

THE GREEN MONSTER

Perspectives and Recommendations
from the Black Communities of Northern Cauca,
Colombia regarding the Sugar Sector in Colombia

Policy Paper

By

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A joint collaboration between Forest Peoples Programme and Palenke Alto Cauca-PCN



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“For us to hold the land, to keep the land, to work the land, is to generate the political, economic, and social control of black people. Today we have none of that. Because we lost the land with the massive arrival of sugarcane. Since the ‘green monster’, as some people here call it, burst in from then on, everything was lost... First, we no longer control our food. Second, we no longer control our natural resources. Third, we no longer control the economy. Fourth, we no longer control our own cultural practices, because all this will just flourish having control of the territory. But when you lose control of the territory, you lose everything. More or less from that time onwards, when large-scale capitalism burst in through the sugar cane industry.”

**–Afro-descendant leader
Puerto Tejada, 2020**

“Peasants! The sugarcane degenerates one; turns one into a beast, and kills! If we do not have land, we cannot contemplate the future well-being of our children and families. Without land there can be no health, no culture, no education, nor security for us, the marginal peasants In all these districts one finds the plots of the majority threatened by the terrible Green Monster, which is the Great Cane, the God of the Landlords.”

**–Peasant broadsheet, southern Cauca Valley, 1972
(Taussig 1980, 39)**

EXECUTIVE SUMMARY

Undertaken as a joint collaboration between the Palenke Alto Cauca and the Forest Peoples Programme, “The Green Monster” examines the nature of the sugarcane and derivatives business in Colombia and its impacts on the lives and territories of affected black communities. While fieldwork was constrained by the global pandemic of COVID-19, the study has reviewed industry, academic and NGO literature, and woven in findings and testimonies from previous studies, supplementing these with select interviews with community members conducted remotely in early 2020 and later.

The intent of our joint study is to make visible the most significant human rights, environmental and territorial impacts of the sugarcane industry, with a view to providing recommendations to improve corporate accountability and business conduct cutting across the sugar supply chain. The study also reiterates long-standing pleas for a total rethink of rural and agrarian development models and public policy in the Cauca Valley and beyond.



Sugar cane plantations extend across the Cauca River Valley
Photo: Darwin Gómez/ Proceso de Comunidades Negras,
equipo de comunicaciones

KEY FINDINGS

THE CLASH IN DEVELOPMENT MODELS:

There is a fundamental disconnect between the business development model fuelling the direction and operations of the sugarcane industry in the territory, and the local conceptual model of **Buen Vivir-Ubuntu (Living Well-Ubuntu)**, which is valued and applied by black communities. The imposition and dominance of a homogenising model based on 'accumulation by dispossession', extractivism, individualism, and profit-making derived from large-scale chemical-based industrial monocultures, land concentration and mega-infrastructure over the black communities' **Buen Vivir-Ubuntu** model founded on small-scale diverse agro-ecosystems, social unity, sharing and ritual renewal in ethnic and collective interethnic territories in the Palenke Alto Cauca, lies at the heart of all the devastating social and environmental impacts flowing from the sugarcane industry on affected black communities.

THE SCOPE OF IMPACTS:

It is impossible to examine the impacts of the sugarcane trade and industry on the black communities in Cauca in isolation, without putting them into an historical and regional context of cumulative impacts across time and space. The industry has grown through a regional development model backed by the state and its policies, alongside international markets and trade that has led to the dispossession of black communities' territories that were arduously fought for following centuries of slavery. The agribusiness sector has dammed, privatized and channelled the Cauca River Valley's waters to the sugarcane plantations, flooding some of the most fertile and important ancestral lands of black and indigenous communities; it has destroyed forests and wetlands and dispossessed these communities of water for their own uses, drying up the Madres Viejas, the surface water and groundwater networks and wetlands important to ecological integrity and of vital cultural and spiritual significance for black communities.



