

Buenaventura, Colombia: Where Free Trade Meets Mass Graves

By Kelly Nicholls and Gimena Sánchez-Garzoli

IN APRIL, PRESIDENT OBAMA AND JUAN MANUEL Santos, the president of Colombia, reinitiated discussions on establishing a free trade agreement. The United States–Colombia Trade Promotion Agreement (CTPA), as it is officially called, was signed in November 2006 but has been on hold in the U.S. Congress because of grave concerns about Colombia’s labor and human rights record, the worst in the Western Hemisphere. If the agreement is implemented by the end of the year, as officials in both countries are hoping, the city of Buenaventura will be one of the most directly affected places in Colombia. Situated along the Pacific Coast, it is home to Colombia’s principal port, with about half of the country’s national products passing through its harbors. Some 300 other ports worldwide are connected to Buenaventura, which generates about \$1 million annually in Colombian tax revenues.¹ Expansion projects are already under way in anticipation of the increased trade that the agreement will generate.

Conditions in Buenaventura exemplify the inherent contradictions of pursuing a free trade agreement with a country where an internal armed conflict continues to rage, where many people are mired in poverty, where workers are subject to abuses, and labor unions are quite literally under attack. (Nationwide, 51 Colombian unionists were murdered in 2010 alone, making Colombia home to the world’s highest rate of trade-unionist killings.) Yet little of this might be apparent to a visitor in Buenaventura. On a Saturday afternoon, everything seems calm in the city’s main park, Parque Néstor Urbano Tenorio. An eclectic mix of music—vallenato, salsa, and reggaetón—blares from the small bars that look out onto the ocean. Speedboats dart in and out, while the traditional artisanal fish-

ing canoes of the city’s largely Afro-Colombian population bob past. Young couples sit out on the wharf watching the afternoon sun dazzle across the water. Vendors with small mobile carts roam the crowd selling everything from fried food to phone minutes. The smell of coconut and fried fish is in the air. The place has a festive feel. In the distance, massive cargo liners ease out of the bay.

This, together with the sight of the bustling port full of dockworkers, might lead one to think that Buenaventura has prospered from international trade. But if you drive just five minutes away to the low-tide community of Bajamar, you will smell the raw sewage and see the poverty that afflicts Buenaventura’s Afro-Colombians, who make up more than 90% of the municipality’s population. Despite the immense value of Buenaventura’s port, few of the economic benefits from the profitable shipping industry reach the city’s 375,000 residents, about one third of whom are unemployed and 80% of whom live in poverty.² Sixty-five percent of Buenaventura’s households do not have a sewage system, and 45% do not have potable water.³ Life expectancy in Buenaventura is 51, compared with the national average of 62.

Desperate conditions like these greatly facilitate illegal activity and criminality. Many of the city’s youth are drawn to trafficking drugs, arms, and other contraband; illegally extracting natural resources, like lumber and gold; and cultivating coca in the river basins of Buenaventura municipality, the vast majority of which is rural. Meanwhile, Buenaventura has in the last decade become one of Colombia’s most dangerous cities. In 2000, paramilitary groups known as the Calima Bloc and the Pacific Front entered the city and began a prolonged, bloody turf war with the

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Workers load cargo onto a China-bound ship at Colombia's principal port, Buenaventura, in 2009. While dockworkers suffer inadequate labor and safety standards, the city's shipping industry anticipates that the U.S.-Colombia free trade agreement will be good for business.

guerrilla militias of the Revolutionary Armed Forces of Colombia, which had previously controlled the city's various neighborhoods. Bajamar and the island of Cascajal were particularly affected by the violence, with residents confined to their neighborhoods.

In 2008, newly armed paramilitary groups gained more control of the urban center. By October of that year, they had taken over most of the neighborhoods, while most of the FARC militias were pushed out into the rural river areas. Despite the state's efforts to exercise control in Buenaventura, there remain many allegations that the armed forces are, at worst collaborating with the paramilitaries, or at best turning a blind eye to their illegal activity.

Local authorities often deny the continued presence of illegally armed groups in Buenaventura, but ongoing threats and attacks demonstrate otherwise. In mid-2010, the Black Eagles, a newly armed paramilitary group, distributed flyers throughout

Buenaventura threatening members of local human rights organizations. Shortly afterward, Jair Murrillo, a leader of the local population of Colombians displaced by violence throughout the country, was killed.⁴

Another troubling trend in Buenaventura is the increase in forced disappearances and the discovery of several mass graves. The authorities say the people buried in these graves were "disappeared" by the paramilitaries or guerrillas, who have turned to disappearances in order to maintain a false sense of calm in the city.⁵ According to a local government authority in the Public Ministry, 82 people disappeared in Buenaventura in 2010.⁶ Since 2006, when the army's presence in the city was significantly increased, homicides have decreased while disappearances dramatically increased. From 2007 to 2010, 491 people were reported missing, more than twice the number reported during the four previous years combined (197 from 2003 to 2006).⁷

However, forced disappearances are historically overlooked and underreported in Colombia, overshadowed by other, more visible crimes like massacres, extrajudicial executions, and targeted assassinations, in which a body does exist. The Colombian Attorney General's office, based on its experience in carrying out special sessions to register disappearances in specific conflict zones, estimates that in hard-hit areas, some 60% to 65% of disappearances go unreported.⁸ This is likely the case in Buenaventura, considering the difficulties that families face just to register their loved ones in the National Registry of Disappeared People. Families have to join a waiting list before officials register the disappearance, let alone launch a search mission.

