

## Colombia Situation

# INDIGENOUS PEOPLE

*“Early days. Over one hundred years ago our ancestors didn’t have settlers or bans. Traditionally the Jiw chanted, danced, had their own culture; they gathered shellfish, “barbasqueiban”, they fished at night or in the daytime, and they also built mountains, they sailed along the River, they looked for natural food. If the Jiw family was present, all was fine.*

*The settlers arrived in the following period, in 1918. They hunted tigers, alligators, caiman crocodylus, water dogs and they fished. Then they needed the Jiw chieftain or captain; they bartered tape recorders, rifles, a pound of coffee, liquor, a dozen cigarettes and kilos of salt. They cheated us terribly. The Jiw didn’t know; for the settlers to live in the Jiw territory or in indigenous protected areas, and also the settlers asked for 3 or 5 years lease to sow illegal crops, they cut down 1 to 10 hectares; they ruined mountains, traditional Jiw materials or medicine; fauna, flora and also they polluted rivers, creeks, lakes and fish.*

*In 1997 we had security issues, bans on the Jiw people, captains, teachers, promoters or leaders. In 2007 they started planting land mines in the Jiw indigenous protected area. Then in Barranco Ceiba [a protected reservation] a woman carrying an 8 month old baby and a man were injured by a land mine. In 2008 some people lost their lives and then the Jiw people were displaced, also because of public order confrontations. For fear they moved to the settlement in Caño Jabón – Puerto Alvira. The Jiw people abandoned the land in the protected reservation of Barranco Ceiba, Laguna Arawato II and Laguna Barajas.*

Story by Franklyn González, Captain Barranco Ceiba, San José del Guaviare, Protected Reservation, Jiw indigenous people.



*Bellavista, Chocó. The UNHCR works with the Wounaan people creating and strengthening prevention and protection mechanisms against forced displacement and it supports the Technical Committee of the Wounaan people to set out the Safeguard Plan.*

### | Context |

The general violent conditions resulting from the internal armed conflict in Colombia and its repercussion into neighboring countries, especially at the borders, have a direct and overwhelming impact on the lives of the indigenous people and communities included in the countries belonging to the “Colombia Situation”.

This serious humanitarian situation has resulted in displacement, extreme marginalization and environmental degrading in the indigenous territory. Factors like illegal crops and the implementation of megaprojects developed without directly addressing the legitimate collective interests of the indigenous communities account for their current survival problems.

The UNHCR, in accompanying the organizational process of these communities, and as per their request, has sought to strengthen their indigenous authorities and organizations to generate proposals and solutions from the communities, and to strengthen prevention and protection strategies. The above based on recognizing their autonomy, strengthening settings for prior consultations with the national government, opening humanitarian settings, continuously being present in their territory and working in coordination with different agencies and institutions.

### Data and Figures:

- In Colombia, the indigenous people represent 2.74% of the population and 3.4% of nearly 3.900.000 IDPs.
- A total of 106,562 people were displaced in Colombia between 1997 and 2011; and just in 2011, 4,080 indigenous people were displaced.
- Ecuador has the largest number of refugees in Latin America. It receives 55,092 people as refugees, including Colombian indigenous people fleeing from the internal conflict.
- With approximately 300,000 people, the Wayúu are the largest indigenous group in Venezuela. The Barí and the Yukpa have 3,500 and 1,000 members, respectively.
- According to the ONIC (National Indigenous Organization of Colombia) 102 indigenous groups are running the risk of disappearing. There are 32 communities causing great concern, since they have less than 500 people.
- Writ 004 of 2009 issued by the Colombian Constitutional Court ruled that there are 35 indigenous communities running the risk of disappearing physically and culturally.
- The Colombian Indigenous Communities in Colombia were victims of around 70 homicides until September 2011.
- In Panama the Kunas, Ngobe Bugle, Emberá, Wounaan and the Naso people occupy approximately 20% of Panamanian land.

