly prominent beginning in the 1960s.

The drug trafficking grew out of the separate problem of international drug demand and the campesinos' inability to find modes of transport for legal produce. These already existing problems were exacerbated by the United States-Colombia Trade Promotion Agreement (CTPA) which opened Colombia to cheap subsidized goods from the U.S. and unfair competition from international producers putting tremendous strain on local businesses and farmers. Further, the United States' strategic economic/military interests have been encouraged by Colombia, allowing the U.S. military to use Colombian airfields and bases as needed in return for U.S. military aid in fighting the rebel forces in Colombia. The U.S. has also supported the spraying of coca crops, which also destroys legal crops and affects the health of local populations without substantially reducing coca production. The anti-coca campaign is a politically motivated enterprise opposed by environmental groups and local farmers. It serves in part to convince American citizens that 'something is being done about the drug problem' as well as serving the interests of the chemical companies supplying the chemical sprays (e.g. Monsanto/Bayer's Round-Up Ultra). It also convinces many people in the U.S. that the problems in Colombia are primarily drug problems, thus obscuring both the tremendous wealth and land ownership inequality issues that



Brigida Gonzalez, artist and weaver of the Peace Community.

triggered the internal conflict and the economic exploitation by national and multinational business interests that has grown tremendously since the 1960s and has been supported by successive Colombian governments.

We visited San Josecito on November 30, December 1,2. After leaving the community on December 2 we drove to the coastal towns of Turbo and Necocli, which provide access to the Caribbean and have for many years been focus areas for the exporting of drugs and the importing of weapons. The construction of new highways through these towns will also promote the tourist industry.

On December 3 we left Apartado and flew to Medellin, where we met with Yamir Amar and Ruben Dario Rotavista Vanegas, who had come from Marmato, south of Medellin and northwest of Bogota to meet with us. We met them at the bus terminal. Marmato is rich in gold deposits and has attracted the interest of multinational gold mining interests which would like to engage in large scale open pit mining there. The small scale artisan miners and citizens in the area have resisted. There have been a

number of murders of leaders, including that of the parish priest, Fr. Restrepo, who stood up for the artisanal miners against the multinationals. The large gold interests wanted to raze the town, an old colonial town, and build a new one for the people at the base of the mountain in which the deposits lie. But this new mine, besides destroying the people's homes and town would also destroy the mountain and pollute local water supplies. So far the large mining interests have been held at bay, but they persist with the support of the government. The Constitution of 1991 requires the input and approval of the local government and residents, which approval has been refused, but that section of the Constitution has often been ignored, thus the struggle continues.

That night we flew into Bogota for meetings the following days.

On Tuesday, December 4, we first met with Ricardo Vargas, a Colombian scholar and researcher affiliated with the Transnational Institute out of Amsterdam, Netherlands, and an expert on the drug problems of Colombia. His report reiterated some of the problems mentioned above. He was pessimistic as far as solving the problems goes, in part because of the degree of corruption in the Colombian political theatre and the number of government, military and paramilitary groups who are themselves in one way or another connected with the drug trafficking. It is simply not clear that all the drug eradication programs and talk are more than a smoke screen to distract from the greater interest in economic exploitation of Colombian natural resources, which are tremendous, and the establishment and maintenance of a permanent United States military presence in Colombia as a gateway to South American involvement.

---

# San Jose de Apartado continued

Later in the day we met with Clara Lopez, a former Minister of Labor, mayor of Bogota and presidential candidate. She is one of those rare politicians who have come from wealth and family but joined the progressive movement through marriage and personal involvement. As a progressive she addressed many of Bogota's problems during her tenure as mayor. Her social status undoubtedly protected her to some degree. Although all the people we interviewed were grateful for the Peace Accord signed in 2016, they also recognized that governmental support for the implementation of the accord was woefully inadequate. Thus she too is pessimistic about the future of Colombia as monied and multinational interests, and their internally powerful supporters, experience reduced resistance to their plans.

