



Larry Sacks
Mission Director
USAID
Bogotá, Colombia

April 9, 2021

Dear Mr. Sacks,

Before the annual consultation between USAID and U.S. civil society, WOLA informally surveys organizations, experts, academics, activists, and others partners in Colombia about U.S. cooperation in the region. We did the same for this document's purpose and solicited input from more than 50 entities, including groups receiving USAID assistance and many who do not receive funding. This input is not a scientific survey. Rather, it is a summary of the impressions we received combined with WOLA's suggestions due to our long history of monitoring U.S. funding to economic, social, peace, and human rights matters in Colombia. We appreciate the opportunity to share this document with you and to engage in ongoing dialogue for the shared purpose of ensuring that USAID assistance is directed in the most effective way to advance peace and human rights in Colombia.

The change of administration in the United States has filled many with optimism. Under President Biden, there is a sense that new opportunities will open up to promote peace and human rights and that his administration is open to listening to the voices of the Colombian peace and human rights movement. However, there is concern that it will be challenging to garner the levels of commitment that these movements seek. The concern is that the Colombian government does not have the political will to fulfill what it promises and agrees to nor to generate opportunities for minorities, low-income persons, and the working class. Its interest is based on satisfying the elite class and businesspersons' demands, regardless of how these infringe on fundamental rights, damage the environment, and destroy the peace accord.

Currently, Colombia is at a crossroads deciding whether to continue with peacebuilding or to follow the Duque administration in its desire to return to disastrous policies of the past, like the Democratic Security doctrine and aerial fumigations using glyphosate. A large part of civil society believes the Duque administration does not support their efforts. The administration only demonstrates support to its political contributors and to policies that benefit the country's elite and wealthy class. Despite this, most of society believes the

future cannot be a return to cycles of violence. Except for the government's attention to the pandemic, Colombian society agrees that this should not be the way forward and that the national government diverts attention from the country's actual needs. The national government uses the pandemic as a cover to its benefit, without regard for society as a whole.

In December 2019, Duque's popularity rating did not reach 30%, in part because the government seems determined to destroy peace and govern exclusively for the rich. There is concern that unless a political change occurs, where a political decision is made to promote peace in the near future, the country will lose the opportunity provided by the peace accord. Therefore, all of our partners expressed that the number one priority for U.S. assistance must be in advancing, strengthening, and elevating the Duque government's political will to implement the 2016 peace accord. The government must guarantee that it will not manage the resources allocated, as it has shown that managing how resources are allocated is its only interest. There is much distrust about the government and its management of funds from the international community that are meant to support peacebuilding. Independent entities must rigorously monitor any funding and it should be linked to criteria with results and evidence.

Transitional Justice

The U.S. Ambassador's meeting in Bogotá with the president of the Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz, JEP*) and the acknowledgement that the United States will protect this institution's independence was very well received. However, USAID still does not support the JEP financially. While it has agreed to support victims' organizations to attend hearings and claim their rights before that court, financially supporting the JEP would suggest a more significant show of confidence in its work. WOLA and other U.S. civil society organizations are urging Congress to fund the JEP. As with all USAID funding, it should be done with strict oversight and administration of the resources from the same organizations' that finance it. Doing so would prevent misappropriation of resources and help approach the JEP's work from an ethnic perspective and with tailored pedagogy.

The Truth Commission (*Comisión de la Verdad, CEV*) has done significant work through its listening sessions to reveal many painful truths of the conflict and shed light on armed groups and the state's accountability. Its emphasis on vulnerable populations' voices, including Afro-Colombians, Indigenous, women, and LGBTQ+, is critical. It will publish its final report and recommendations later this year. It is anticipated that the report will include a strong ethnic emphasis, including an ethnic chapter, and will provide a robust set of recommendations to ensure non-repetition and offer collective reparations to victims. The idea is that the Commission will end its mandate by establishing a program of reforms and necessary transformations for the public agenda to avoid repeating the past.

