

September 14, 2015

Juan Manuel Santos  
President of the Republic of Colombia  
Casa de Nariño  
Bogotá, D.C., Colombia



Dear Mr. President,

We write to express concern regarding the irregular accumulation of lands in Mapiripán, Meta for the purpose of oil palm expansion, and to request you take immediate action to protect land claimants whose lives are currently under threat in the municipality.<sup>1</sup> At the heart of this matter is Colombia's ability to protect the human rights of its citizens, including the right to a healthy environment as enshrined in the Colombian constitution and in international human rights law.<sup>2</sup>

Colombian government reports, civil society investigations, and press articles have reported on the irregular accumulation of land by Poligrow Colombia Ltda—an oil palm company operating in Mapiripán, as well as environmental damages related to the company's operations, which include growing and processing oil palm.<sup>3</sup> In addition, violence and intimidation perpetrated by paramilitaries operating with impunity in the region are limiting opportunities for safe, effective use of legal mechanisms and civic organizing by residents to address the damages caused by oil palm expansion in Mapiripán.

As put forth in an August 11, 2015 letter to Minister of the Interior Juan Cristo from the Washington DC based organizations Environmental Investigation Agency (EIA) and the Washington Office on Latin America (WOLA), reports from the ground indicate that more than 300 paramilitaries have recently been seen in the municipality.\* There are also indications that in Mapiripán these illegal armed actors are operating in an area where public forces are present,

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<sup>1</sup> Environmental Investigation Agency. (2015). Colombian Land Activist Threatened by Paramilitaries Linked to Oil Palm Company Poligrow. Retrieved from <http://eia-global.org/news-media/colombian-land-activist-threatened-by-paramilitaries-linked-to-oil-palm-com>.

<sup>2</sup> United Nations Resolution A/HRC/25/L.31 (2014).

<sup>3</sup> See Liévano, Andrés Bermúdez. (2013). El negocio 'baldío' de Poligrow. Retrieved from <http://lasillavacia.com/historia/el-negocio-baldio-de-poligrow-45234>; see also Miroff, Nick. (2014). In Colombia, a palm oil boom with roots in conflict. Retrieved from [https://www.washingtonpost.com/world/the-america/in-colombia-a-palm-oil-boom-has-its-roots-in-years-of-fighting/2014/12/29/ae6eb10c-796b-11e4-9721-80b3d95a28a9\\_story.html](https://www.washingtonpost.com/world/the-america/in-colombia-a-palm-oil-boom-has-its-roots-in-years-of-fighting/2014/12/29/ae6eb10c-796b-11e4-9721-80b3d95a28a9_story.html); see also General Comptroller's Office. (2014). *Informe de Actuación Especial (ACES) Instituto Colombiano de Desarrollo Rural - INCODER "Actuación Especial Sobre la Acumulación Irregular de Predios Baldíos en la Altillanura Colombiana" (Año 2012)*. Retrieved from <http://www.contraloriagen.gov.co/documents/10136/176635901/INCODER+-+Acumulacion+Irregular+de+Baldios+-+Informe+ACES.PDF/cc3400ed-934b-4144-b78b-2206e1c166e9?version=1.0>.

\*300 Urabeños. Located specifically in Los Esteros and 70 paramilitaries not-affiliated with the Urabeños in the Pueblo Seco area.

including the Joaquin Paris Battalion, the 7th Brigade, and the San Jose de Guaviare police force.<sup>4</sup> Local testimony reveals that paramilitaries have threatened land claimants, have access to Poligrow Colombia Ltda. Installations, and assassinated a Poligrow employee in 2014.

The week of August 17, 2015, upon return from international advocacy meetings in Washington DC, land claimant William Aljure was threatened by local paramilitary leader Edgar Pérez (alias “Tomate”).<sup>5</sup> Reports indicate that Perez described Mr. Aljure as a “threat to the business” of oil palm in Colombia and called for his assassination. Prior to this threat, multiple organizations had called for increased protection measures, including an *esquema duro* for Mr. Aljure, and continue to call for protections today. Currently, Mr. Aljure has protection measures including a cellular phone and bullet proof vest which are insufficient for the situation he lives in and the threats he has received. He has formally submitted a request for increased protection measures to the National Protection Unit, yet none have been issued.

Poligrow Colombia Ltda. operations also represent a threat to the cultural survival of Jiw and Sikuni indigenous communities in Mapiripán. These communities’ hunting and fishing areas have been appropriated by the company and closed off by both the company and the Corporación para el Desarrollo Sostenible del Area de Manejo Especial de la Macarena (CORMACARENA). In those areas, Jiw and Sikuni are prohibited from hunting and fishing, both of which are necessary for survival. The company plans to build an oil palm extraction facility over a Jiw and Sikuni sacred site known as Las Toninas—a lake that is also home to the Amazonian pink dolphin (*Inia geoffrensis*), which has been classified as a vulnerable species.<sup>6</sup> Approval for construction of this facility must be investigated by the Fiscalía, as it calls for a modification in zoning (Modificacion al Esquema de Ordemaniento territorial) that was, in effect, approved by the former mayor of Mapirpan, Maribel Mahecha, who is currently serving a prison sentence for misappropriation of funds and corruption.