Harmonization Ceremony. Gathering of Black Communities, northern Cauca
Photo: Viviane Weitzner



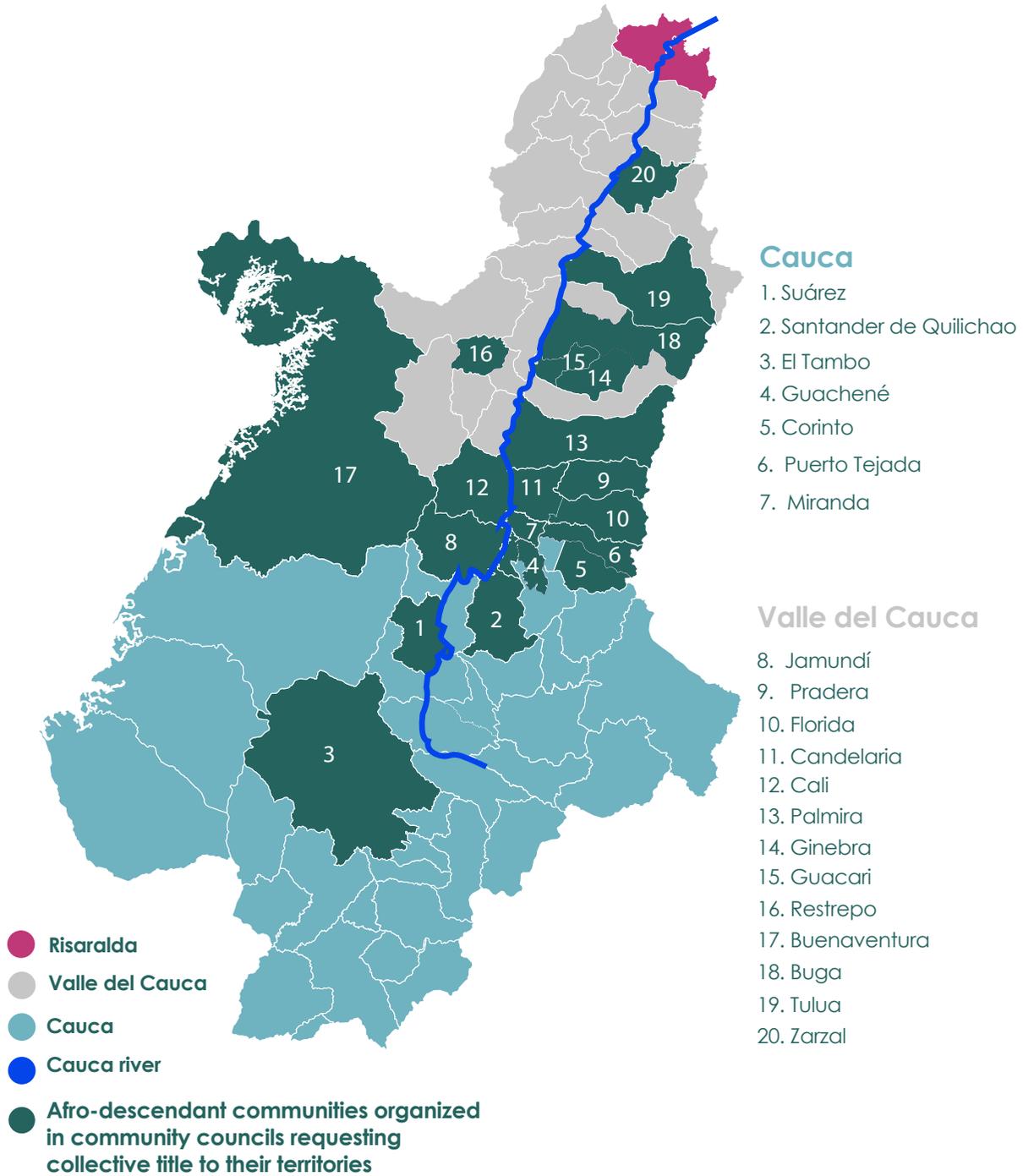
Gathering of Black Communities, northern Cauca
Photo: Viviane Weitzner