*Figure reported by the Indigenous Organization of Colombia and the Human Rights Observatory of the Presidency.*

## | UNHCR Intervention |

The UNHCR's general objective is to strengthen the capacity of the states, the indigenous people and their authorities in a consulted and participative construction of public policies to guarantee individual and collective rights of the indigenous people for them to live on their lands, exercise their autonomy, strengthen their cultural practices and their community structures as prevention and protection mechanisms against forced displacement; and when it does occur, in the process of requesting asylum and while they are refugees.

### SPECIFIC OBJECTIVES:

- Facilitate the understanding and **prior consultation processes** between the authorities, the indigenous organizations and the state as well as **participative mechanisms** and agreement for prevention, protection and comprehensive attention to indigenous forced displacement.
- Contribute to **strengthen the traditional and political authorities in the indigenous communities** and to the effective exercise of their individual and collective rights (autonomy, territory and culture).
- Strengthen indigenous authorities and organizations in **binational communities** to generate concrete proposals on prevention, protection and attention in "mirror" communities (parallel communities on both sides of the border) and in the process of requesting asylum.
- Promote knowledge, **visibility, documentation and analysis of forced displacement** in Colombia with a differential indigenous approach, strengthening their autonomy and participation in processes assessing the impact of the armed conflict, forced displacement, and monitor the humanitarian crisis in their territories.
- Strengthen national protection mechanisms** of the indigenous people and communities which have been displaced or are at risk of being displaced, and the institutional response with a differential approach on protection of collective rights and differential risks of gender, age and diversity (women, adolescents, children, elderly people and disabled people).
- Generate a strategic framework to **coordinate humanitarian actions in indigenous territories**, with the participation of authorities, indigenous organizations, and displaced indigenous people or at risk of being displaced.
- Promote the process of registering the refugees before the authorities, by providing training on their rights and the procedures to request protection.

## | Colombia |

In Colombia there are at least 87 indigenous people living in 700 protected reservations in 27 departments. Some live in extremely remote areas and have less than 100 members like the Taiwano, native of the south of the Vaupés Department; they live on the Paca, Tiquié and Cananarí rivers.

As a result of the internal armed conflict, the indigenous people are increasingly moving to the municipalities and the large Colombian cities with very few possibilities of a voluntary and sustainable return to their lands. In other cases, various people have been forced to concentrate on small pieces of land to survive. This has jeopardized their own cultures and generated conflicts with other local communities.

In 2011, the interest of illegal armed groups to control the land generated a high level of risk for those holding leading positions and the decision makers in their communities and organizations. By 2011, 18 community leaders were murdered, compared to 7 in 2010<sup>2</sup>.

The most affected people by homicides in 2011 and beginning of 2012 have been the Zenúes reporting the murder of 13 leaders in the Antioquia Department, the Emberas with 6 leaders murdered in the same department and 3 more in Chocó. The Awá have lost 80 members between 2009 and 2011<sup>3</sup>.

The impact on the indigenous people is directly related to underlying economic interests in their territory. There are gold and silver, as well as coal and iron-nickel mines; also there are African palm plantations and biofuel production.

In areas like the Chocó Department, the Embera and Wounaan people, in Guaviare and Meta Departments, the Jiw indigenous community and in Arauca Department, the Hitnus and Makaguanes have experienced permanent confinement conditions, land mine accidents and unexploded ammunition hazards between May and September 2011, as a result of actions on behalf of illegal armed actors to exercise control over the area and avoid access to opposing groups and law enforcement authorities. In these areas, as well as in other parts of the country, mobility restrictions on food and daily activities like fishing and hunting have severely impaired the communities.

The condition of nomadic and semi nomadic groups in the Colombian Amazon and Orinoquia is also a matter of great concern. Forced sedentary processes and confinement on behalf of illegal armed groups, mines on their lands, forced recruitment of their sons and daughters, sexual violence against their women and girls and the absence of food security have changed the mobility patterns of the Jiw people in the Meta Department, the Nukak and Sikuaní in the Guaviare Department, the Embera Katío and Kofán in the Caquetá Department, the Kankuamo people in the Cesar Department, the Iguanitos in the Arauca department, the Awá and Epera in the Nariño Department and the Bari on the border between Colombia and Venezuela.

<sup>2</sup> Human Rights Observatory, Vicepresidency of Colombia.

