

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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With funding from
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Abbreviations

Adecaña S.A.	Alimentos derivados de la caña S.A. (food stuffs derived from sugarcane)
ANC	Autoridad Nacional de Consulta Previa (National Authority for Prior Consultation)
ANLA	Autoridad Nacional de Licencias Ambientales (National Authority for Environmental Licences)
ANT	Agencia Nacional de Tierras (National Lands Agency)
Asocaña	Asociación de Cultivadores de Caña de Azúcar de Colombia (Colombian Sugarcane Growers Association)
AUC	Autodefensas Unidas de Colombia United Self-Defense Forces of Colombia
BASC	Business Alliance for Secure Commerce
CDB	Convention on Biodiversity
CCSIBHR	Columbia Center on Sustainable Investment and Business and Human Rights Resources Centre
Cenicaña	Centro de Investigación de la Caña de Azúcar (Centre for Sugarcane Research)
CIAMSA	Comercializadora Internacional de Azúcares y Mieles S.A (International Trader of Sugars and Honeys)
CRC	Corporación Autónoma Regional del Cauca (Cauca Regional Autonomous Corporation)
CGR	Contraloría General de la República National Comptroller's Office of the Republic of Colombia
CUT	Central Unitaria de Trabajadores de Colombia (Commercial and Industrial Developments)
CVC	Corporación Autónoma Regional del Valle del Cauca
DICSA	Desarrollos Industriales y Comerciales S.A (Commercial and Industrial Developments)
EIA	Evaluación del impacto ambiental (Environmental Impact Assessment)
EIAS	Evaluación del impacto ambiental y social Environmental and Social Impact Assessment
FAO	Organización de las Naciones Unidas para la Alimentación y la Agricultura Food and Agriculture Organization of the United Nations
FARC	Fuerzas Armadas Revolucionarias de Colombia (Colombian Revolutionary Armed Forces)
Fedebiocombustibles	Federación Nacional de Biocombustibles (Colombia's National Biofuels Federation)

Finagro	El Fondo para el Financiamiento del Sector Agropecuario (National Finance Fund for the Agricultural sector)
FPP	Forest Peoples Programme
GDP	Gross Domestic Product
HRIA	Human Rights Impact Assessment
OECD	Organization of Economic Cooperation and Development
ILO	International Labour Organization
ISO	International Standard Organization
MNEs	Multinational Enterprises
Procaña	Asociación Colombiano de Productores y Proveedores de Caña de Azúcar (Colombian Association of Sugarcane Producers and Suppliers)
PCN	Proceso de Comunidades Negras
RCN	Radio Cadena Nacional
Rel-UIT	International Union Movement of Sugarcane Workers
Sinalcorteros	National Union of Sugarcane Cutters
Sintraigo	National Union of Agribusiness Workers
Sinaltrainal	Sindicato Nacional de Trabajadores de la Industria de Alimentos (National Union of Food Industry Workers)
Tecnicaña	Asociación Colombiana de Técnicos de Caña (Colombian Association of Sugarcane Technicians)
TVA	Tennessee Valley Authority
UN	United Nations
UNCERD	United Nations Committee on the Elimination of all forms of Racial Discrimination
UNGPHR	United Nations Guiding Principles on Business and Human Rights
USDA	United States Department of Agriculture

*“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 Palenque 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.



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.

Business growth and territory-wide transformations driven by monoculture expansion and infrastructure development have been 'achieved' through different forms of land and water appropriation, dispossession and the displacement of communities by waves of violence. 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



Photo: Photographie archive of the Palenque Alto Cauca

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.

■ **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.

■ **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.



Sugar cane cutters
Photo: Photographic archive of the Palenque Alto Cauca

Recommendations

● Regarding Impact Assessment:

Recommendation #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.

- b) offering reparations to black communities for 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;

● Regarding the Colombian State:

Recommendation #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;
- 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).

In addition, while there is no doubt that mitigation of climate change is critical and that with the right preconditions agrofuels 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 agrofuels intensification and expansion is required once all the social and environmental costs and benefits are taken into account.

● **Regarding the sugarcane industry and supply chain accountability:**

Recommendation #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.

Recommendation #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 **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.

Recommendation #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.**

Recommendation #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.

Recommendation #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.

Recommendation #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.

● **Regarding countries importing, buying, selling, processing and consuming Colombian sugar**

Recommendation #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 or exclude rights at their convenience); and feature robust compliance systems, including credible regularly undertaken and independently funded verification by third parties (free from conflict of interest), in compliance with the highest international standards for this purpose. The Certification systems must 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.

Introduction

The radical transformation of Colombia's fertile Cauca River Valley into the sea of green that it is today—the sea of sugarcane fields that stretches as far as the eye can see—has brought enormous prosperity for some, and a tsunami of destructive change for others. It has taken tenacious hold of the ancestral territories of both indigenous and afro-descendant peoples living off the land here for centuries, pushing them to the sidelines of an enormous capitalist project based on satiate national and global demand for the sugar—and now ethanol—this sea of green produces.

Today, the Department of Cauca is one of the hardest-hit areas affected by Colombia's internal armed conflict. Here, ancestral peoples are caught in the crossfire as national and multinational companies, outlawed armed actors and the Colombian state's armed forces, violently dispute control over territories that contain enormous gold and water resources, and offer fertile grounds for both licit (sugarcane) and illicit (marihuana and coca) crops in strategically important corridors. Cauca has become a veritable "hot-spot" for all actors involved in Colombia's capitalist project – whether legal or illegal, 'above ground' or operating in the shadows; a perfect scenario for the violent and asymmetrical effects of 'development' and structural discrimination making black and indigenous communities vulnerable to associated

discriminatory policies and 'economic recovery' programmes associated with the recent global pandemic COVID-19.

This policy paper traces the history and effects of what locals call "The Green Monster",¹ without losing sight of the various other pressures affecting ancestral lands. A collaborative effort between the Palenke Alto Cauca, the regional decision-making body of Colombia's national organization Process of Black Communities (PCN), and the Forest Peoples Programme (FPP), the objective of this paper is to bring to light the effects of the sugarcane industry on the lives and territories of the Black Communities in northern Cauca and southern part of Valle Department (see Maps 1 and 2), and to articulate concrete recommendations for change by state and non-state actors involved in the business of sugar to address what Colombian anthropologist Arturo Escobar (2018) calls "development gone awry."

