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Bogotá, Colombia

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Dear Larry,

We greatly appreciate the opportunity to provide input on USAID programming. On March 1, I met with your staff in person in Bogotá and on March 7, we participated in the annual consultation with U.S. civil society organizations. As you know, prior to such meetings we conduct an informal survey with our partners to learn about where they think USAID funding could best be placed given developments in country and feedback on the current programming. On this occasion, we reached out to over 90 Colombians affiliated with 40 or more civil society organizations. While the preliminary findings were shared at the two meetings mentioned earlier, I wanted to provide you with a written summary and our analysis of the feedback we received.

Our partners indicated that following issues should be supported by USAID:

1) *Mechanisms set up by the 2016 peace accord with the FARC*

The different mechanisms especially the Implementation Follow-up, Promotion and Verification Commission (*Comisión de Seguimiento, Impulso y Verificación a la Implementación, CSIVI*), the High-Level Special Instance with Ethnic Peoples (*Instancia Especial de Alto Nivel con Pueblos Étnicos, IEANPE*) and National Security Guarantees Commission (*Comisión Nacional de Garantías de Seguridad, CNGS*) have encountered multiple obstacles. As such, they are not operating to their full potential. To guarantee effective advancement of the accord and in particular compliance with the Ethnic Chapter, the gender provisions, and protection of social leaders and ex-combatants, these entities require strengthening. In 2021, the IEANPE released its first report covering the period 2017 to 2021. Lack of political will and a de-prioritization of peace on the part of the Duque administration and insufficient resources are debilitating the effectiveness of these mechanisms that are much needed to implement the accord properly.

2) *Implementation of the Ethnic Chapter*

In addition to making the IEANPE work effectively, the civil society organizations including those that form part of the Afro-Colombian Peace Council (CONPA) and the Ethnic Commission (National Indigenous Organization of Colombia-ONIC and Indigenous Authorities of Colombia-AISO) require financing. In particular, support is needed so that the Technical Secretary and others can go to the territories to consolidate an integrated rural reform, alternatives to illicit crops, and PDETs with a differentiated ethnic focus.

The recent event organized by USAID on the ethnic PDETs was very well received. The objective now must be to follow up and bridge the gaps that were presented at the event. Further, exchanges between the organizations in Bogotá and the ethnic territories are needed to generate constant feedback back and forth on how things are progressing. Lastly, a broader educational campaign on the Ethnic Chapter, which explains what it is and why it's important to the general public is required. Such a campaign can include advertisements, videos of testimonies of prominent leaders and victims, and written guides on the ways to guarantee the ethnic focus of the accord.

3) *Dismantle illegal armed groups and corruption between such groups and members of the public forces*

Illegal armed groups will continue to regroup, proliferate, and recruit new members as long as the approach towards addressing them is limited to combating them militarily. To truly address this problem, the structural reasons that lead persons to join such groups require addressing. Effective implementation of the 2016 peace accord provisions for former combatants and the start of dialogue with other illegal armed groups is needed. At the same time, options that incentive the demobilization of existent members of non-guerilla groups and brings them to justice are needed. That said, far more can be done to starve these groups of their ability to gain and exert territorial control in areas of the country. A focus on addressing corruption and collusion between such groups and members of the public forces would help contain their ability to operate in areas with impunity.

4) *Protection and justice for social leaders*

While much is being done to try to protect social leaders, these crimes will not diminish until a strong political will is exhibited by the Colombian government to prevent killings from taking place. There needs to be rapid, results-oriented justice that sends the message that such violence will not be tolerated, and the perpetrators will suffer consequences. This message needs to be strong from the initial threats to the actual violent actions. The sense is that the Colombian government is more interested in appearing as if its achieving changes than making sure there are changes.

There are many problems with the current system of protective measures provided by the National Protection Unit (*Unidad Nacional de Protección*, UNP). It is expensive and inefficient. For those who are able to even get protection, the system has become bureaucratic and burdensome. The provision of services has made it vulnerable to corruption and inefficiency. Subcontracting is problematic, costly, and can undermine protection. It is still designed to mostly meet the needs of individuals requiring protection in urban settings and not collectives situated in rural settings. The measures are not properly differentiated to protect non-male genders. The risk assessments take too long, do not involve sufficient consultation with recipients, and are marred by outdated assumptions and discrimination against Afro-Colombians, Indigenous and rural leaders. The onus is on the recipient to proactively advocate for their measures. The kinds of measures provided do not integrate the input of the recipients view of what is most effective. The travel permission request requirements do not allow for the real flexibility required for social leaders to do their jobs effectively. The full costs of the bodyguards required for them to accompany are not always covered. Often, the measures provided do not fully meet the needs of the recipient. Measures are lifted with the consultation of the recipients and without a transition plan to guarantee the person's safety post-measures.