It is critical that USAID support, both politically and financially, the Truth Commission's (CEV) recommendations at all levels and help push for the necessary reforms for preventing repetition. First, ensure the information in the report reaches the broadest sectors of Colombian society. In particular, USAID should help ensure the report's content is known and understood among rural Afro-Colombian, Indigenous, and geographically-distant communities. This content should be shared with a tailored pedagogy focused on understanding each community based on their culture, language, and applicability. Likewise, it should promote the necessary reforms at the state level and through a regulatory framework (in which the actual beneficiaries are the victims and not the present administration). A committee will be established to follow up on the final report's recommendations, which the United States should support. There is an expectation that a network of allies, including WOLA, will contribute politically to reinforce the message of transition and reconciliation. A plan is required from civil society groups, such as CODHES and other groups that support these efforts. This plan should also embrace pedagogy, socialization, the right to memory, institutional reforms, cultural campaigns, and continuous support. USAID should plan the transfer of resources towards these objectives.

It is essential the USAID support the JEP and the CEV. However, its support should be for the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y No Repetición, SIVJRNR*) in its entirety. In the short term, the body that will remain working on the victims' participation is the Search Unit for Missing Persons (*Unidad de Búsqueda de Personas dadas por Desaparecidas, UBPD*). The United States and USAID should support the victims searching for their missing persons and support the UBPD politically and financially.

Political participation by victims and ensuring they have a voice in Congress are fundamental. Work must begin with implementing chapter two of the peace accord and ensure that the Special Peace Electoral Constituencies (*Congreso la Circunscripción Especial para la Paz*) are included in Colombia's congressional agenda. USAID and the United States should work for the approval of these constituencies in Colombia's Congress.

USAID should support and accompany economic, solidarity-based, and productive initiatives that integrate communities, victims, and ex-combatants involved in the reintegration process. Such initiatives strengthen reconciliation processes and generate commitments of political responsibility among ex-combatants. It will also create community processes to prevent repetition and enhance local economic networks. These networks are vital to economic reactivation in the territories due to the COVID-19 pandemic.

USAID should also work to support the Campesino Reserve Zones (*Zonas de Reserva Campesina, ZRC*) and help the Campesinos who are part of these entities to ensure food security and a sustainable economy in the rural areas. The Campesino Association of the

Cimitarra River Valley proposes that the Campesino Reserve Zones be USAID-testing grounds for implementing the peace accord and guaranteeing Campesino rights in the municipalities. They propose their declaration to prioritize the implementation of Decree 660 of 2018 on the prevention and protection of human rights defender communities. Also, they suggest that the sustainable development plans of the ZRCs be updated and financed by USAID.

It is also necessary to end the conflict as stated in chapter 3 of the accord and implement dialogue strategies where the priority is reactivating peaceful dialogue between the government and the ELN. Additionally, it is necessary to establish mechanisms to dismantle and disarm the group's perpetrating paramilitarism. Mechanisms should be created by civil society, social organizations, and communities to promote international humanitarian law agreements in the territory to allow for processes of dialogue, as well as protection routes for leaders and communities that are currently under siege and persecuted by different legal and illegal armed actors. USAID would play an important role in promoting mechanisms that strengthen IHL and promote these agreements.

A main shortcoming is that civil organizations do not have sufficient financial and reporting capacities. These CSOs need more support, and emphasis needs to be placed on this.

Although international aid resources are earmarked for specific actions, previous administrations and the current one deviate from the intended use of these resources. Rather than use the resources to reflect the public policy established in the development plan, the administration uses them to generate publicity opportunities in favor of the people who contributed money for the political campaigns that brought them to their current positions in power.

The government does not empower institutional capacities, and it does not empower local groups to generate continuity in international support response. It is not interested in ensuring that communities in the territory know how to implement these resources, and it is not interested in ensuring that the communities know how to demand that these resources are invested and used for the purpose they were provided.