More fundamentally, this document aims to offer analysis grounded in the perspectives of affected black communities with a view to outcomes contributing to upholding their *Buen Vivir-Ubuntu*, their collective wellbeing. This analysis may also be useful to inform the development of a variety of materials for awareness raising and capacity strengthening of affected communities.²

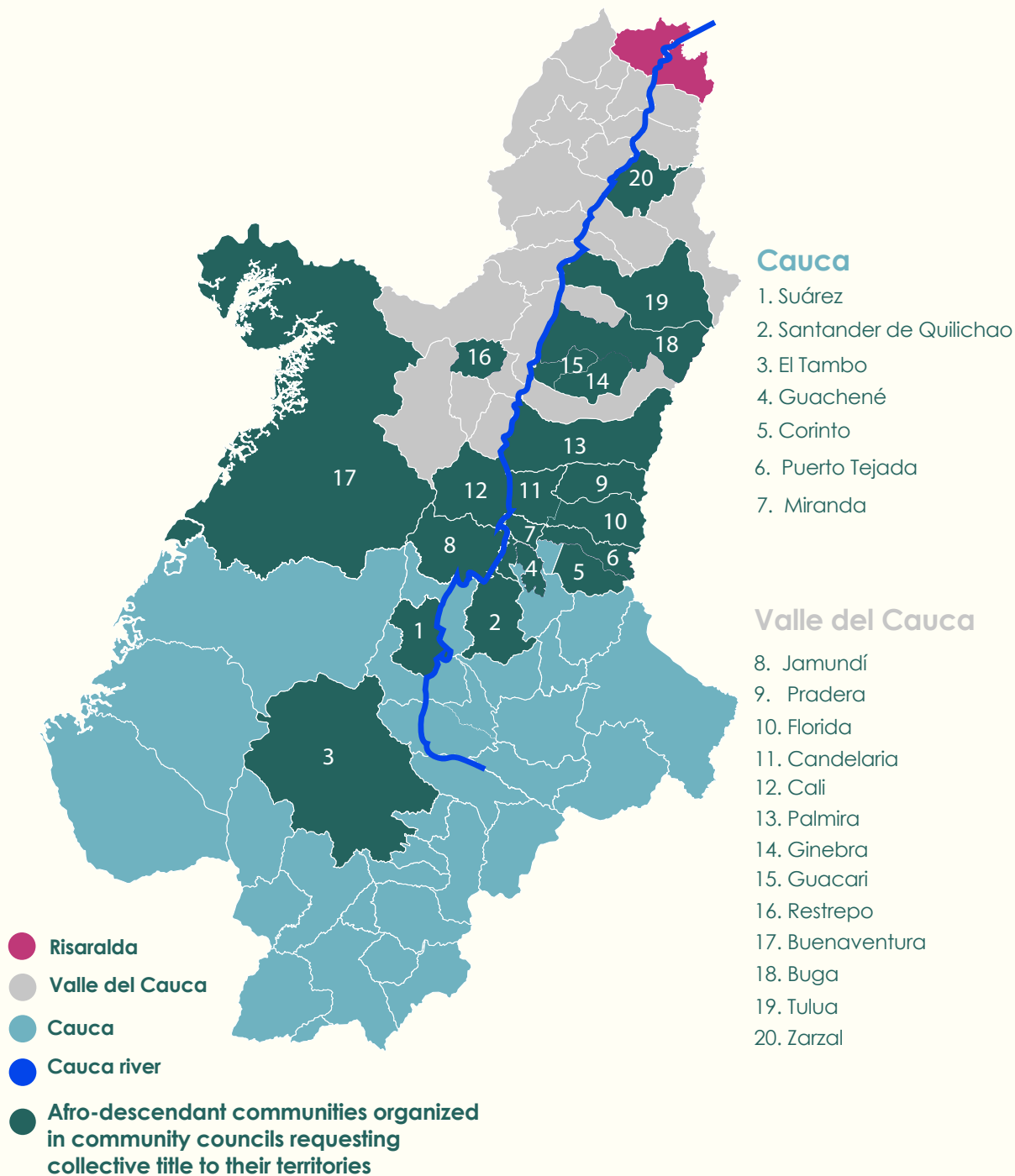
The paper is organized as follows:

1 Other terms locals use for sugarcane in Cauca include "la mancha verde", the green blemish; and "la escoba de la bruja", the witches' broom (Sandoval, 2009).

2 Importantly, for security reasons, throughout this document perspectives from Afro-descendant community members are kept anonymous, except for those who have passed away, or whose views have been previously published with their names made public.

- Section 1 describes the drivers of Cauca's sugarcane economy and its national and global importance. It presents the architecture of the supply chain: who produces, who markets and where the sugar goes.
- Section 2 makes evident the various “shades of green” used to colour the sector's image: the different policies and standards the sugar industry has developed to make it appear greener. It shines a light on one case study, to examine the gap between company policy and practice (what is reported on, and what is not) to illuminate the problematic aspects underpinning the industry's “greening process”, and its effects.
- Section 3 outlines the methodological and analytical framework used to examine the day-to-day realities that living with “The Green Monster” has entailed for black communities in northern Cauca. It presents the baseline of *“Buen Vivir-Ubuntu”*, and synthesizes the principal impacts of sugarcane production on affected black communities who not only contend with ongoing structural discrimination and dispossession of their lands and rivers at the hands of agro-industrial interests, but who live in one of the most violent hot spots of Colombia's internal armed conflict. A dangerous reality to which the sugarcane industry is far from immune.
- Section 4 closes the paper, offering key recommendations for selected actors involved in Colombia's sugarcane supply chain. These actions are urgently required to help detain and begin addressing the more deleterious human rights and environmental effects of this industry on the lives and territories of the peoples who call the Cauca River Valley their ‘ancestral homelands’.

MAP 1 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.