However, even the most effective protection measures will only serve as band aids if impunity remains rampant in the cases of killings of social leaders. Perpetrators of such violence—from death threats, intimidation, physical attacks, and killings—need to be sent the message that their actions have consequences. Despite USAID efforts to advance justice in such cases, the lack of quick results and jailing of intellectual authors, means that these killings continue to take place. Killings remain the preferred way to silence those who reveal the hard truths and advocate for land, environmental, ethnic, and human rights. While the international and human rights community continues to condemn such crimes, they have become normalized in overall Colombian society. Efforts to change this mindset are still required along with effective prevention, protection, and justice.

5) ***Truth Commission's Report and Special Jurisdiction for Peace Macro Cases***

This year the Truth Commission will release its report containing recommendations and follow-up mechanisms. At the same time, the JEP will begin to hand out sentences. Both are likely to be met with backlash by those who do not wish to hear the truths of the conflict and who resist change. Particularly controversial will be the Ethnic Chapter of the Truth Commission report since it is likely to touch on the hard truths of racism, discrimination, legacy of colonialism, classism, and religion. As such, it is essential that USAID support these efforts by helping to socialize the findings, their importance, and what the next steps are to guarantee non-repetition of events. The differentiated ethnic approach will need pedagogy at many levels throughout the country. At the same time,

USAID should support exchanges between the victims and the transitional justice system, as well as efforts that help organizations provide information to all three aspects of the transitional justice system.

It is recommended that USAID also support efforts that strengthen transitional justice that civil society is initiating outside of these institutions. Such efforts include the reconstruction of memory and empowerment of victims. Also, encounters between persons responsible for committing abuses during the conflict that want to reveal the truth, details of incidents that occurred, and reconcile with victims. Given the limitations of the transitional justice system, it is important that efforts to preserve evidence and information on cases provided by persons waiting for a decision by the JEP as to whether they are admissible require protection. One entity that could be supported to do this is the Ethics Commission. The point is to protect important evidence and information on not yet determined cases.

6) *Reincorporation of former combatants*

Now that the Biden administration has taken former combatants of the FARC and Comunes off the terrorism list, it would be good for USAID to support social and economic reincorporation efforts. Perhaps the best approach is to do mixed projects that include former combatants and others so as to build trust and support reconciliation in affected communities. The construction of housing, for example, could entail locals and the reincorporated. In particular, efforts that help to strengthen the social fabric, coexistence, and reconciliation are preferable. Former combatants require assistance with generating sustainable incomes and economic life projects and accessing lands. The cooperatives that are producing different agricultural goods require technical support so that they can effectively get these goods into markets. It is important that such efforts include differentiated approaches on gender, ethnicity, and age. There are other efforts in place that the United States should consider supporting like the demining group Humanicemos DH. As with all of USAID supported projects, it is important that the implementers and the recipients' projects are combined with plans that guarantee the safety and security of all concerned.

7) *Police reform and accountability for abuses*

A major concern of many is that the police reform efforts currently underway will only result in cosmetic changes. If this is the case, then it will only be a matter of time before we see another cycle of protests that are met with excessive use of force by the police and ESMAD generating more victims. For the best recommendations on how to guarantee an effective, structural police reform at the national level, we recommend meeting directly with the Defend the Liberty Campaign (Campaña para Defender la Libertad) and Temblores in addition to following the recommendations made by the UN High Commissioner for Human Rights office in Colombia and the Inter-American Commission of Human Rights. For the best way forward in the city of Cali to guarantee

effective police reform and justice for the victims and their families, we encourage consulting with the Inter-Ecclesial Commission for Justice and Peace (*Comisión Intereclesial de Justicia y Paz*, ICJP), Association for Research and Social Action (*Asociación para la Investigación y la Acción Social*, Nomadesc), Committee in Solidarity with Political Prisoners (*Comité de Solidaridad con los Presos Políticos*, CSPP), the Black Communities Process (*Proceso de Comunidades Negras*, PCN) and the Archbishop of Cali's office.