The Colombian state, as documented in a February 2014 report<sup>7</sup> by the National Comptroller (*Contraloria General de la Nacion*) must act to protect these communities. In particular, under Article 85 of Law 160 (1994), the Instituto Colombiano de Desarrollo Rural (INCODER) is obligated to act upon the request issued nineteen years ago by the Sikuni (Caño Jabón) to increase their reservation holdings. The failure to act in a timely fashion on this request can and should result in sanctions. The request must be processed as a critical first step toward protecting Sikuni lands and people from oil palm expansion in Mapiripán. The Jiw, who have been victims of displacement, are awaiting action on commitments made by INCODER and the

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<sup>4</sup> This collusion would represent a violation of the human rights conditions mandated by U.S. legislation for receipt of Colombia’s military aid from the U.S.

<sup>5</sup> See Comision Intereclesial de Justicia y Paz. (2015). Plan de atentado contra William Aljure reclamante de tierras. Retrieved from <http://justiciaypazcolombia.com/Plan-de-atentado-contra-William> .

<sup>6</sup> Reeves, R.R., Jefferson, T.A., Karczmarski, L., Laidre, K., O’Corry-Crowe, G., Rojas-Bracho, L., Secchi, E.R., Slooten, E., Smith, B.D., Wang, J.Y. & Zhou, K. 2013. *Inia geoffrensis*. The IUCN Red List of Threatened Species. Version 2015.2. <[www.iucnredlist.org](http://www.iucnredlist.org)>. Downloaded on 27 August 2015. Retrieved from <http://www.iucnredlist.org/details/10831/0> .

<sup>7</sup> Comptroller General’s Office. (2014). *Informe de Actuación Especial (ACES) Unidad Administrative Especial de Gestión de Restitución de Tierras Despojadas "Estudio de Caso: Despojo y Abandono de Tierras en el Municipio de Mapiripán - Meta" (Año 2014)*. Retrieved from <http://www.contraloriagen.gov.co/documents/72584229/190243783/UAEGRTD-00717-2015-Tierras-Mapiripan-2014.pdf> .

Ministry of the Interior to grant them reservation lands (Luna Roja in Puerto Concordia and Zaragoza in Mapiripán). Both the Sikuni and the Jiw assert that prior consultation was not carried out and free, prior and informed consent (FPIC) was not obtained for Poligrow Colombia Ltda. projects in their territory.

Mapiripán and the surrounding plains (*llanos*) are home to moriche groves (*morichales*) that play a critical role in conserving and distributing water in the region. Oil palm cultivation in the region is damaging morichales and putting water sources under extreme pressure. The Von Humboldt Institute (Instituto de Investigación de Recursos Biológicos Alexander von Humboldt) asserts that the plains region of Colombia is being rapidly replaced by African palm monocrops and that if cultivation of monocrops such as palm and soy continues, the structure and stability of morichales will be affected, potentially leaving the region without water.<sup>8</sup> The properties of Macondo I, II and III, where Poligrow Colombia Ltda. is operating, sit within 78 kilometers of Colombia's National Park, La Macarena-an ecologically rich area encompassing rainforest, dry forest, and savanna. The environmental impact of and strict adherence to environmental impact assessments by Poligrow must be investigated as local reports indicate severe environmental damage to soil, trees, and water sources.

Reports of labor violations by Poligrow Colombia Ltda. must also be investigated, particularly in light of commitments made in the 2011 labor action plan between the United States and Colombia, which classifies palm as one of five priority sectors.<sup>9</sup> Poligrow employee Johany Castillo Castrillón was assassinated by paramilitaries on July 8, 2014 while attending meetings at the Poligrow installations.<sup>10</sup> Reports from the region indicate that he was leading efforts to organize workers in initial attempts to establish a labor union. His murder has not been investigated. Testimonies from workers indicate that basic minimum wage laws are not being adhered to, that payment deductions are made without employee consent and that in specific cases the company has failed to address work-related injury reports. The labor action plan set out to reduce threats and violence against workers, guarantee direct contracts, help ensure collective bargaining, and justice in cases of murder of trade unionists and labor activists. The above reports lead us to believe that in the case of Poligrow, the essential goals and components of the plan are being disregarded at the expense of Poligrow employees. If not investigated and resolved, these alarming reports set a dangerous precedent for the oil palm industry in Colombia, already identified by Colombia and the United States as a priority sector for improving labor relations.