MAP 2 Sugar mills in the Cauca River Valley



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

SECTION 1

SUGARCANE IN COLOMBIA





Photo: Vicki Brown/Forest Peoples Programme

1.1 A Brief History of Colombia's Sugarcane

The sugar industry in Colombia is located principally in the River Cauca valley (see Map 1).³ It is as old as this department, which was created in 1910, with sugarcane forming its backbone.⁴ As Ararat et al. (2013, 128) describe it, the sugarcane “agro-industrial capitalist project” took hold at the beginning of the Twentieth Century, transforming the landscape and the life of the peoples in the Cauca river valley and becoming a key industry that in effect marked a break with the elite of Popayan.⁵ In the late 1950s the industry was given a spur, when the United States broke its economic ties with Cuba, which until then had been the US's primary sugar supplier. The US then turned to Colombia's sugarcane sector to meet much of its demand.

US demand catalyzed an expansion of the sugarcane sector right across the Upper Cauca river basin, encouraging the acquisition of lands by the industry. Yet the sugarcane fields alongside the Cauca river were frequently flooded, with some studies estimating that 22% of lowlands were affected. In order to regulate the river flow, the industry's elite turned to the Tennessee Valley Authority (TVA) for inspiration and created the Corporación Autónoma Regional del Valle del Cauca (CVC) modelled after the TVA. The CVC drafted plans for damming the Cauca River as a means to control the flooding and also generate electricity for the region, and in 1985 the Salvajinas Dam became operational.

³ Asocaña's website (accessed April 16th, 2020) describes the sector as stretching across 47 municipalities, from the north of the Department of Cauca, across the central Cauca Valley, to the south of the Department of Risaralda. Yet its 2019 annual report notes that it is present in 51 municipalities of 6 departments (Valle del Cauca, Cauca, Risaralda, Caldas, Quindío and Meta).

⁴ Arche Advisors (2015) note that Spanish conquistadores introduced sugarcane into the Valley of the River Cauca in the 16th Century, where it was processed artisanally to create raw sugar, panela (sugar loaf) and syrups used locally. At the end of the 1700s, sugar became an export commodity. But it was not until the Twentieth Century, that it took hold as a major export product.

⁵ See also Mina (1975), an alias used by Michael Taussig, for a history of the impacts of sugarcane on the peoples and lands of northern Cauca; a document that has been critical in awareness raising and organizational strengthening.

The Salvajinas reservoir and the sugar sector are...“a key moment in the consolidation of a particular development model, which is based on the expanding appropriation of nature and the workforce of the inhabitants of the region. A development model that requires appropriation and control over land and water, which is only possible on the basis of the dispossession to which local inhabitants are subjected, who for a long time struggled to secure these resources to build their own economic and social initiatives.”

–Ararat et al. (2013:175).

In short, the sugar industry in Cauca cannot be separated from the Salvajinas dam and related infrastructure, in keeping with the plans drawn up by the CVC; particularly given that since the mid 1980s, agro-industrial development has become the key driver of the region's economy.

Nor can it be disassociated from the forces fuelling Colombia's armed conflict. Indeed, community timelines generated to describe key historical moments leading to the establishment and intensification of the sugarcane industry over the last 40 years, identified as critical the “construction of the Salvajina dam and the armed conflict generated by the paramilitary groups between 2000 and 2005” (U. del Cauca 2017, 43), which together with the absence of the state, created fertile grounds for the sugarcane industry to flourish.

1.2 Sugarcane Today: “Vertically integrated” with Ethanol, exhausting available lands in Cauca

Today, on account of Cauca's optimal climate and year-round sugarcane cultivation, Colombia has become one of the most efficient sugarcane producers in the world. Each hectare yields over 14 tonnes of sugar per year (Asocaña 2020).⁶ For 2019/2020, the United States Department of Agriculture estimated that some 2.4 million tonnes of sugar would be produced in Colombia (USDA 2019).

There are 14 sugar mills operating in the Cauca river valley (see Map 2, Box 4), cultivating 25% of the sugarcane fields directly. They are supplied by some 2750 growers who cultivate the remaining 75% of the sugarcane fields. Each of the 3300 farms supplying the sugar mills average

approximately 63 hectares per farm (Arche Advisors 2015, Asocaña 2019).

Yet the industry is encountering a cap to its growth: it has exhausted the lands available and grown to its maximum expansion potential. Indeed, it is estimated that some 225,560 hectares of sugarcane are planted in the Cauca river valley (Asocaña 2020),⁷ which, “is close to the total area available for sugarcane that can be planted” (Arche Advisors 2015).

However, the ethanol industry has created a new demand, leading to the conversion of sugarcane fields to production of agrofuels. Ethanol is used to oxygenate gasoline and reduce carbon dioxide

⁶ The average between 2015 and 2019 is estimated at 16.8 tons of sugar per hectare (Asocaña 2019).

⁷ Asocaña's 2019 annual report provides a different figure, noting that 207,083 hectares of sugarcane have been planted in the area.

and particulates emissions, thereby reducing greenhouse gas emissions and smog.⁸ Proponents maintain sugar-based fuel is key to mitigating climate change and global warming, and despite this being a contested claim (Georgina Gustin 2019), it has taken centre-stage in global and national climate change policies as discussed further below.

There are currently six ethanol distilleries in the Cauca river valley and one in Meta, with more planned for the future. Indeed, the river valley's 14 sugar mills and six ethanol distilleries together with the distillery in Meta "are part of highly vertically integrated organizations owned by a few publicly owned companies that manage sugarcane production and processing for ethanol, power

generation and the food industry" (Arche Advisors 2015).⁹

Due to the impossibility of growth within the geographic area of the Cauca Valley on account of all lands already having reached capacity, with growth limited primarily to technological innovations, the industry is now eyeing potential lands in Northwestern and Eastern Colombia for expansion (Arche Advisors 2015).¹⁰ This includes large-scale 'green development' plans backed by the World Bank under its controversial Sustainable Forest Landscapes Programme,¹¹ over millions of hectares in the eastern plains occupied by indigenous and peasant communities (Minambiente, 2019).