While USAID may not be the U.S. agency directly financing projects with the National Police, the perception of many is that the U.S. government is wrong in how it is approaching this problem. There is the perception that both the recent increase in aid to the police and statements made on social media and elsewhere point to the United States accepting the conduct of the national police during the Civic Strike of 2021 that led to many deaths, the taking out of eyes of many protestors, gender-based violence, and other abuses.

8) *Addressing the multidimensional human mobility crisis*

The dramatic situation faced by Venezuelan migrants and refugees in Colombia is well known and continues to require attention. However, it is important to mention that the humanitarian and migration situation in Colombia is becoming extremely complex. Colombia is increasingly becoming a corridor for migrants from multiple nationalities that seek to cross into Panama to later travel to the U.S.-Mexico border. The sheer number of such persons is surpassing the capacities of the municipalities and local authorities and organizations to provide them with assistance. According to the UN's Office of Coordination of Humanitarian Affairs (OCHA), internal displacement in 2021 was 181% higher than the year prior. This means that there is a multidimensional crisis of human mobility requiring a strategy that includes upholding the rights and humanitarian needs of the persons concerned regardless of their legal category.

In order to guarantee the protection of civilians caught in the middle of violence perpetrated by illegal armed groups in the areas of Chocó, Nariño, Valle del Cauca, Cauca, Arauca and Catatumbo, persons surveyed insisted on the international community's support of the various humanitarian accord initiatives and reestablishment of peace dialogue with the National Liberation Army (Ejército de Liberación Nacional, ELN). Respect for basic humanitarian minimums would go a long way to diminish abuses against civilians.

9) *Protection of youths, women, and LGBT persons*

Several mentioned the need for dialogue with youth as a means to making changes in police reform, the political system, and constructing peace and democracy. Their voices in terms of recommendations regarding peace, public policies, and education for the new administration starting in August 7 are important. It was noted that determination

of who should participate in these dialogues, should be done by consulting civil society. These dialogues must occur independently of the national government.

Several mentioned that a renewed emphasis on the protection of youth, women, and LGBT+ persons is required. It was recommended that USAID initiate educational and media efforts that help address racism, discrimination, misogyny, and LGBT-phobia. It was noted that the political polarization in the country often leads to viral and other attacks against the Afrodescendant population, the Indigenous, women, youth, and LGBT+ persons. As such, an effort to counter this and promote respect and coexistence is required.

In addition to the thematic issues requiring attention, we were informed of the following:

- We received a lot of positive feedback on the projects implemented directly by Colombian partners and on USAID's concern and support for Afro-Colombian and Indigenous communities. For the programs that will soon end, it is recommended that an evaluation and lessons learned process is undertaken and those findings are incorporated into the next round of implementers. It was recommended that USAID continue its efforts to directly finance Colombian NGOs, civil society, and Afro-Colombian and Indigenous organizations. For long-term structural issues like implementation of the victims' land and rights law, the expectation is that USAID will continue its support for the period the process was extended.
- Some felt that USAID's programming required closer oversight by USAID itself. In other words, that USAID monitor more closely and actively its contractors and sub-contractors. Also, several asked that evaluations of programs be made readily available to the public so that the results of programs are better understood.
- Some asked that USAID diversify which civil society organizations and grassroots organizations it interacts with. Contractors should also interact with a broader range of organizations including those that have persons permanently on the ground working on territorial protection, gender, and the environment.
- It is important for the new Afro-Colombian and Indigenous program that whoever heads this program and staff are representative of these communities. USAID has played a role in diversifying its staff and that of its contractors and this should continue.
- There is concern about the how the Colombian national government is utilizing the interest in combating climate change and environmental protection to seek funds for programs that may not be in the interest of those goals or implemented at the expense of ethnic and rural people's rights. One example that was given is Operation Artemisa,

which has militarized anti-deforestation efforts and generated abuses. USAID and the international community should monitor more closely how funds related to environmental protection are actually implemented.

- Some mentioned that they are not clear about what USAID is doing in Colombia. For this there is a need to do more outreach to civil society (including sectors which it doesn't finance) so it can better understand the agency's role, process, and programming.

We look forward to your response.

Sincerely,



Gimena Sánchez-Garzoli
Director for the Andes