If specific actions are executed, those actions are treated as if carried out by the local or national government, and not as part of international aid. This particular treatment prevents the target community from really understanding and monitoring the investments made.

In terms of proposals, the largest investments provided by the U.S. government should be directly to civil society organizations that work on Campesino, ethnic, victim-based, gender, academic, and religious matters. This guarantees that the resources are allocated directly to the territories and to the organizations that have an accurate trajectory of work in the

regions, eliminating corrupt intermediaries who seek benefit for themselves and those who supported specific political campaigns, and not the communities.

With these resources, the organizations would empower and strengthen themselves. The organizations would present projects, plan, develop, and execute actual peace initiatives to improve their territories. These initiatives should focus on protecting human rights, the territories, the environment, and their real needs, reflecting greater participation in all the bodies created by the accord, especially in the SVJRN. To a lesser extent, these initiatives should support government actions aimed exclusively at the areas affected by the conflict, with plans, programs, and projects agreed upon with the communities, not at the current administration's discretion.

In the case of support provided to municipal governments, governors' offices, and other government entities, USAID should provide strict follow-up and monitoring with complete reports on the implementation of resources through its agencies and operators. USAID must also ensure that U.S. funds do not go to elected officials or associations of public entities with a history of ties to illegal groups and/or prior charges of corruption and mismanagement of resources.

Maintaining the independence of the justice system

Much concern is expressed about attacks on the independence of the justice system beyond the transitional justice system. During the Duque administration's tenure, there has been an increase in attacks against judges and contempt for their decisions. In this regard, USAID must cooperate with justice institutions to strengthen their autonomy and independence and support the Campaign for the Independence of Justice.

The support that USAID has provided to the Ombudsman's Office, the Attorney General's Office and the Prosecutor General's Office has generated important institutional capacities, but there is concern that these gains are being dismantled. Concern was also expressed about the diminishing actions of the Ombudsman's Office and Prosecutor's Office in safeguarding the defense of human rights. In the Prosecutor's Office, for example, we are seeing the de facto dismantling of the Special Unit of the Prosecutor's Office for cases of assassinations of trade unionists.

Protection of social leaders and communities

The key to making a lasting impact on the protection of social leaders and communities facing humanitarian crises and displacement is to work on dismantling illegal armed groups. The purpose of the National Commission for Security Guarantees (CNGS) is to dismantle these illegal and criminal organizations.

In chapter 3.4 of the accord, the United States is supposed to accompany this process and, in particular, the CNGS. Both the Embassy and USAID need much bolder and more public

action to promote the CNGS itself and its work. A secure mechanism must be established for social organizations and others to confidentially denounce abuses committed by Colombia's public forces. Aid to units receiving U.S. military assistance must be cut off.

The Delegate Ombudsman for Ethnic Affairs Richard Moreno has left, and no replacement has been appointed, indicating that it is not a priority issue. The U.S. government should pressure them to appoint a replacement immediately. The replacement should have a record of defending Indigenous and Afro-Colombian rights (and not have a history of corruption and political priorities).

In all of these places, we heard from the people that militarization does not solve historic problems. Regardless of what it presents internationally, the Duque government prioritizes military and security efforts in Colombia to combat insecurity and drug trafficking in all of these areas. The people state that they require a more significant state presence, but with the guarantee of economic, social, cultural, and environmental rights. The gap between rural and urban areas persists, and the people are calling for the adequate protection of human rights and international humanitarian law in rural areas as the conflict continues to escalate.