Several mass graves have also been found in Buenaventura this year, and many more are believed to exist. A spokeswoman for the local government, Ingrid Arroyo, said the discovery of these mass graves reflects the enormous problem of disappearances and impunity in Buenaventura.⁹ Bodies are also often thrown into the waterways and mangroves around Buenaventura, giving a small island off the mainland the name of Cascajal, or Skull Island. Locals believe the island is home to a clandestine cemetery, and fishermen have discovered bones and clothes caught in the mangroves around it.

Almost no one has been convicted or even investigated for carrying out these and other atrocities in Buenaventura.

PROponents of the free trade agreement argue that it will help lift Colombian cities like Buenaventura out of poverty. If the agreement is signed, "Colombia will derive the full benefits of the global economy and can join the growing

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partnership of countries along the Pacific coast of the Americas to solidify open markets and strengthen democracy in the region,” according to briefing materials from the Office of the U.S. Trade Representative. “The resulting increased economic activity,” the materials claim, “will create additional jobs and opportunities in the formal sector and will positively influence Colombia’s efforts to reduce poverty.”¹⁰

It is an argument that Buenaventura has heard before. In 1994, the Colombian Port Authority was privatized and replaced by the privately run Regional Port Society of Buenaventura (SPRBUN S.A.). Together with various megaprojects and market liberalization policies, these moves helped make Buenaventura’s port one of the country’s most important. But few of the economic gains from the privatization and expansion of economic activity benefited residents. Moreover, they led to the general deterioration of labor conditions and prospects for unionization, generating new labor and human rights abuses.

Once the Port Society was in place, it began working to dismantle the existing trade unions and impede dockworkers’ organizing efforts. Today, an estimated 6,000 workers are employed by the port, but only about 2,500 of them are members of a union. Those who attempt to organize or are linked to trade unions are often fired, and efforts to organize are met with staunch opposition, a trend seen throughout Colombia. As one dockworker, who declined to be named for safety reasons, pointed out in June:

“We are having a difficult time organizing. If we do organize, we become victimized by both the [shipping] companies and the Port Society, which do not want us to form trade unions. Many of our colleagues have been fired for being affiliated to our

union. [The companies and Port Society] make it a policy to weaken and do away with trade unions by forcing workers to present letters indicating that they’ve resigned from the union if they want to work.”

The port operators hire workers through individual contractors, temporary agencies, and especially associative labor cooperatives (CTA), which allow companies to subcontract workers through third-party intermediaries in labor-intensive industries without having to provide employees with contracts or basic benefits. Workers in CTAs have no collective-bargaining rights, and companies have no incentive to uphold basic labor standards. Between 1994 and 2008, 31 dockworkers died on the job because of inadequate occupational safety standards (no one has ever been charged in connection to their deaths).

Since hiring arrangements through the CTAs became the shipping companies’ modus operandi after the port was privatized, Buenaventura’s dockworkers have been unable to negotiate dignified contracts. The CTA model simply does not allow for collective bargaining. Most of the dockworkers perform physical labor under grueling conditions and receive very little pay. The salaries vary since they are not regulated by union contracts. A dockworker, if lucky, could earn between \$170 and \$226 every two weeks. Most earn about \$113, which does not meet the national minimal wage requirements.

On top of these labor abuses, various large-scale projects are under way in Buenaventura that cause devastating impacts for residents. One such project, the Container Terminal of Buenaventura (TCBUEN), which began in 2007, forms part of the larger port-expansion project geared to facilitate increased international commerce and accommodate the

increased activity that will be generated by the free trade agreement. Construction on the project involved the unregulated removal of land, which increased the mosquito population and made residents more vulnerable to mosquito-transmitted diseases like malaria and dengue. It also blocked access to the sea through the Aguacate Strait, destroying the local informal economy for men who make their living by fishing, driving boats, and cutting lumber.

About 3,500 Afro-Colombian families are at risk of becoming displaced from five neighborhoods located in the Bajamar area of Isla Cascajal. In their place, the local government is planning an expansion of the port with a large-scale coastal seawall and recreation area called the Malecón Perimetral del Mar. The government is looking to relocate the residents into a proposed large-scale housing project further inland.