<sup>3</sup> <http://verdadabierta.com/component/content/article/50-rearmados/3735-narino-convulsiona/>



Putumayo, Colombia. Humberto Alirio García, member of the ACIPAP indigenous organization remembers with indignation the events that marked the history of the Awá people. While arranging his ceremonial club, he points the way to "Los Guadales", his reservation territory.

## | Ecuador |

In recent years, Ecuador has become the country with the largest refugee population in Latin America. 55,092 people are currently in this country under refugee status.

Several indigenous groups who live in the northern border provinces have been affected by the Colombian conflict and by the arrival of asylum seekers on Ecuadorian territory. Five indigenous nations live in the Sucumbíos province: Siona, Secoya, Cofán, Kichwa and Shuar. In the province of Carchi: The Awá nation and the Pasto people and in the province of Imbabura the Awá and Kichwa nations. This last one comprises the people of Karanki, Otavalo, Natabuela and Kayambi.

Several Siona and Kichwa communities located on the banks of San Miguel and Putumayo Rivers are directly affected by the Colombian armed conflict. Several of these indigenous border communities receive people needing international protection, many of them members of Colombian indigenous nations.

The Awá, a bi-national indigenous group present also in the Colombian Department of Nariño, live in the Ecuadorian provinces of Carchi, Esmeraldas and Imbabura. More than 30,000 people belong to the Awá nation, 4,000 of them inhabit the Ecuadorian side in 22 communities legally recognized as Awá Centers.

UNHCR has promoted the organizational strengthening of the Awá people especially in negotiating the Ethnic Protection Plan. UNHCR actions have focused on training the Awá leaders in their negotiations with the Government with regard to the Ethnic Protection Plan and the enforcement of the Constitutional Court rulings. The Awá people prepared a precautionary measure proposal that has been sent to the Ministry of Foreign Affairs. The Ethnic Protection Plan has been developed and the negotiation process with the Government has begun in the context of the right to prior consultation.

With the "Bari" indigenous people in Norte de Santander actions have been undertaken to develop a prevention and protection plan that will defend their territory and preserve their culture from the threats of the conflict by means of a risk detection system. A three day workshop was held in Tibú with 50 Bari people representatives and their traditional leaders for the purpose of preparing a public policy agenda with the five municipal entities of the region of Catatumbo which was then submitted to local authorities. Technical support will be provided to include the indigenous people proposals in municipal and local development plans.

The vulnerability of indigenous people in the context of the armed conflict can be reduced by improving common areas. This is why UNHCR developed a protection practices project resulting in the construction of the Siona Community Centre. 1,970 people from 11 reservations will benefit from this Centre which happens to be the meeting place for organizational, cultural strengthening and socio-cultural development processes.

"In spite of constitutional recognition of the human rights of indigenous peoples, the situation of indigenous peoples in Colombia is serious, critical and deeply worrisome". The United Nations Permanent Forum on Indigenous Issues (UNPFII)

UNHCR Ecuador has worked, inter alia, on the improvement of the basic infrastructure and provision of teaching material for 17 Awá schools where more than 500 children attend classes. Similarly, several Human Rights training workshops have been given to community teachers, women and leaders as well as to the community health promotion agents from the 22 Awá centers forming the Ecuador Awá Centers Federation.

In addition to the Awá people, there is a bi-national Epera community located on the Pacific coast of Ecuador and, in Colombia, in the area called Chocó. The Esmeraldas office supports comprehensive farms that contribute not only to improve the life conditions of this population but also to improve community integration given that all family members work at the farms. Projects based on a comprehensive approach are key for this community that has been invisible for so long.

The majority of indigenous communities in country border areas lack basic services; they are remote, and difficult to access. For example, in Sucumbíos, main access to certain communities is only via river. In this area, Lago Agrío sub-office supports Kichwa bordering communities receiving Colombian indigenous refugees with productive projects intended to strengthen food security. Refugee and local population are recovering traditional farming practices.

## | Panama |

These projects have also been implemented in the three Ecuadorian communities of Shuar, Charip and Yamaram Nankais where the impact produced by the conflict in the neighboring country has caused a displacement four times larger.