8 The US Environmental Protection Agency "determined that **sugarcane ethanol cuts carbon dioxide emissions by more than 60% and designated it an Advanced Renewable Fuel.**" Categorized as a superior biofuel, sugarcane ethanol is considered a "clean renewable fuel", that meets the US Renewable Fuel Standard, RFS2 (US ethanol policy). Asocaña (2019) claims that it cuts emissions by some 74%.

9 Importantly, the informal panela industry has little to do with these vertically integrated organizations, and is considered "illegal" (Arche Advisors 2015).

10 According to interviews conducted by Arche Advisors (2015), industry association CENICAÑA representatives noted about this expansion that "the land being considered is not being used or only being used for low-density livestock", and so "food security will not be affected."



Field trip by Black Communities to identify impacts on their territory caused by the sugar industry, february 2020
Photo: Vicki Brown/Forest Peoples Programme



River Palo
Photo: Vicki Brown/Forest Peoples Programme

1.3 Importance of Sugarcane to the national economy and global production

Since it took hold in the Cauca river valley at the beginning of the Twentieth Century, the sugarcane industry in Colombia has become the fifth most important sector for Colombia's economy after coffee, flowers, bananas and oil palm. In 2019, of 8.5 million hectares used for agriculture in the country, some 7.1 million are dedicated to large-scale production of coffee, oil palm and sugar destined for export (Oxfam, 2019). The sugarcane industry generates USD \$320 million per year and provided approximately 290,000 direct and indirect jobs in 2018 (Asocaña 2019). Yet the sector accounts for only 0.6% of Colombia's overall gross domestic product, representing some 3.7% of GDP generated in agriculture, and 2.2 % in industry.

However, the picture changes when examining its contribution per department: in Valle del Cauca, sugarcane accounts for 31.4% of GDP generated in agriculture, and 11% in industry; while in the Department of Cauca it represents 19.7% of GDP generated in agriculture, and 22.2% in industry.¹¹

Globally, Colombia's sugarcane production occupies fifteenth place, producing an average of 2.2 million tonnes per year (between 2013 and 2017). This represents only 1.3% of the total average global production. Colombia is therefore a relatively small player in the face of countries such as Brazil, India and Thailand who together account for 43% of global sugarcane production.

¹¹ 2017 numbers calculated by Asocaña (2019) from diverse sources.



Photo: Vicki Brown/Forest Peoples Programme

1.4 Primary Markets for Colombia's Sugarcane

Much of Colombia's sugarcane production is targeting the domestic market. Approximately 71% of Colombia's sugar is consumed in-country.¹² It is sold at supermarkets for home use, and is marketed to companies who produce soft drinks, juices, liquors, snacks and other foods, as well as select pharmaceutical and paper products (see Box 1). According to Asocaña (2020), some 52% of Colombia's consumption is home use, with 48% destined to industrial use, and 100% of Colombia's sugarcane ethanol production is consumed domestically.

Figure 1 shows the various products derived from sugarcane. Colombia exports 29% of its sugar production to 60 countries. Of these, Peru (28%), the USA (17%) and Chile (14%) were the largest markets in 2018 (USDA 2019, Asocaña 2019).¹³ In the EU the primary importers of Colombian raw cane sugar are Italy, Portugal, Spain, Germany and the Netherlands (CBI 2016). Its sugar exports comprised 1.6% of total global exports in 2018 (totalling USD \$333.1 million), placing it thirteenth in the world in terms of highest dollar value worth of sugar exports. Brazil was at the top of this market with 30.9% of total global sugar exports valued at USD \$6.5 billion (USDA 2019).

12 Importantly, Colombia also imports sugar to meet its demand. In 2018, 42 companies imported some 106 thousand tons from 19 countries, most of them (78%) in the Andean region (Asocaña 2019). This following a scandal where the sugar sector attempted to restrict imports in violation of trade and competition law (see box 1).

13 Some 700 thousand tonnes of the 2.4 million tonnes, according to the USDA (2019). Asocaña (2019) quotes Colombia's DIAN, stating that in 2018 the amount exported was 748 thousand tonnes, for a value of USD \$322 million. Quotas to the USA are established under the World Trade Organization (WTO) and U.S.-Colombia Trade Promotion Agreement (CTPA) (USDA 2019).

Box 1:

Principal clients and uses of commercial sugar in Colombia

(Source: Superintendencia de Industria y Comercio 2012: 7.2.1.1)

Key domestic businesses and clients in the food and drink sector:

- Colombina
- Cadbury Adams
- Comestibles Aldor
- Incauca Alimentos y Refrescos
- Nabisco Royal
- Nestlé
- Quaker
- Alimentos del Valle
- Maizena
- Productos Yupi
- Ramo de Occidente
- Levapan
- Productos Frucali
- Dulces del Valle
- Dulces Bambolina
- Chocolates Triunfo
- Asoveleños
- Productos Robin Hood
- Dancali
- Productos Alpina
- Lácteos el Estabilo
- Helados Ventolini
- Productos Aladino
- Disa
- Freisland de Colombia
- Copacol
- Productos Nevado
- Productos Colpan
- Mamipan de Colombia
- Panadería El Provenir
- Panadería la Gitana
- Nacional de Chocolates
- Industria Nacional de Gaseosas(Coca-Cola)
- Big Cola
- Casa Luker
- Productos Naturales de la Sabana
- Algarra
- Noel
- Zenú
- Bimbo y Bavaria, among others.

Liquor producers dependant on sugar:

Industria de Licores del Valle,
Pedro Domecq de Colombia,
Vinícola Andina,
Compañía Vinícola Nacional,
Vinos Bodegas Viejas,
Vinos Cosecheros and Vinos Grajales.