Business growth and territory-wide transformations driven by monoculture expansion, industrial crop processing and infrastructure development have allegedly been achieved, among other ways, by collusion with armed actors in the area, whose waves of violence are said to have enabled the industry to takeover lands and waters emptied of displaced peoples, and thereby to benefit from armed conflict. Private commercial gain and growth of the sugar sector has also been enabled by a State that has opted to prop up the industry at the expense of human rights, including neglecting state obligations to respect and protect community collective land and resource rights and failing to uphold fundamental rights to prior consultation leading to free, prior and informed consent. The industry is rife with recent scandals around corruption, influence-peddling and reports of the use of violence deployed by paramilitary and public forces. In short, any assessment of the sugar industry and supply chains regarding human rights and environmental impacts on affected black communities must address past abuses and injustices and take into consideration the ways in which these violent cumulative historical and territorial impacts are intertwined.

THE SEVERITY OF IMPACTS

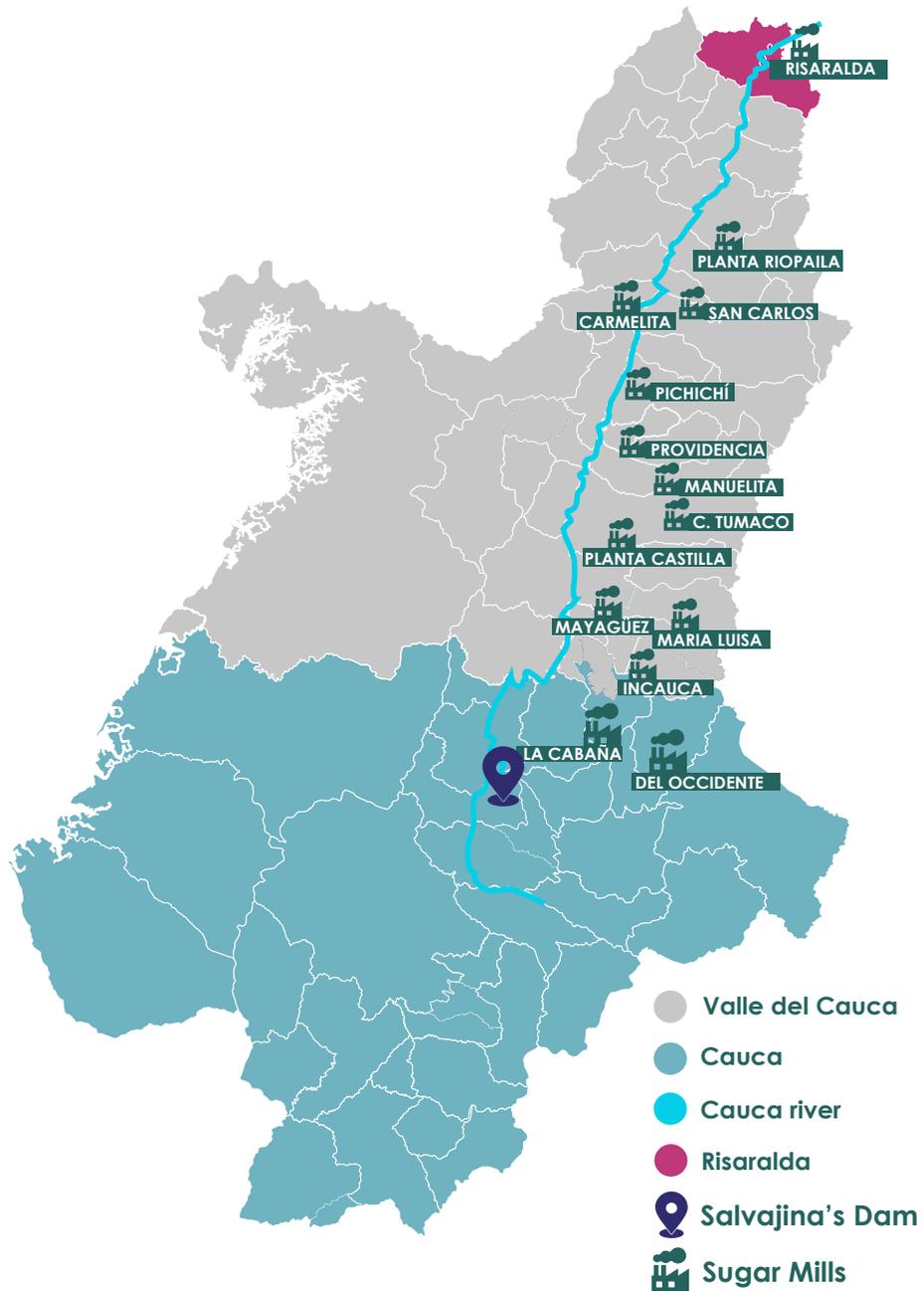
Community testimonies evidence an alarming situation—engendered by the sugarcane industry and value chain— of increasing poverty, violence and vulnerability together with decreasing autonomy, self-reliance and cultural integrity. This situation, akin to ethnocide, is compounded by environmental and climate change impacts such as deforestation, contamination through intense harmful pesticide and herbicide use by agribusiness, decreased biodiversity, lowered groundwater levels and rising temperatures. In addition, current practices around burning are exacerbating vulnerabilities to respiratory infections particularly in the context of the spread of the COVID-19 virus. The pandemic has also underscored the industry's impacts on the food sovereignty of black communities.