Through participative diagnostics, UNHCR has identified needs related to access to basic services and production in the province of Sucumbíos and has driven water, health, education and income generation projects in the communities living on the banks of the San Miguel and Putumayo rivers.

## | Venezuela |

The Venezuelan indigenous population comprises 28 ethnic groups accounting for 1.5% of the total population. The Barí, the Yukpa, and the Wayúu, located on the northern Colombia-Venezuela border are among the most affected by the Colombian conflict given the fact that their communities receive people crossing the border in search of international protection.

Toward the south of the border with Colombia, many refugees, mostly indigenous, reach the state of Amazonas where they are received by ethnic Venezuelan communities such as Piaroa and Puinabe.

UNHCR has developed culturally adapted activities in order to promote the protection of these groups and strengthen their identity and traditional values. One of them is the production and broadcast of radio materials to inform and raise awareness on refugees situation and their rights in Venezuela. Programs are broadcasted in Wayunaiki, Bari and Yukpa languages through regional and community radio stations.

Like the majority of refugees coming from Colombia, indigenous usually do not register themselves before the Venezuelan authorities, mainly because they ignore their rights and the procedures to apply for protection. On this regard, UNHCR estimates that nearly half of the Colombian population needing protection in the state of Amazonas is of indigenous origin.

Given the fact that in this state there is neither a permanent presence of UNHCR nor of authorities responsible for refugee matters, the most appropriate durable solution is considered to be naturalization, i.e. the dual nationality (Colombian and Venezuelan) indigenous are entitled to.

During 2011, UNHCR encouraged Venezuela's National Commission for Refugees (CNR in Spanish) to undertake an exploratory diagnostics in Puerto Ayacucho, capital of the state of Amazonas. This resulted in finding and attending 500 people approximately in need of international protection. A good part of the assisted families belong to the indigenous ethnic groups of the border region who, like other asylum seekers, cross the border very easily using simple rafts to cross the Orinoco river.

The CNR response was effective via the implementation of traveling brigades and the expansion of the operation in the Amazon region.

This allowed to detect a considerable number of people who not only fit the refugee profile but also has profound needs due to the fact that they ignore their rights, have difficulties accessing formal employment, and face free transit restrictions. In addition, several obstacles prevent boys, girls, and youth from accessing the education system.



*Embera girls from the community of Tortuga in Darién. UNHCR/Panamá*

There are several indigenous groups in Panama. The poverty index in the areas where they live is among the highest in the country and so are the levels of inequality compared to the rest of the population.

Current main demands by the indigenous groups, particularly the Ngobe Bugle and Naso people, relate to concessions granted in their own territories to mining, hydroelectric, tourist and stockbreeding companies. The demands have resulted in public demonstrations and debates over the production of a new Mining Code allowing economic benefit over exploitation practices in regional lands.

In February 2012, two demonstrators died and more than 40 were arrested in the course of a protest march organized by the Ngäbe-Buglé Panamanian indigenous people against the mining and hydroelectric activities proposed for their territories. Among several other indigenous people, the Emberá and Wounaan publicly denounced the lack of formal property titles for their land and announced the undertaking of demonstrations to express their solidarity with the Ngäbe-Buglé people. James Anaya, United Nations Special Rapporteur on the Rights of the Indigenous People, urged the Government of Panama and the country's indigenous people to initiate a dialogue process that would end with tension and violence.

Strict security controls in the southern Colombian border areas, particularly in the Darién Province, produce negative consequences for the communities (strict police controls, limitations on food transportation for consumption or sale).

The indigenous ethnic groups Emberá y Wounaan reside in Darién under the provisional protection humanitarian statute (PTH as per its acronym in Spanish). They are the beneficiaries of UNHCR programs implemented through partners like the Vicariate of Darién and the National Office for Refugee Attention (ONPAR, as per its Spanish acronym).

In the region of Kuna Yala, also on the southern border, the "sexual and reproductive health initiative" project is implemented as a result of the joint work among UNAIDS, the Ministry of Health, the mixed Spain-Panama Cooperation Fund and UNHCR. The project relies on the approval by, and participation of, the Kuna Regional Congress that acknowledges the relevance of issues such as sexual and reproductive education for their population.