Other uses of sugar:

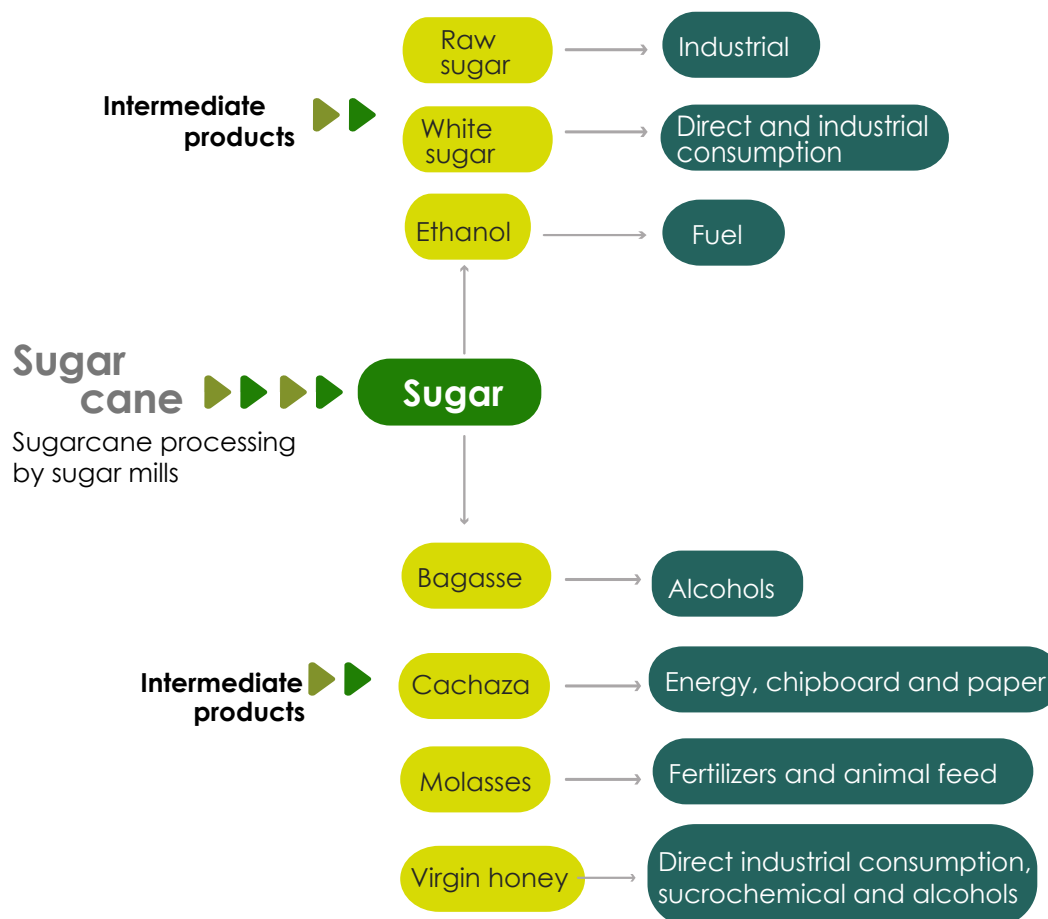
Sugar is also used in the **sucrochemical** industry. **Sucromiles** is a distiller of citric acid which is used to make drinks and foods such as canned foods, jellies, meats and as flavouring and preservatives.

The **pharmaceutical sector** uses sugar for effervescent products, astringent lotions and whitening skin cream, among other uses.

The **metals sector** uses sugar to remove calcium in recuperating wells.

In **paper production** sugarcane fibre (bagazo) is used as a primary material.

Figure 1: Products Obtained from Sugarcane



Source: SIC, based on the document Agroindustria y competitividad: estructura y dinámica en Colombia 1992 - 2005. Equipo Observatorio de Competitividad Agrociudades. Colombia. Mundo 3D. Bogota. 2006 del MADR p.103.

1.5 National Policies: Incentives and promotion of the sugar and ethanol sector

The sugarcane industry and its powerful mill owners have been fuelled by a variety of Colombian state subsidies laced in a web of commitments from climate change mitigation to political favours and influence. Meanwhile, the armed actors underpinning Colombia's internal conflict have also been linked to the sugar

business, providing an additional force for growing the business through violence and corruption (see section 1.8).

The sugar sector's ties with high-level politicians became evident in Asocaña's 2019 annual report, where Colombia's current president, Iván Duque

Márquez, provided an opening statement. Among other things, he underscored the current measures of the Colombian government to support the industry. These include integrating the various links of the supply chain with the objective of concrete goals such as establishing a Chain Organization (Organización de la Cadena), a National Agreement on Competitiveness (Acuerdo Nacional de Competitividad) and a National Agenda for Research, Development and Innovation for the Colombian sugar sector.

Other policy measures Duque's government is advancing respond to the following goals:

- Strengthening the Sugar Price Stabilization Fund (Fondo de Estabilización de Precios del Azúcar – FEPA) and the Andean System for Pricing (Sistema Andino de Franjas de Precios) which aim to stabilize the income of sugarcane growers, processors and workers.
- Establishing new transportation routes through Colombia's Caribbean Coast given problems with exporting sugar via the Pacific routes.
- Enabling special credit lines and incentives for rural capitalization (Flexible Credit Line [línea especial de Crédito -LEC] and the Incentive for Rural Capitalization [Incentivo

a la Capitalización Rural -ICR]). By the end of 2018, the national government issued over 720 thousand million COP for a total of 399 loans and financing supports.

- Including sugar as a key activity in the Agrarian Solidarity Fund (Fondo de Solidaridad Agropecuario-FONSA) and expanding coverage from 30 to 70 million COP, which enabled smaller producers' access to funding for combating, for example, the effects of climate impacts on crops.
- Supporting the relations between sugar mills and producers via contract schemes through a programme ("Coseche y venda a la fija") that reduces the interest and prime rates for acquiring insurance.

In addition, the Colombian government engages in diplomatic efforts to reduce trade barriers for Colombian sugar. It was successful in eliminating a 10% tariff Peru had levied against Colombian imports and is currently engaging with Ecuador on this same issue.¹⁴

In terms of policies fueling ethanol production, responding to international pressures to mitigate climate change and uphold its Kyoto Protocol commitments or reducing Colombia's greenhouse gas emission by 20% by 2030, the Colombian

According to the USDA (2019), these tax breaks, that benefitted, in particular, the company Ardila Lülle that holds 65% of the ethanol production in Cauca, are linked with the direct support the company provided to the candidacies of conservative politicians Pastrana and Uribe, as well as several Congress members.