MUNICIPALITIES AND AFRO-DESCENDANT COLLECTIVE TERRITORIES UNDER CLAIM IN THE UPPER CAUCA RIVER BASIN



Source: Authors, with information of the Observatory for Ethnic and Peasant Territories (Observatorio de Territorios Étnicos y Campesinos). Universidad Javeriana, Bogota

SUGAR MILLS IN THE CAUCA RIVER VALLEY



Source: Authors, based on information of Asocaña (2020-1;9)

“The entire Afro population settled throughout the length and breadth of the Palo River micro-basin had autonomy over their territories. With the arrival of the sugarcane this is not true anymore.”

–Afro-Descendant Elder, 2020

THE NATURE OF THE SUPPLY CHAIN, STANDARDS AND REPORTING

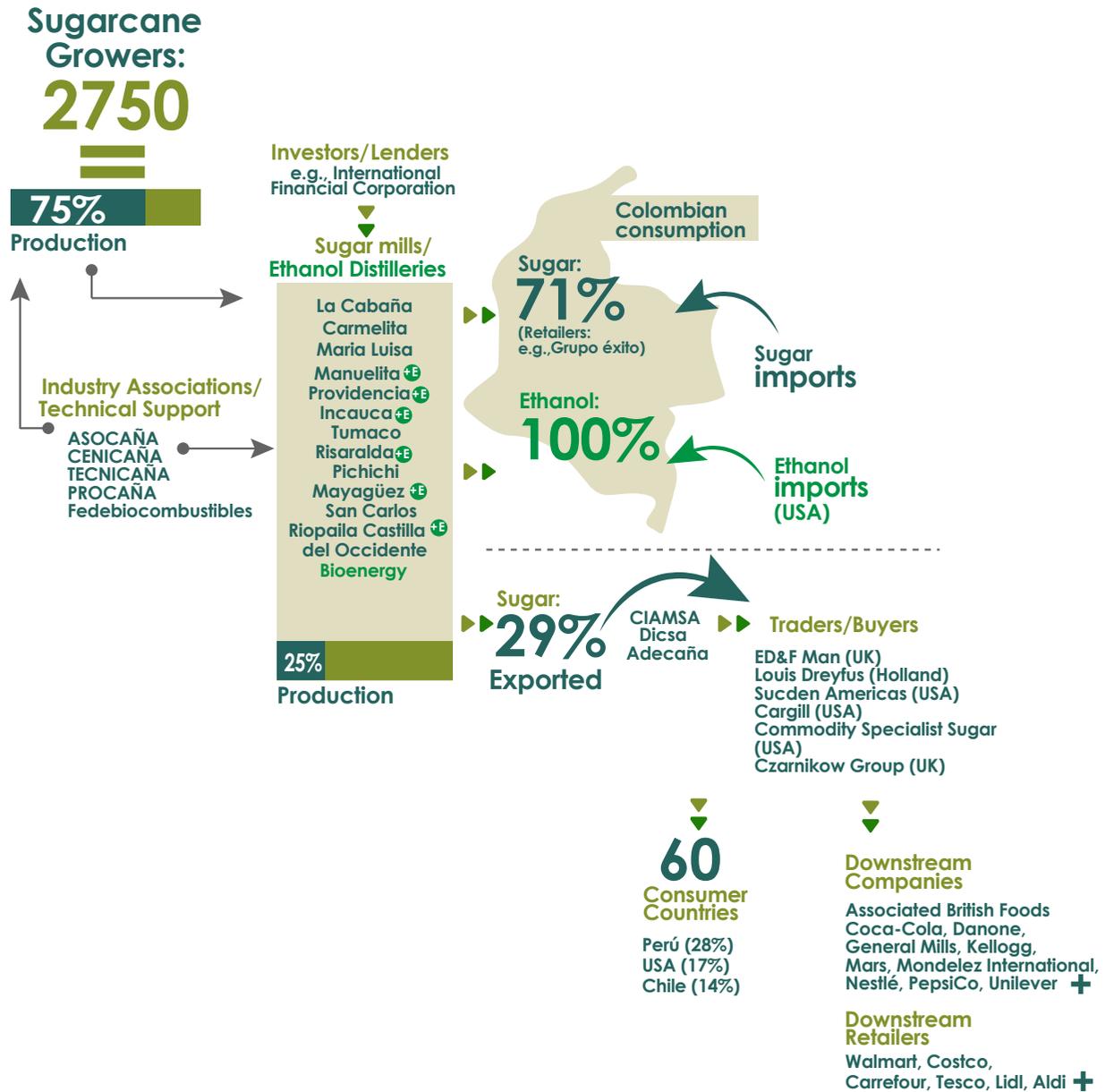
In Colombia, 75% of sugar suppliers are ‘autonomous’ and *Ingenios* (sugar mills)—claim they have little control over their suppliers’ environmental and social standards. This is a huge gap in terms of accountability and a denial of business responsibility. A sugar mill that claims to uphold certain standards only purports to do so for some 25% of its sugar supply—and even for this 25% this claim is often questionable. There is also a very clear divergence between the perspectives of industry and affected communities. Yet the recognition of these impacts is currently subject to corporate self-reporting only, with well-known inherent weaknesses, including the risk of conflicts of interest and perverse incentives that lead companies to minimise or disregard non-compliance information. Indeed, to date all corporate social responsibility standards allegedly adhered to are voluntary, with no credible independent third-party verification. While some claim to uphold the UN Guiding Principles on Business and Human Rights with respect to complaints mechanisms, information is lacking on how these are working in practice. There are also differences within groups of companies owned by the same owner with regards to corporate responsibility standards allegedly implemented. Bonsucro appears to be gaining ground in Colombia as the certification scheme

of choice. Yet it is still early days to draw out conclusions—particularly in light of 2020 revisions to the standard and its complaints mechanisms—and aside from the extremely problematic issue of certifying and greening an industry grown on alleged widespread land and water grabbing practices, among other human rights violations.