Although the living conditions in Bajamar are substandard, many residents do not want to move because being close to the water affords them the opportunity to sustain themselves through fishing, transport, or traveling to and from their lands along the rivers. Many of the residents of Bajamar have lived there for decades and are the descendants of Afro-Colombians who came to the island in the past 70 years. Some came seeking better economic opportunities while many fled to the island to avoid abuses stemming from the internal armed conflict in the surrounding river areas.

The residents’ other major complaint is that they were never consulted on the economic projects. Many fear, with good reason, that if they are pushed off the island, even if it is into government-constructed housing, they will be worse off since they will no longer have access to the means of sustaining themselves.

AT THEIR APRIL MEETING, PRESIDENTS Obama and Santos announced that Colombia was committed to implementing a Labor Action Plan as a part of the Free Trade Agreement (FTA). The plan would strengthen the prosecution of perpetrators of violence against trade unions, improve protections for threatened trade unionists, address abuses related to the associative cooperatives, and criminalize anti-union behavior. It would also reestablish the Colombian Ministry of Labor, which was dismantled under the previous Colombian president, Álvaro Uribe.¹¹

"I am very pleased to announce that we have developed an action plan for labor rights in Colombia, consistent with our values and interests, but more importantly, consistent with President Santos's vision of a just and equitable society inside of Colombia," Obama said during the meeting. "And we believe that this serves as a basis for us moving forward on a U.S.-Colombia free trade agreement."¹²

While these may be steps in the right direction, U.S.-based advocacy and human rights organizations have criticized the plan as insufficient. The U.S. Labor Education in the Americas Project, for example, lays out three serious flaws in the Labor Action Plan: It "(1) does not require an actual reduction in violence against trade unionists or advances on impunity, (2) is limited only to labor issues and does not address a wide range of other concerns, including human rights violations, militarization, impact on agriculture, internal displacement and the rights of Afro-Colombians, and (3) provides no way to ensure compliance once the Colombia FTA is implemented."¹³

Similar concerns were expressed by Representative Jan Schakowsky (D-Ill.) to Congress on July 14: "The Labor Action Plan is not legally binding under the FTA before us. If violence and impunity continue, the

United States will have no mechanism for delaying or halting implementation of the free trade agreement. The Labor Action Plan fails to require sustained, meaningful, and measurable results. Once we enact the FTA, we lose any ability to force the Colombian government to produce tangible change."

The plan allows both the Colombian and U.S. governments to avoid addressing the broader Colombian context in which violence, exploitation, displacement, and impunity create an impossible environment for vulnerable populations. And although both have committed themselves under the Labor Action Plan to investigate labor abuses linked to the CTAs at the port, the plan does not call for dismantling the CTAs.

Colombia has a record of passing impressive laws but failing to enforce them. Just one of many examples is the Colombian Constitutional Court's declaration in 2004 that the living conditions of the country's millions of internally displaced people were "unconstitutional," violating domestic laws that had been introduced to protect and provide for them. For this reason, labor conditions in the port will likely not radically change before the free trade agreement is introduced for a vote in the U.S. Congress this year.

The large-scale economic projects designed to expand the port and modernize Buenaventura in order to accommodate increased trade that do not economically benefit the majority of the municipality's Afro-descendent residents are marching forward without consideration for these people's rights. If these projects have failed to improve living conditions for residents until now, there is no guarantee that their expansion will do so. Meanwhile, the internal armed conflict, drug battles, and widespread violence that cause human rights abuses continue at an alarming rate. Increased military presence has not

only failed to address the situation, it has served to change the modalities of crime, from outright homicides to forced disappearances where bodies simply disappear, either into mass graves or into the river system that twists around the municipality. National and international authorities continue to ignore serious allegations of collaboration between members of the armed forces and the newly armed paramilitary groups.

Until the Colombian government addresses the high levels of impunity for violent crimes committed in Buenaventura, the security situation in the port will never truly improve. Since Buenaventura is such a central point for trade between the United States and Colombia, improved security and human rights in the municipality should be of great concern to the U.S. government and international investors. To guarantee a level playing field for Colombia-U.S. commerce, it is critical that impunity for violent crimes in the port city be addressed before moving forward with the FTA. Not only should Colombia fully implement the Labor Action Plan as a condition for approval of the FTA but it must also act to dismantle illegal armed groups and establish protections for vulnerable Afro-Colombians. Otherwise, the FTA may only exacerbate the inequality and poverty in Colombian municipalities like Buenaventura—an inequality that will only further fuel what seems like a never-ending conflict.

As Danelly Estupiñan, an Afro-Colombian activist in Buenaventura, put it: "The FTA would deepen the crisis that we are living here because the FTA is synonymous with privatization and privatization is synonymous with unemployment, unemployment is synonymous with poverty and misery and misery is synonymous with loss of autonomy and sovereignty for our people and as a country."¹⁴ ■

NOTES

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3. *Ibid.*
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13. U.S. Labor Education in the Americas Project, "Obama's 'Labor Action Plan' for Colombia Woefully Inadequate; Doesn't Require Reduction in Violence," April 13, 2011, available at usleap.org.
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Introduction

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