¹⁴ These countries make part of the Community of Andean Nations (CAN), a free trade agreement in which members agreed to have additional tariffs on imports.

government of President Andrés Pastrana passed law 693 in 2001. This law required that, by 2006, all vehicle fuel sold in Colombia contain 10% ethanol. However, as Colombia began producing sugarcane-based ethanol only in 2005, President Álvaro Uribe's government lowered the levels of required ethanol to 8% to enable the industry to catch up. In 2018, Colombian law bumped up the requirement once again to 10%. This requirement ramped up production, and in 2018 the 7 distilleries in operation produced 467 million litres of ethanol to meet Colombian demand (Asocaña 2019).

Yet Colombia's sugarcane ethanol producers have been deeply affected by US subsidies to its own ethanol sector. In 2018, cheaper US corn-based ethanol, which has a lower effect in greenhouse gas mitigation, flooded the Colombian market providing 30% of the domestic supply. This in turn spurred a wave of diplomatic interventions, research and economic measures to support Colombian ethanol producers. On May 8th, 2019, Resolution 085 of the Ministry of Commerce was passed, enabling provisional compensatory measures of 9.36% on importations of ethanol from the United States to help correct the distortions produced by US subsidies (Asocaña 2019).

Importantly, the sugarcane sector received a large subsidy through Law 788, issued in 2002, that exonerated ethanol producers from state taxes and taxes on fuels, incentives that cost the state USD \$100 million per year. According to the USDA (2019), these tax breaks, that benefitted, in particular, the company Ardila Lülle that holds 65% of the ethanol production in Cauca, are linked with

“These instruments are essential tools for the sustainability of the sector and, far from thinking of ending them, we will do what is in our power to strengthen them during our mandate.”

**–President Iván Duque
(Asocaña 2019)**

the direct support the company provided to the candidacies of conservative politicians Pastrana and Uribe, as well as several Congress members. This type of high-level political influence is likely also behind recent benefits Ardila Lülle and other players have received to combat COVID-19 (see section 1.8) (Olarte 2009).¹⁵

While national subsidies are critical, the industry also derives benefits from regional and local level governments. For example, the Government of the Department of Valle del Cauca will be subsidizing by 85% the construction of tertiary roads to provide to smaller and more remote producers more effective transport of their inputs, with industry providing only 15% of subsidies to this end (Asocaña 2019).

¹⁵ Such linkages between agro-industrial companies and political party funding in return for beneficial government subsidies, credit and tax breaks are reported also for the oil palm sector in Colombia (see for example, the scandal surrounding the Agro Ingreso Seguro programme of the Uribe government. Rubén Olarte 2009).

1.6 Environmental and other policies relevant to the sugar sector: “Greening” economic expansion

A key question is how the links between environmental and economic policies fuel the growth and nature of the sugarcane sector; it is also essential to understand the impacts of these linkages with regards to future industry growth particularly in new ‘greenfields’ in other parts of the country.

Ethanol production is perceived as a green industry, in so far as this sugarcane derivative is used to oxygenate gasoline and bring down carbon emissions and particulate production, driving up its demand.¹⁶ And to keep up with sugarcane demand, the industry is working hard to expand production from current fields, by boosting sucrose content and experimenting with new crop varieties including genetically modified crops (Gronewold 2011).

Yet despite technological innovations to make current fields yield more, planting new fields is a key priority for the industry. This need echoes what had taken place in the past, when in order to supply new agrofuel production plants coming online, in 2005 for sugar cane, and in 2008 for oil palm, some 165 thousand hectares of oil palm and 30,000 hectares of cane were planted (Fedebiocombustibles 2017). Today, analysts at Fedecombustibles and Asocaña are looking to convert cattle-grazing fields into new plantations, while studying how to make current cattle practices more efficient (reducing the amount of land allotted to cattle, and introducing feedlots, for example). Another proposal consists of expanding into new greenfield sites in Colombia’s east and north, areas that have been hit hard by Colombia’s armed conflict. Reports are that an Israeli company has been developing fields in

In order to supply new agrofuel production plants coming online, in 2005 for sugar cane, and in 2008 for oil palm, some 165 thousand hectares of oil palm and 30,000 hectares of cane were planted (Fedebiocombustibles 2017)

the north with a view to ethanol production in Magdalena province; and in the east, Ecopetrol is also developing biofuel production, with interest in this area expressed also from Brazilian producers. Researchers at Cenicaña are also experimenting with sugarcane varieties that will work well in the drier east, and allegedly consume less water (Gronewold 2011).

But how do these plans then fit with Colombia’s overall commitments to deforestation, biodiversity, human rights protection and peace? Could it be that these technological innovations, and this expansion into new greenfields sites, reduce the overall ‘green’ benefits from ethanol production and use, when also considering the increased road infrastructure, increased water use, increased use of chemicals for controlling pests, and deforestation required? (Pueblos en Camino 2018). Could the Colombian government be fueling perverse incentives to prop up a sector that might be causing overall environmental and social harms instead of good? What of the potential for escalation of conflict in the context of the expansion of agribusiness in areas that are historically fertile grounds for armed actors

¹⁶ The US Environmental Protection Agency has determined that sugarcane ethanol cuts carbon dioxide emissions by more than 60%, designating it an “advanced renewable fuel” and a superior biofuel, (Sugarcane.org 2020). Brazilian Sugarcane Industry Association (UNICA). Sugarcane.org. Accessed April 23rd, 2020 <https://sugarcane.org/ethanol-policy-in-united-states/>



Photo: Vicki Brown/Forest Peoples Programme

and their illicit businesses, particularly given existing areas of production in Cauca, that are hot spots for Colombia's armed conflict? Last but not least, what about territorial rights claims from indigenous and Afro-descendant peoples whose ancestral territories overlap with areas of current or future sugarcane production?