“This sugarcane cultivation has changed land use in a brutal way. Before, agriculture was related to other activities in the territory, and people were self-sustaining. Because these were cocoa lands, what can our elders say now, when they see sugarcane where cocoa was once commercialised, and in some cases coffee, banana, yucca, and traditional corn were planted. And now with the sugar cane plantations, traditional food crops have been disappearing. They have been damaged because these sugarcane industries use chemicals that end up damaging the fruit of food crops that one has nearby.”

–Afro-descendant woman leader, 2020

KEY PLAYERS AND THEIR 'FLOW' IN COLOMBIA'S SUGAR SUPPLY CHAIN



CRITICAL INFORMATION GAPS IN INDUSTRY LITERATURE

Currently, most companies interpret the scope of what comprises human rights narrowly, to focus almost exclusively on child labour and workers' rights. Industry documents reveal, among other things, an information vacuum with regards to how lands owned by or leased to sugar mills/ethanol plants were acquired, and what proportion of these lands was obtained from black, indigenous or other landowners. This information is required to assess and redress a series of potential (and ongoing) human rights violations, including dispossession from ancestral lands. In addition, there is a lack of information on workforce data disaggregated with regards to ethnicity and gender; the nature and conditions of contracts; and the effectiveness of sugar mill complaints mechanisms and "ethical lines."

FUTURE INVESTIGATIONS:

There is an urgent need for rigorous, independent investigation examining, among other topics:

- Territorial rights that have been affected by sugarcane agribusiness, particularly those of affected black and indigenous communities.
- The links between the sugarcane industry, armed conflict and human rights violations.
- The connection between the takeover of ancestral lands by the sugarcane industry and associated infrastructure.
- The lack of licit economic opportunities for the population together with increasing gang-related violence.
- The overall social and environmental benefits of ethanol production and expansion of sugar into greenfield sites, compared to environmental, social and human rights harms caused by the industry.
- The impacts of the use of glyphosate (and other herbicides) on neighbouring communities, workers and the environment (including cumulative impacts over time).
- How much of these herbicides enter the sugar supply chain for consumption by people in Colombia and around the world, and with what effects.



Mural painted by Black Communities in northern Cauca
Photo: Leidy Mina, Palenke Alto Cauca.

RECOMMENDATIONS

REGARDING IMPACT ASSESSMENT:

1 Any assessment of the human rights and environmental impacts of the sugar industry on affected black communities must take into account the **cumulative historical and territorial violence underpinning agribusiness growth**, which includes accumulation by dispossession of lands and rivers; past and current violations of land rights and free, prior and informed consent; intimidation and violence by legal and illegal armed actors allegedly at times in connivance with industry; and undue influence of industry in high-level public policy processes, at the expense of the rights of affected communities. Indeed, for black communities the concept of 'environment' includes all impacts: biophysical, social, cultural and related impacts. Thus, impacts must be evaluated not only in relation to communities directly affected by a particular project, but in relation to effects on the black population as a whole across territories. Any ex ante or ex post assessment must consider the 'no project' scenario, as well as historical reparations.

REGARDING THE COLOMBIAN STATE:

2 The **Colombian State** must put an end to favouring the expansion and intensification of the sugarcane industry at the expense of the health, wellbeing and very survival of ancestral communities; and to the detriment of the forest and wetland ecosystems and overall biodiversity and environmental health. In adhering to the principle of equality, the nation state should adopt policies and allocate resources to guarantee the effective enjoyment of rights by Black Communities through prioritising measures and actions for:

- a) guaranteeing collective territorial rights, including buying sugar mill lands with a view to adjudicating and returning them to black communities who have been dispossessed;
- b) offering reparations to black communities for addressing environmental and social harms produced by the sugar industry and its related infrastructure;
- c) designing effective tools at different levels and strengthening environmental authorities, to guarantee, regulate and monitor the non-repetition of social and environmental harms flowing from the sugar industry, with an emphasis on: i) regulating water use so that the black communities' right to this resource is upheld, and harmful practices of flooding community lands are stopped; ii) prohibiting harmful burning practices (not simply reducing them), and (iii) prohibiting the use of dangerous herbicides and chemicals (as has been done in other jurisdictions with regards to glyphosate);