Not only is Colombia extraordinarily rich in natural resources and thus a target for exploitation of these resources, but it is also the only country in South America with coasts on both the Pacific and Atlantic Oceans, making it strategic geopolitically. As mentioned already it also suffers from tremendous income inequality and its attendant land ownership inequality. Unfortunately the Peace Accord of 2016 does not adequately address these issues nor supply the necessary implementation tools for the problems it does address.

On Wednesday, December 5, we took a break from business and visited the beautiful Botero Museum which also houses the museum for international art. Botero is a marvelous Colombian artist and chronicler of the modern political scene through his art.

Later in the day we visited the Universidad de la Sabana in Chia, north of Bogota. And we very briefly visited with Andres Felipe Lopez Latorre of the Law Faculty there. Primarily we

toured the university, a newer and quite beautiful private university.

Thursday, December 6, was our busiest day of meetings. In the morning for breakfast we met with Gloria Cuartas, the diminutive former mayor of Apartado....diminutive in physical stature but not in energy or activity. She had been chosen as a compromise candidate for mayor of Apartado between the two primary opposing parties and she turned out to be a crackerjack of a progressive leader, supporting the common people and standing up to corruption. When she met us she was incredibly vibrant, alive with energy and wit and good humor. However, she also was not too hopeful regarding Colombia's proximate future.

Next we went to the law offices of German Romero, chief lawyer for German Graciano, mentioned earlier, and the Peace Community. While there we also met with Fr. Javier Giraldo, S.J., who has worked with CINEP (Centro de Investigacion y Educacion Popular), a Jesuit thinktank founded in 1972 for the study and teaching of social equality and sustainable development. Father Giraldo is largely responsible for the Banco de Datos (Data Bank) that since 1988 has kept exhaustive records of the political violence in Colombia from all sides to keep alive the memory of those lost to the violence. Also in attendance were Simon Crabb, an international advocate from Arnot Manderson Advocates out of Edinburgh, Scotland, and other lawyers from German Romero's office. They were to attend a meeting of the Colombian Constitutional Court later that afternoon to ask that the tutela against German Graciano be reviewed for possible dismissal. But the Constitutional Court had over 10,000 submissions and only chose to review 5 of them. German's was not one of them.

But, as mentioned earlier, the tutela was vacated the following morning; very good news for the Peace Community.

Next, we met with Guillermo Fernandez Maldonado, Deputy Representative for the Director of the United Nations High Commission for Human Rights in Colombia and with one of his field workers, Felipe. I am sorry that we did not get Felipe's last name. From them we learned that Colombia has the largest stand-alone country office of the U.N. High Commission for Human Rights in the world, with 16 or 17 field representatives within the country. They monitor human rights abuses and write annual reports on the human rights situation. In general these reports have been highly critical of the Colombian government's response to human rights violations.

Some of the highlights of this discussion: The human rights offenses monitored during the last two years have been higher than during the conflict years and have escalated during the last three years. Killings are related to structural problems of lack of human rights protections in 92-93% of municipalities that have limited state presence and have high poverty rates. As a result illegal economies have flourished with their attendant problems. There are multiple armed groups involved. The FARC used to offer an ad hoc government stability, but they are gone now. Seventy-seven per cent of the violence occurs in areas formerly controlled by the FARC. There is tremendous need of land reform, support for subsistence farming and crop substitution (substituting legal crops for coca production), and human rights protection. All of this is included in the Peace Accord, but the implementation is almost totally lacking. And there is the problem of corruption





Observing the sugar cane processing operation.

at all levels.

The final meeting of the day was with Nancy Fiallo for dinner. She is head of the observation team overlooking the work of JEP (Jurisdicción Especial para la Paz), a system of courts and magistrates that is meant to allow former rebels, government/military and private citizens to come forward to confess their violent crimes during the war period to avoid or reduce punishment for the crimes. The military who are accused use JEP, as do former FARC members who have committed crimes against civilians, etc. But the wealthy do not, because they can often buy their way out of prosecution or leave the country and receive asylum internationally. JEP has also been attacked by conservative forces both within and outside of the government and so has not been adequately effective. Thus the process is highly flawed.