USAID must ensure that it does not become involved in the Colombian government's implementation of its revised vision of peace. Instead, it should use its aid to guarantee the country's democracy, peace with social justice, and respect for human and ethnic rights. Efforts to support the Development Programs with a Territorial Approach (*Programas de Desarrollo con Enfoque Territorial*, PDET) and the National Comprehensive Program for the Substitution of Illicit Crops (*Programa Nacional Integral de Sustitución de Cultivos Ilícitos*, PNIS) should follow what was agreed in the 2016 peace accord. Policies and programs aimed at rural development must follow sustainable and environmentally-friendly objectives. On the other hand, an analysis about aerial fumigation to eradicate illicit crops should be conducted. USAID must have a significant impact in monitoring the implementation of the peace accord.

Similarly, it should monitor the follow-up of programs that involves the investment of economic resources aimed at vulnerable populations, ethnic groups, and victims of the conflict since these population groups are benefiting less. Oversight of international assistance should be carried out to verify that contributions have been delivered to the beneficiary communities and do not remain unused in state entities. Corruption does not allow the development and implementation of the accord in its entirety.

In terms of the PDET, it's suggested that the priorities be reconciliation, coexistence, productive infrastructure, and peace. For this to function adequately, justice is key to organize social property and land use as well as benefiting local economies, production, and agricultural markets. Here, the PDET and PNIS are complementary in that they both work to eradicate coca crops and substitute it with sustainable alternatives for economic

development, as well as coordinate with farmers and ethnic groups while strengthening female leadership.

For this to work, there needs to be an effort to consolidate justice institutions in these areas and guarantee gender and racial equity. In the case of women and ethnic minorities, these programs need to close gaps of inequity that exist for these groups. In these processes there needs to be a clear guarantee and a real issuing of collective titles (because it is not being done). The eradication of illicit crops, like coca for example, needs to be done in cooperation with communities, unlike forced fumigation that harms the environment and the community.

This also generates social conflicts and conflicts with state entities. There have been confrontations between communities and security forces. The population protests and asks for a suspension to fumigation, which is not being done in consultation with communities and does not align with local economies.

The processes and implementation of sustainable economies are not occurring and the government is not interested in safeguarding natural resources. For example, at the end of 2020 despite the existence of a court ruling supporting the community's opposition, the government “through the National Hydrocarbon Agency (ANH) and Ecopetrol, signed a contract authorizing the first Integral Investigation Pilot Project (PPI) for fracking. If these policies of favoring elites continue, departments like Chocó lose because these social classes have the final word, at the head of the president of the republic.

USAID’s justice program for sustainable peace is a positive way to strengthen local and regional justice systems. These are important to support autonomous justice systems established by Afro-Colombians and Indigenous peoples where there is a lot of female leadership. It’s important to note that these mechanisms are not divorced from the holistic focus that is part of the worldview of ethnic groups where all aspects of life and the environment are interconnected. As such, Afro-Colombian and Indigenous justice systems promote food security, the protection of the collective family, and the environment. USAID should support the Afro-Colombian justice system in the north of Cauca and the rights and interrelation between Afro justice and ordinary justice driven in Chocó in particular.

USAID needs to drive the strengthening of ethnic presence in institutions created with the peace accord, which should be seen through greater ethnic presence and representation in government and efforts for peace.

PNIS

Because USAID cannot work with families registered in PNIS (something that should be reviewed given that there is no longer a political party called FARC and it is now called Comunes), we suggest the following:

The Our Prosperous Land (*Nuestra Tierra Próspera*) program should be strengthened, perhaps with several operators and not just one in order to cover more municipalities. For now, this program exists in a few pilot municipalities (four, maybe five in the whole country), but the request from communities and mayors is that it be expanded to municipalities that are not prioritized for the multipurpose cadastre. The issue of land is fundamental for the implementation of the peace accord, but especially in the communities that have been waiting for years to access property titles, whether it be through formalization (rural or urban), clarification, sanitation, reorganization, or titling (individual or collective). Programs encouraging investment and the implementation of productive projects should be aimed at the real needs of the community, as well as accompaniment for a determined time in order to guide the beneficiaries in reaching goals and generating the stability and sustainability of the project.