- d) endorsing and supporting alternative agroecological rural and agrarian development policies that are respectful of collective rights, promote agrobiodiversity and enable sustainable food systems in Cauca and throughout Colombia, and the elimination of harmful agrochemicals;
- e) enabling opportunities towards black communities' food sovereignty and other autonomous projects leading to self-reliance and resilience;
- f) upholding black peoples' collective rights, particularly to territory, participation and free, prior and informed consent in all planning processes and projects affecting ancestral territories, in keeping with its constitutional and international obligations, in line with the decisions and recommendations of international human rights bodies, including the recent concluding observations of the UN Committee on the Elimination of Racial Discrimination (UNCERD).⁵⁴

In addition, while there is no doubt that mitigation of climate change is critical and that with the right preconditions biofuels may help to reduce greenhouse gas emissions, the overall environmental and social impacts of expanding this agroindustry need to be weighed alongside the potential economic gains. A total rethink of biofuels intensification and expansion is required once all the social and environmental costs and benefits are taken into account.

“People had to ‘enslave’ themselves working in sugar mills to earn a few pesos cutting sugar cane. So, for us that is a form of slavery. In the absence of land to cultivate, what one has to do is to survive, and to survive many of us have had to go and cut cane.”

—Woman Afrodescendant leader, 2020

REGARDING THE SUGARCANE INDUSTRY AND SUPPLY CHAIN ACCOUNTABILITY:

3 Human rights and environmental standards for the sugarcane industry cannot remain subject to unverified, self-assessed and self-reported mechanisms and defective industry audit practices. Standards should be **mandatory**, subject to **truly independent third-party verification** (and firewalled against conflict of interest and perverse incentive risks) and include access to **independent, agile and credible grievance systems** that follow the highest international standards in this regard. **Past abuses** linked to the supply chain and agribusiness sector including **how lands were obtained**, and whether this businesses benefiting from displacement caused by armed conflict, are essential to address.

Businesses should also adopt **robust safeguards** to ensure that their **activities do not lead to or enable risks to and increased vulnerability of human rights and environmental defenders** who raise concerns about the harmful impacts and injustices of sugar industry actors or operations.

In addition, human rights standards should not simply be relegated to considering issues around core labour rights; **upholding all fundamental human rights including self-determination**. Giving special attention to land and water rights is critical and required, particularly in relation to the rights of ancestral peoples to property, free, prior and informed consent, autonomy and self-determination.



Sugarcane cutters
Photo: Photographic archive of the Palenque Alto Cauca

4 **Sugar industry and corporate actors in the supply chains** who purport to uphold environmental and human rights standards must require **their suppliers** to uphold these same standards, with special emphasis on guaranteeing land rights and workers' rights; and must subject their suppliers to **independent third-party monitoring**. For upstream supply chain actors in Colombia (growers and mills), much more robust measures need to be put in place to prevent social and environmental harm. **The hiring of local people, and members of the black communities, into high-level managerial positions should be a priority for these companies. In addition, sugar mill owners should refrain from interfering in the political-electoral affairs of black communities.** They should consider returning to black communities all those lands plagued with legality issues, and the **Colombian government** should **facilitate the adjudication process** as part of historical reparations. Finally, in terms of corporate social responsibility and accountability, **the sugar mills should offer a portion of their lands to local people** to engage in agricultural initiatives enabling increased food sovereignty.