Our final day before leaving was Friday, December 7. In the morning we visited the Museo del Oro (the Gold Museum) with beautiful gold work made during the Pre-Colombian period.

We also did a bit of shopping.

Later we met with our last interviewee, Luis (Lucho) Celis, who works with the Program for Development and Peace, founded 25 years ago by Fr. Francisco de Roux, S.J. This program works with a network of regional civil and NGO development planners, with some contributions from the state. It arose in the Middle Magdalena area in the 1990s during the deadliest decade of the ongoing wars. The Program for Development and Peace works largely through Catholic groups but faces exactly those challenges that were mentioned by Felipe in the meeting at the office of the U.N. High Commissioner for Human Rights: there is less overall violence, but violence against human rights leaders and civic leaders has increased. There is a lack of government support for social programs or support of human rights. The drug situation is out of control and there is too much collusion between the various social actors, both governmental and nongovernmental, in the trafficking.

Joni asked about the effect of Plan

Colombia. Lucho said that Plan Colombia was like an iron fist against the FARC but also hit the campesinos hard. It acted as a partial deterrent to the guerillas but did nothing to alleviate the inequalities in the society.

The rural areas are left without support; there are no guarantees for political participatory democracy; there are many scars left from the decades long war; there is more peace, but also strong forces opposed to needed social change; the primary challenges are along the lines of supporting real democratic institutions, building a legal economy, and land restitution.

As with all our interviewees, Lucho felt the Peace Accord was a good, albeit flawed, step forward. He was generally more hopeful than the other interviewees.

Another point of information. Although the FARC signed the Peace Accord and relinquished their weapons to U.N. monitors, the ELN, the second largest rebel group, did not. They are still in negotiations with the government. Also some FARC dissidents refused to accept the Peace Accord and have returned to the countryside to continue the struggle. But the FARC was by far the largest rebel group having at one time upwards of 13,800 members, while the ELN probably had a maximum membership of 3,000. Both groups were formally begun in 1964-5, so the armed struggle was more than five decades long, longer if we include the countryside conflicts beginning in 1946.

Our drivers on the delegation were Jorge in Apartado, Julian and Carlos in Bogota, all of them wonderful to us and never letting us down. (We did have one crazy cab driver in Medellin, however!)

Paz para Colombia! – Peace for Colombia. .

# Mining vs. Water Quality and Quantity Protection in Wisconsin

By Al Gedicks

On December 11, 2017, Governor Scott Walker did the bidding of Aquila Resources, Wisconsin Manufacturers and Commerce, and the mining industry and signed into law Senator Tom Tiffany's (R-Hazelhurst) Industrial Acid Mining Bill. The bill repeals Wisconsin's 20 year-old landmark "Prove it First" sulfide mining moratorium law that has protected Wisconsin precious waters from what the U.S. Environmental Protection Agency (EPA) has called "the most toxic industry in America."

According to Raj Shulka, Executive Director of the River Alliance of Wisconsin, "Our current Prove it First law requires mining companies to prove in advance that any claim have the technology to be capable of operating safely. 'Capable' is far from proven and not worth the risk." In other words, Wisconsin is now the guinea pig for unproven mining technology.

Despite the serious threat of acid mine drainage and the catastrophic release of mine waste, Republican legislators made no attempt to consult affected native and non-Native communities. "This bill would weaken existing regulations that protect the environment, and would thus concurrently weaken protections for the treaty-reserved natural resources that GLIFWC's (Great Lake Indian Fish and Wildlife Commission) members

have a right to harvest," said GLIFWC director James Zorn.