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<sup>8</sup> See Carlos A. Lasso, Anabel Rial B., Clara L. Matallana, Wilson Ramírez, J. Celsa Señaris, Angélica Díaz-Pulido, Germán Corzo, Antonio Machado-Allison. (2011). *Las comunidades de morichal en los llanos orientales de Venezuela, Colombia y el Delta del Orinoco: impactos de la actividad humana sobre su integridad y funcionamiento*. Retrieved from [https://www.academia.edu/11795323/Las\\_comunidades\\_de\\_morichal\\_en\\_los\\_llanos\\_orientales\\_de\\_Venezuela\\_Colombia\\_y\\_el\\_Delta\\_del\\_Orinoco\\_impactos\\_de\\_la\\_actividad\\_humana\\_sobre\\_su\\_integridad\\_y\\_funcionamiento](https://www.academia.edu/11795323/Las_comunidades_de_morichal_en_los_llanos_orientales_de_Venezuela_Colombia_y_el_Delta_del_Orinoco_impactos_de_la_actividad_humana_sobre_su_integridad_y_funcionamiento) .

<sup>9</sup> United States Trade Representative. (2011). *Colombian Action Plan Related to Labor Rights*. Retrieved from <https://ustr.gov/sites/default/files/uploads/agreements/morocco/pdfs/Colombian%20Action%20Plan%20Related%20to%20Labor%20Rights.pdf>.

<sup>10</sup> Comisión Intereclesial de Justicia y Paz. (2014). Paramilitares asesinan a joven en campamento de POLIGROW. Retrieved from <http://justiciaypazcolombia.com/Paramilitares-asesinan-a-joven-en> .

## Recommendations

### Ministry of Interior

#### National Protection Unit

- Ensure land claimants and vulnerable indigenous leaders in Mapiripán receive adequate and immediate protection measures.
- Immediately review and approve “*esquema duro*” protection for Mapiripán land claimant William Aljure, including assignment of a secure vehicle and armed bodyguards.

#### Indigenous Affairs and Ministry of Agriculture (INCODER)

- Resolve requests by the Sikuni to expand their reservation holdings.
- Initiate procedures required to grant reservation land to the Jiw in Zaragoza and Luna Roja.
- In accordance with Decree 4633 of 2011, begin the process of returning sacred sites to the Sikuni and Jiw (including Las Toninas Lake and burial grounds that have been appropriated by Poligrow Colombia Ltda.)<sup>11</sup>,
- Take timely measures to ensure that no further expansion of oil palm investments occurs in Mapiripán and other rural areas in Colombia without robust prior measures to protect the land and territorial rights of indigenous peoples, including measures to ensure strict compliance with the free, prior and informed consent (FPIC) standard.

#### Prosecutor General's Office (Fiscalía General)

- Investigate and immediately sanction public officials found to be colluding with paramilitary forces in Mapiripán.
- Investigate the validity of zoning changes approved by former Mapiripán Mayor Maribel Mahecha in Las Toninas sacred site area.
- Investigate cases of illegal possession of lands in Mapiripán, and investigate current occupation of the Santa Ana hacienda by Poligrow Colombia Ltda.

#### National Comptroller (Contraloría General)

- Report on the fulfillment of requirements laid out in reports: “Actuación Especial (ACES) Instituto de Desarrollo Rural, Incoder ‘Actuación Especial sobre la acumulación irregular de predios baldíos en la Altillanura colombiana, 2012,’” and “ACES Unidad Administrativa Especial de Gestión de Restitución de Tierra Despojadas Estudio de Caso: Despojo y Abandono de Tierras en el municipio de Mapiripán-Meta, 2014.”

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<sup>11</sup> Decreto Ley de Víctimas 4633 de 2011.

## Ministry of Environment

- Initiate an environmental impact study to evaluate damages caused to soil, water, morichales, and biodiversity in the Mapiripán municipality as a result of oil palm plantations and palm oil processing.

## Ministry of Labor

- Open an investigation into the murder of Poligrow employee Johany Castillo Castrillón, who was assassinated by paramilitaries on July 8, 2014.
- Send labor inspectors to Poligrow installations to investigate allegations of company activities that obstruct labor organizing and to investigate other labor violations.

Mr. President, in light of the historic peace negotiations taking place between your government and the Revolutionary Armed Forces of Colombia (FARC), prompt and consequential action on the matters detailed in this letter could not be more critical. Agreement already exists between the two parties that land reform, and economic and social development for rural regions will be a top priority in any final accord. In the case of Poligrow Colombia Ltda. and Mapiripán, you have the opportunity to demonstrate the government's will and institutional ability to address land disputes, and related impacts on human rights, forests and the environment.

We thank you for your attention to this urgent matter, and reiterate the need for immediate action to ensure protection of individuals and communities currently under threat by paramilitaries in the municipality of Mapiripán.

Sincerely,

Amazon Watch

Both ENDS

Chicago Religious Leadership Network on Latin America

Colombia Land Rights Monitor

Environmental Investigation Agency

Forest Peoples Programme, UK

Friends of the Earth, U.S.

Global Witness

International Institute on Race, Equality and Human Rights

International Labor Rights Forum

Latin America Working Group

Oxfam

Rainforest Action Network

Rainforest Foundation Norway

Rainforest Rescue, Germany

Sierra Club

SumOfUs

Transport & Environment

United Steelworkers, AFL-CIO/CLC (USW)

Washington Office on Latin America

Witness for Peace, Colombia

*Please contact [info@eia-global.org](mailto:info@eia-global.org) with any questions and for further discussion.*