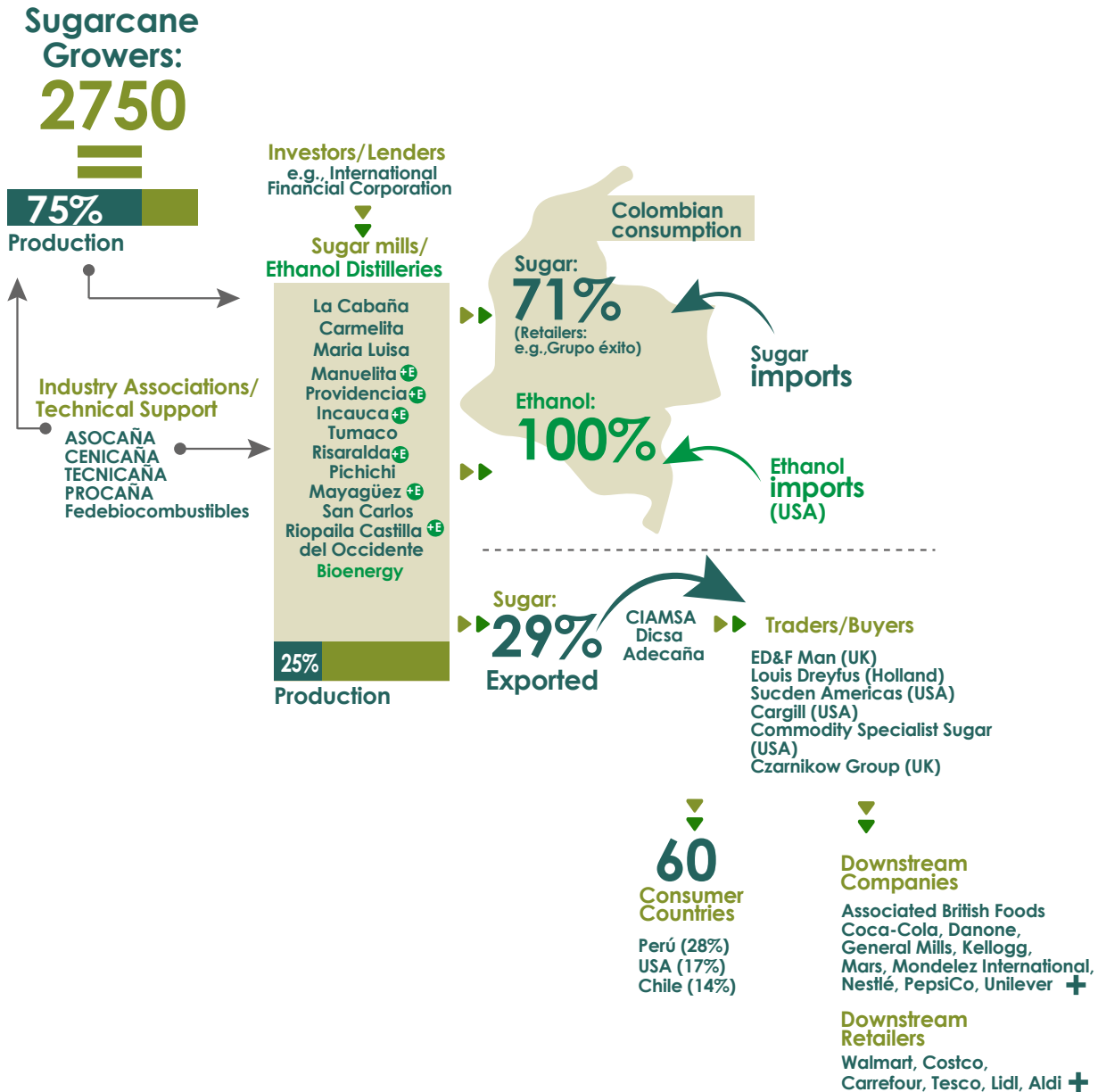
1.7 Key players in the Sector and their role in the sugarcane supply chain

The links between the various actors of Colombia's sugarcane supply chain are complex (see Figure 2). Below is a brief sketch of some of the key players in the chain – excluding illegal actors – to give a broad brush picture of the flow of this supply chain. In turn, this presentation will pave

These are critical questions that compound already existing serious impacts from current sugar and ethanol production analyzed in more depth in later sections. These topics are typically given short-shrift or 'greened over' if they are made visible at all in industry literature.

the way in the next section, for a synthetic assessment of key supply chain actors and their corporate responsibility commitments and accountability measures with a focus on human rights and the environment, and more particularly, those relevant to affected communities.

Figure 2: Key players and their 'flow' in Colombia's Sugar Supply Chain



Sugar workers

There are some 2750 sugarcane growers and 14 sugar mills, which generate some 265,000 direct jobs across the supply chain (Asocaña 2019). The sugarcane workers are either unionised or non-unionised.

Unions

The National Union of Sugarcane Cutters (Sinalcorteros) and the National Union of Agribusiness Workers (Sintraigo) fused in 2008 in an effort to strengthen workers' rights in agribusiness, following an historic 50-day strike by Sinalcorteros. Together with the Central Union of

Colombian Workers (CUT), Sinalcorteros/Sintraigo has played a critical role in negotiating better labour conditions for sugarcane workers, and in addressing the problem of loss of employment due to mechanization and Free Trade Agreements, and the pursuit of justice for violence against union leaders. This effort has also been supported by the national union of agrifood workers (Sinaltrainal). Unions have also been formed by workers at individual sugar mills such as Sintra Pichichi. Colombia's unionized sugarcane workers are linked to the international union movement of sugarcane workers (Rel-UIT).

Importantly, since 1990 there has been a large drop in union membership across Colombia according to union leaders, with informality and outsourcing cited as key causes, spurred by free trade agreements (Trigeros 2018).¹⁷ Through transnational activism linking labour unions, this issue has been raised through mechanisms such as the 2008 Canada-Colombia Agreement on Labour Cooperation. Indeed, the 2018-2021 Action Plan of this agreement targets actions to address allegations that sugar mill la Cabaña and Canadian oil company Pacific Rubiales engaged in abuses related to subcontracting and systematic anti-union practices. The climate of violence that prevails in Colombia is another key obstacle preventing workers exercising their rights to freedom of association and collective bargaining.¹⁸

"In 1990 there were more than 4 million unionised workers in Colombia. Now, 28 years later, we have only reached one million, barely 4% of all wage earners. This reflects the disaster that the imposition of free trade has meant for Colombia. Before there was more industry, more agriculture and, therefore, more workers. What there is today is a whole setback in national production, in the number of workers and in unionisation levels."