Mayor Mike Wiza of Stevens Point, expressed concern about Aquila's potential development of the Reef gold sulfide mineral deposit near Eau Claire Dells in Marathon County. "If that mine were to become operational, it could affect the waters that flow through the Eau Claire Dells, which then eventually flow into the Wisconsin River (and) Lake Wausau," said Wiza. "The Wisconsin River goes right through Stevens Point and right through Wisconsin Rapids, and affects every community between here and there, as well as everything downstream."

## ***Grassroots Opposition to a proposed Lynne sulfide mine in Oneida County***

In May of 2018 the Lac du Flambeau Tribal Council passed a resolution opposing mining in Oneida County and requested formal conversations with county leadership. Despite overwhelming public and tribal opposition, the Oneida County Board voted on June 19, 2018, to allow sulfide mines in areas zoned 1-A Forestry and General Use. This decision reversed an August 21, 2012 decision of the Oneida County board to end a proposed plan to lease County Forest land for metallic mining.

In response to the dramatic outpouring of opposition to potential sulfide mining, the Planning and Development Committee called for a non-binding referendum to be put on the November ballot, asking voters whether they support leasing the Lynne site for sulfide mining.

## ***Oneida County residents say "NO" to mining in an advisory referendum***

On November 6, 2018, over 11,000 Oneida County residents, representing

62% of the county, said "no" to proposed mining. The vote against a proposed mine in the town of Lynne is a tribute to the grassroots campaign of local citizens and members of the Lac du Flambeau Ojibwe who formed the group, Protect the Willow, to educate voters about the risks of drilling for the deposit some 50 feet below the Town of Lynne. The Lynne deposit is located less than ½ mile from the Willow River. The DNR designated the Willow an Outstanding Resource Water. This means that the Willow has a non-degradation water quality status to protect it.

The Great Lakes Inter-Tribal Council, representing a consortium of 11 Indian tribes in Wisconsin and Michigan's Upper Peninsula, also passed a resolution declaring their strong opposition to any metallic mineral mining activity in the upper Great Lakes Region that "could negatively impact the traditional way of life of tribal members, and treaty-protected hunting, fishing and gathering by tribal members."

The grassroots campaign also defeated a well-funded propaganda campaign, featuring glossy pro-mining flyers sent to Oneida County residents by Wisconsin Manufacturers and Commerce. The flyers featured beautiful color scenes of deer and rushing water with the tagline, "Here in Northern Wisconsin, Clean Water Matters." The voters in Oneida County agreed that clean water does matter and voted against sulfide mining.

After the "no mine" vote, Oneida County Board Chair Dave Hintz said that the Lynne mine project was "off the table." However, Hintz also told Wisconsin Public Radio that the county may re-examine the issue in the future. "We'll see what's changed when it comes

up again. How soon that will be, I have no idea.” The Protect the Willow group will need to remain vigilant to protect clean water in Oneida County.

### ***Opposition to Aquila Resources Back Forty sulfide Mine Continues***

In November 2015 Aquila Resources, a Canadian exploration company that has no experience with mining, applied to the Michigan Department of Environmental Quality (MDEQ) for a permit for an open pit sulfide mine, known as the Back Forty, next to the Menominee River, which forms the Wisconsin-Michigan border. The ancestral homeland of the Menominee Indian Tribe of Wisconsin lies within the footprint of the proposed mine. In January 2018, the Menominee Tribe and the environmental law firm Earthjustice, filed a lawsuit in a Wisconsin federal court alleging that the federal EPA and the U.S. Army Corps of Engineers did not have authority to delegate the permitting process affecting an interstate and international watershed to the Michigan DEQ. If successful, the lawsuit will require the federal agencies to assume primary control over the wetland permitting process for the mine.

The largest demonstration of public opposition to the proposed mine occurred at the January 2018 public hearing on Aquila’s wetland permit in Stephenson, Michigan. Nearly 500 members of the public attended the hearing. Over one hundred people provided testimony against the permit.

Shortly afterwards, the EPA formally objected to the permit, saying that the company had not demonstrated that public waters would be protected from pollution. In April 2018, Aquila officials met with the EPA to discuss EPA’s objections to the company’s wetland

permit. Following the meeting, EPA dropped its objections to the permit.