Another possibility is to support the program of “formalize to replace” (*formalizar para reemplazar*) of the National Land Agency (*Agencia Nacional de Tierras*), which does not have a budget and if it is determined that the beneficiary families leave behind illegal cultivation. On the other hand, the implementation of international oversight is necessary, with the goal being strict compliance with the accords and investments in agreed-upon areas. The statistics submitted by the National Land Agency according to versions of community representatives do not fit reality. The formalization or issuing of titles is currently accounting applications from before the peace accord and in some cases the lands are being purchased by third parties. With more time that passes without the formalization of the rural property of farmers, ethnic groups, and other victims, institutions cause more uncertainty and delay.

More resources should be devoted to strengthening alliances for equitable access to legal markets through short supply chains as well as technical assistance so they can take their products to market in optimal and sustainable conditions through productive supply networks. In particular, we suggest that they be projects that truly benefit small producers and not large companies. Many public policies and benefits are thought up to guarantee the sustainability of large producers and elites of the country. So, the benefits should be specifically directed to improve quality of life and employment as well as continual production with the projections of small and medium-sized producers and farmers.

Given that the improvement of third-party routes continues to be an aspiration and a need of communities, USAID efforts in that area should be strengthened because the municipalities most affected by the conflict have the least resources. There needs to be

investment in these routes, which are most used by farmers and ethnic communities. In the Pacific, where many people have only rivers to transport themselves and their crops, we would have to consider subsidies for transportation to commercial centers, acquisition of community methods of transportation, and implementation and construction of adequate routes for effective transfer of products.

One aspect that needs to be considered from the perspective of strengthening democracy is supporting the “institutional strengthening of local governments.” The smallest municipalities already have difficulty planning, organizing land, and access to national and international resources for cooperation. This is due to their low capacity to complete projects and obtain quality information that would let them take advantage of opportunities such as management of national entities. This, as with other established processes, should include accompaniment from trained local personnel and access to resources for diverse municipalities. This also requires oversight of said resources by international and civil society organizations to verify that the money assigned to projects is used for said projects.

Finally, actions on the environment can be strengthened, especially in the interventions occurring in the north of the Amazon. However, they should not be carried out by operation Artemis (a militarized strategy of environmental control started by the Colombian government), which has been rejected by farmers. USAID can work hand-in-hand with communities on no deforestation pacts, promotion of alternative uses of the forest, and in new models of management of the region.

We suggest the creation of working group teams made up of professionals and local leaders that meet specific requirements with the goal of developing, implementing, and committing to programs. They would make sure that said programs would be connected to the community and pressure local, state, and regional governments to generate effective public policies on the protection of the environment, climate change, and concerted environmental benefits with the communities and government working together.

Economic Renewal after the Pandemic

The public health crisis caused by the COVID-19 pandemic and its economic effects has aggravated obstacles confronting peace, human rights, and the livelihoods of ethnic minorities. This requires that social recovery measures be conditional on the preservation of a human rights agenda. It is more and more evident that the government wants to impose criteria on the tribunals, maintain an exceptional government, and above all infringe on rights in the name of recovery. Colombia is advancing towards a utilitarian, anti-human rights narrative in which anything that opposes the rapid generation of capital or jobs is reproachable.

Here, the Afro Colombian and Indigenous social and labor agenda is most affected. Ethnic groups are being displaced more and more, and the pandemic has been used for the benefit of those that are still in power. The use of electronic media that is not accessible to communities is making the reclaiming of fundamental rights of life and health impossible. Key practices like prior consultation are being forgotten. The indiscriminate exploitation of natural resources and the concessions of exploitation permits to multinationals against the will of the population have increased. There is speculation that the government is taking advantage of the lack of access to the justice system, death threats, state abandonment, and lack of government protection to impose these economic agendas in areas with high ethnic minority presence.