5 **Sugar mills and their raw cane suppliers should suspend all harmful burning activities and use of harmful herbicides and chemicals.** In the current COVID-19 pandemic, these practices affect neighbouring communities, compounding respiratory system complications and exacerbating exposure to the virus. In this emergency context, sugar mills and their suppliers should consider as part of their corporate social responsibility **strategies supplying health centres and hospitals with provisions to address the pandemic.**

6 **Bonsucro** should be open to and encourage an **independent review of its Colombia-based certified members and operations**, as it has done in the case of India, with a special focus on human rights impacts to Afro-descendant, indigenous and campesino communities. It should **require independent third-party verification** that is aligned with ISO and WTO standards. In addition, **Bonsucro** should **establish an independent grievance mechanism** upholding ILO Convention 169 and following the United Nations Guiding Principles on Business and Human Rights criteria; and communities should be able to submit grievances in the languages of their communities.



Water contamination, Palo river
Photo: Vicki Brown/Forest Peoples Programme

7 International traders and downstream companies should ensure greater transparency and accountability by publishing a **list of all their suppliers in Colombia**, including indirect (third party) sources of sugar and its derivatives. This public list must detail the name and location of each mill and its parent company (if applicable). Downstream companies should use their supply chain leverage to ensure that exporters such as CIAMSA (the International Trader of Sugars and Honeys - *Comercializadora Internacional de Azúcares y Mieles S.A*), DICSA (Commercial and Industrial Developments - *Desarrollos Industriales y Comerciales S.A*) and their suppliers (including sugar mills' suppliers) uphold human rights and environmental standards across the supply chain. The purchasing should be conditional upon independent third-party verification of compliance with applicable human rights standards.

8 Investors and financiers in the sugarcane sector cannot ignore the serious human rights violations and environmental impacts from land and water grabbing and use of toxic substances, whether for sugar processing or biofuel production, or consider that these are 'green investments.' **Their evaluations need to take into consideration Recommendation 1 on impact assessment**, and put in place more rigorous due diligence systems and zero tolerance frameworks to prevent investments in and/or financing of the sugar sector and its supply chain actors associated with human rights abuse, including land rights violations, killings, violence and environmental damage.

"We receive constant threats. Because when one wants to highlight the type of actions that are being carried out in the territories, then one is seen as an opponent of development. Because their development is one that devastates the territory."

—Afro-descendant woman leader, 2020

REGARDING COUNTRIES IMPORTING, BUYING, SELLING, PROCESSING AND CONSUMING COLOMBIAN SUGAR

9 There is an urgency for **importer countries and trading blocks like the EU and USA**, whose companies trade, buy, process and sell Colombian sugar and its derivatives, to develop binding corporate human rights and environmental due diligence norms regulating the sugar industry supply chain. To be effective, such regulations must ensure specific attention is given to measures and actions required to address and prevent harmful impacts on the human rights of ancestral peoples, including their tenure rights to territories and associated forests and other ecosystems under their traditional use, occupation and management. In addition, any certification schemes that these states endorse should, at a minimum, **comply with all the states' existing national and international commitments on human rights and environment in full** (not simply select rights); and feature robust compliance systems, including credible and regularly undertaken independently funded third party verification (free from conflict of interest), in compliance with the highest international standards for this purpose; and provide access to justice through an independent complaints mechanism aligning with the criteria for rigour outlined in the United Nations Guiding Principles for Business and Human Rights.



The Paila river's water flow is obstructed by waterpumps that suction water out of the river for sugarcane crops
Photo: Vicki Brown/Forest Peoples Programme

“With the pressure of the sugarcane agribusiness... if you had your hectares of land they would put you in prison with any excuse, not only you but the whole family, for two, three months and the landowners would arrive and they would appropriate the land and supposedly make large investments and deposit resources in the courts of what they considered the land was worth. This is the way how they initially began to expropriate the land, in addition to all the elements that we know, that they would bring in cattle, fierce animals so that the people could not gain access; they would flood the farms, fumigate, they utilised all those strategies to expropriate them.”

—Plutarco Sandoval Ararat, 2009

Territory is life,
and life is not for sale,
It is to be loved
and defended

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