On June 4, 2018, the MDEQ issued the final required permit for the controversial project. Environmental groups and the Menominee Tribe were outraged at the approval, despite objections from MDEQ’s own Water Resources staff. According to the agency’s findings of fact: “After due consideration of the permit application, on-site investigation and review of the other pertinent materials, the Water Resources Division finds that the project does not demonstrate that an unacceptable disruption of the aquatic resources of the State will not occur.”

According to Kathleen Heideman of the Mining Action Group of the Upper Peninsula Environmental Coalition, the approval of Aquila’s Back Forty wetland permit was “a political act, directly contradicts the recommendation of DEQ’s own Water Resources Division. This permit is inconsistent with the Clean Water Act.”

On November 13, 2018, the Coalition of SAVE the Menominee River filed a lawsuit in federal court against the EPA and the U.S. Army Corps of Engineers, seeking to stop Aquila’s proposed Back Forty mine.

The lawsuit challenges the decision of the EPA to delegate final permitting authority to the Michigan Department of Environmental Quality despite the fact that boundary water has impacts to both Michigan and Wisconsin. The suit alleges that even if the wetland permit fell within the authority delegated to Michigan, the EPA’s decision to withdraw their objections to the Back Forty permit “was not based on substantial justification and is arbitrary and capricious, an abuse of discretion and contrary to applicable law.”

### ***Restoring Science and Environmental Protection to Natural Resource Policy***

Democratic Governor-elect Tony Evers has promised to restore science to the Wisconsin Department of Natural Resources (DNR) after the drastic funding cuts to scientific staff by the Walker administration. He and Attorney General-elect Josh Kaul say they also plan to strengthen environmental protections that were relaxed during eight years of one-party Republican rule. During his gubernatorial campaign Tony Evers expressed support for restoring Wisconsin’s “Prove it First” sulfide mining moratorium law. Public opinion polling prior to the repeal of Prove it First found the 87.2 percent of the Wisconsin residents wanted to keep Prove it First protections from mining pollution.

#### **The Colombia Support Network**

##### *Action on Colombia*

##### **Editor**

Jack Laun

##### **Contributors**

Al Gedicks

Eunice Gibson

David Kast

Jack Laun

##### **Design**

Randy Clark

<http://colombiasupport.net/donate/>

Wicola/CSN is a 501(c)3  
tax-exempt organization.

Your tax-deductible donation  
helps support our advocacy,  
education and  
people-to-people initiatives.

---

# Recommendations for Actions to be Taken to Promote Peace in Colombia

*By Jack Laun, based on a presentation made at the opening session of the Program: "Enlazados por la Paz" at the Universidad del Rosario in Bogota on August 21, 2018*

The following suggestions, if implemented, would promote peace in the Colombian countryside:

1. A catastral survey of rural areas should be completed and recorded. This is important for security of title to their property of campesinos. In this connection it is vital to return those who have been forced from their lands by the armed conflict to the lands where they lived and to provide them with security of title to these lands.
2. The Santos government's introduction of the ZIDRES plan, and freezing of consideration of ZRC's (zonas de reserva campesina), threatens to undermine campesino holdings in the countryside, undermine the treatment of baldios (untitled rural lands) under Law 340 of 1964, and lead to low-pay worker status, instead of landowner status for campesinos where the ZIDRES model is applied.
3. Decentralization of government should be pursued.
4. It should be a priority of the national government to build many "farm-to-market" roads to permit campesinos' access to markets for their crops, and construction of medical facilities and schools in isolated rural areas should be a priority.
5. With respect to coca-growing and the drug trade, the ultimate solution can only be government regulation of production and marketing of coca/cocaine, i.e., a legalization structure, which will take the tremendous profits out of the coca economy. This was the recommendation of Milton Friedman of the Chicago School of Economics at the University of Chicago years ago. Spraying coca fields with glyphosate (Round-Up Ultra) is not a reasonable solution to coca production. The product is a carcinogen and very detrimental to health. Although the U. S. Government through its embassy in Colombia has sponsored and promoted the use of glyphosate in spraying campesinos' fields---even to the extent of the Deputy Chief of Mission in the U.S. Embassy telling a Colombia Support Network delegation several years ago that it would be safer to drink a glass of glyphosate than it would be to drink a glass of milk! ---this should end. It is wrong.
6. In the meantime, alternate crops and new farm activities, such as fish-farming, should be encouraged as a substitute for coca-growing. The plan to give coca farmers \$300 per month as a substitute for the funds they would receive from producing coca paste on the condition they immediately cease coca production is not a bad idea, as long as the program is properly managed and inputs such as credit for their new production and agricultural extension services are