Regressive taxes (tax reform), implemented in the name of society needing to have solidarity but the rich do not contribute, or contribute very little relative to what they have earned. Fracking in the name of obtaining dividends, the concession of licenses to exploit the environment, the denial of prior consultation as a fundamental right for ethnic groups, the flexibility of labor, and environmental safeguards are just a few examples. In line with the Biden administration's emphasis on approaching the global political climate, international cooperation in Colombia should support rights-respecting environmental policies that favor those most affected by the pandemic. The implementation of peace accord policies of rural and economic renewal while integrating the principles of the Ethnic Chapter guarantee the environmental sustainability needed to mitigate climate change.

Supporting the Rights of Migrants and Refugees

USAID should continue supporting measures that favor the rights of Venezuelan migrants and refugees in Colombia and in the region. However, this should be done without neglecting other humanitarian and social agencies in Colombia as well as other displacement crises in the region (Haitians, Cubans, those of Asian descent, for example). The ACNUR needs to develop a concept and model of protection analysis based on a multidimensional perspective of the human mobility crisis that exists in Colombia. The Chocó department and in general the country's borders face different challenges. The Pacific is confronting a human mobility phenomenon whose interest is to cross the Darién Gap and continue their journey to the United States. The Colombian-Panamanian, Colombian-Venezuelan, and Colombian-Brazilian borders require national policies focused on protecting the rights of Indigenous border communities (which are binational). Additionally there are African immigrants and immigrants of African descent whose ethnic background causes them to be an object of policies that restrict their right to return to Colombia in Panama, Venezuela, Ecuador, Peru, and Brazil.

There is currently an environmental and sanitation crisis in the municipality of Acaandí due to migrants in the territory that is affecting the self-determination of Afro-Colombian community councils as a territorial authority. In the case of Arauca, the flow of more than 5,000 Venezuelans from Apure into areas not equipped to receive them that have also not

overcome Colombia's internal conflict creates a precarious situation for immigrants and the local population.

To adequately attend to Venezuelan refugees and migrants in Colombia it is necessary to have a plan that includes displaced Colombians, returned Colombians without sufficient guarantees, people in transit, and the enormous contingent coming from Venezuela. This strategy should take into account the principles of solidarity and fraternity for all those affected by these multiple crises. We ask USAID to support the call from Colombian-Venezuelan organizations asking the United Nations to name a special envoy to manage the issue of the crisis at the border. These were a summary of the suggestions and areas of focus mentioned by those who answered the survey. We also want to highlight that many recognized USAID's efforts. In the area of assassinations of social leaders, USAID is the founder and supporter of the #LIDERALAVIDA, along with the attorney and ethnic organizations such as AFRODES, ONIC, CODHES, and Pastoral Social as well as publications like *Caracol* and *Espectador*. This campaign has helped demonstrate the lack of knowledge the country has about human rights defenders, but above all calls attention to their security and protection as well as condemning assassinations. It is appreciated that you said that "the only number we accept of assassinations of social leaders is zero". It is important to highlight that the work that USAID does in terms of following these issues and asking the Duque government to protect social leaders as well as not allowing impunity is key.

Another positive aspect highlighted is the change that USAID has introduced to require direct work with ethnic communities, in particular its recent contract with three ethnic organizations (Manos Visibles, Cocomacia, and AFRODES- Alianza Interétnica- AFRODES ONIC) that seek to improve internal conditions and better serve their communities. The purposes of these programs are to support self-government, food security and youth opportunities, among others.

These changes are appreciated because they are a result of a rapprochement with ethnic communities and the willingness of USAID to listen to ethnic groups and their recommendations. Some noted that the work that USAID does is much more important than the support provided by the Colombian government in ethnic communities and areas affected by war and poverty. There is a request that these programs be expanded and that more communities as well as organizations can apply and develop them to benefit their members.

Again, thank you for inviting us to provide our suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gimena Sánchez-Garzoli".

Gimena Sánchez-Garzoli
Director for the Andes
WOLA