---

provided. The government should consider a price support system for campesino-grown products.

7. Paramilitary activities are widespread throughout much of rural Colombia. The paramilitary strategy was recommended by a military commission sent to Colombia by President John F. Kennedy in 1962. Led by General William Yarborough, a close advisor to President Kennedy, the Commission's recommendation came in response to fears of the spread of influence of Fidel Castro's revolution in Cuba to Colombia. The paramilitary structures should be opposed and dismantled by the Colombia government and members should be brought to justice---perhaps with processing through the JEP (transitional justice structure, the Special Jurisdiction for Peace)---and military and police collaboration with the paramilitaries should be ended. We of the Colombia Support Network have observed in our visits to the Peace Community of San Jose de Apartado the active collaboration of the Army's Seventeenth Brigade, and joint patrolling with, the paramilitaries in the Apartado region. Coronel Antonio Dangond, at the time the Commander of the Seventeenth Brigade told a Colombia Support Network delegation in November of last year that the leaders of the Peace Community of San Jose de Apartado are liars, and their reports of joint paramilitary/military patrols and threats were false,

but we know the contrary to be true. Nor is it helpful to classify armed groups in the countryside as "bacrim"---bandas criminales, or "criminal gangs". In many parts of the country, including Uraba, organized criminal structures have existed for many years and continue their criminal activities. Classifying them as "bacrim" does nothing to remove their threat to peace in these regions.

8. The dependence of Colombia upon United States military aid is not positive for Colombia. There should be a "peace dividend" from the end of the armed conflict with the FARC guerrillas. It should be possible to reduce the size of the Armed Forces. And it is important to clean up corruption in the Army and the Police. The U.S. presence in 7 military bases in Colombia, from which control of security of the Southern Hemisphere by the U.S. is focused, is not favorable for Colombia.
9. Corruption needs to be countered and combatted at all levels.



Wisconsin Interfaith Committee on Latin America, Inc.

**Colombia Support Network**

P.O. Box 1505

Madison, WI 53701-1505

ADDRESS SERVICE REQUESTED

NON-PROFIT  
US POSTAGE  
**PAID**  
Madison WI  
Permit No 440

# You do make the difference!

Become involved in ending horrible human rights abuses in Colombia.

I would like to become a member of  
the Colombia Support Network

ANNUAL MEMBERSHIP \$25 REGULAR/\$15 LOW INCOME

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

PHONE/FAX \_\_\_\_\_

EMAIL \_\_\_\_\_

Please make checks payable in \$US to WICOLA/Colombia  
Support Network. Donations are tax deductible.

**I am interested in volunteering by:**

STARTING A CSN CHAPTER IN MY LOCALE

GOING ON A DELEGATION TO COLOMBIA

TRANSLATING/INTERPRETING

HELPING IN THE OFFICE

SETTING UP A TALK AT MY SCHOOL, GROUP, OR CHURCH

PARTICIPATING IN CSN STUDY GROUPS

I am sending a donation of p \$25 p \$50 p \$100 p other

Check  PayPal

NAME \_\_\_\_\_

ACCOUNT \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

SIGNATURE X \_\_\_\_\_