–Union leader, 2018

Companies/Mill Owners

All 14 mills are owned by powerful and influential families or groups of shareholders. One of the largest sugarcane companies in the country is Ardila Lülle. It has a near monopoly over the soft drink industry and owns the Colombian Pepsi Co. subsidiary, with its only competition today being Coca-Cola. The Ardila Lülle group also owns the radio and television company RCN (one of the two media companies that control communications in Colombia), textile companies, and the Atlético Nacional football team. Regarding the sugar industry in Cauca, Ardila Lülle is 100% owner of Ingenio Cauca; 52% owner of the Ingenio Providencia; and 35% owner of the Ingenio

¹⁷ For a history of resistance among sugarcane cutters, see Vega & Gutierrez (2019).

¹⁸ The Action Plan notes that high-level Canada-Colombia ministerial consultations resulted in some steps forward, including "in the case of Ingenio La Cabaña, by means of Resolution 2468 of July 14th, 2017, the Special Investigations Unit of the Colombian Ministry of Labour imposed sanctions related to the illegal use of labour intermediation pursuant to Article 63 of Law 1429 of 2010." A 2017 report entitled "Review of Public Communication CAN 2016-1. Report issued pursuant to the Canada-Colombia Agreement on Labour Cooperation", cited in the Action Plan, outlined four key recommendations to the Government of Colombia: "1) In order to protect workers' fundamental rights to freedom of association and collective bargaining, remove legal vehicles used to undermine these rights (in other words collective pacts, union contracts, illegal intermediation and subcontracting); 2) Strengthen compliance and enforcement of labour laws through labour inspection that focuses on preventive measures, provides effective advice, and efficiently collects fines imposed; 3) Strengthen efforts to fight impunity and violence in the country by bringing those responsible to justice; and 4) Evaluate and report on efforts to promote freedom of association and free collective bargaining." See <https://www.canada.ca/en/employment-social-development/services/labour-relations/international/agreements/colombia-action-plan.html>

Risaralda.¹⁹ The Ardila Lülle group is the principal promoter of ethanol production in Colombia, with the Incauca, Providencia, and Risaralda plantations producing 65% of all Colombian sugar-based ethanol; while the Manuelita and Mayagüez plantations produce the remaining 20% and 15% respectively. Yet Ardila Lülle's companies have been steeped in controversy around a series of human rights violations that have remained in impunity, as have other companies linked to the sugar sector (see section 1.8).

Investors/Lenders

Colombia's Ministry of Agriculture's Finagro issues loans through Colombia's Banco Agrario and the following commercial banks: Davivienda, Bancolombia, Banco de Bogota, and BBVA (Earth Innovation Institute 2013, 35). The latest available sectoral analysis on Finagro's website indicates that in 2013, sugarcane constituted the fourth most important sector in the country in terms of value of loans (following rice, oil palm and coffee), with some USD \$139 million worth of loans (Finagro 2014). While mill owners lobby

the various levels of Colombian government for subsidies and conditions favourable to their economic growth, some have also received funding from international sources such as the World Bank Group's private sector lending arm, the International Financial Corporation. For example, in 2009, IFC provided USD \$30 million to Ingenio Riopaila Castilla to implement "a cost reduction and technological improvement program from 2008–2012 while diversifying its agribusiness activities" (The Colombia Law & Business POST 2009). In 2007, the same World Bank agency provided USD \$35 million funding of a USD \$103 million joint venture for a greenfield sugar and ethanol plant in Brazil that included Inversiones Manuelita S.A of Colombia (International Financial Corporation 2007). Likewise, the Inter-American Development Bank's private sector lending arm IDB Invest lent USD \$15 million to this same Brazilian venture (BID Invest 2017). The World Bank Group's Colombia "Country Partnership Framework" indicates that for 2016-2021 there will be an intensification in investments around agribusiness, as is the intention for IDB Invest.²⁰

19 Ingenio Risaralda was founded in 1979 with investment from the Coffee Growers' Foundation, the Colombian state, and the Western Financial Corporation, which is dominated by Citibank.

20 "Agribusiness has great potential to contribute to diversification of the economy. IFC can improve a company's value chains and energy and water efficiency, and will support medium-sized players in competitive industries, cleaner production investments (particularly in energy efficiency and cogeneration), and South-South cooperation supporting large processing firms to expand overseas. Finally, IFC can play an important role in supporting the implementation of environmental, social, and governance best practices. These efforts would be complementary to WB support to link farmers to markets, boost productivity, and improve competitiveness and innovation, such as through a follow-up operation to the Rural Productive Partnerships Program, if such demand materializes." (World Bank Group 2016, 29). The IDB Group Country Strategy with Colombia 2019-2022 indicates that its policy proposals with regards to agricultural development are: "To increase agricultural productivity and the complexity of the export basket, there is a need to: (i) reorient public spending in the sector to the provision of public goods; (ii) regularize land ownership; and (iii) foster private investment in rural areas, incorporating climate-smart agricultural practices and improving the access and participation of production in local markets and global value chains." (World Bank Group 2016, 15).



Ingenio de Occidente, Villa Rica
Photo: Vicki Brown/Forest Peoples Programme

Local and National Industries and Retailers

Principal buyers and users of sugar in Colombia are summarized in Box 1. In addition, supermarkets such as Éxito and Carulla, who are part of Grupo Éxito, are major players that buy Manuelita and other sugar mills-based products and sell millions of litres of soft drinks.

Exporters and Traders

The **Comercializadora Internacional de Azúcares y Mieles S.A. (CIAMSA)**, is the principal international commercial agent for the sugar industry. Founded in 1961, headquartered in Cali, it owns and leases several warehouses in Buga, Palmira and the Regional Port of Buenaventura, and manages some 95% of all Colombia's exports (SIC 2012). Its founders and shareholders include most of the sector's sugar mills. CIAMSA establishes pricing based on the NY and London stock exchanges. DICSA (**Desarrollos Industriales y Comerciales S.A**) and Adecaña (**Alimentos derivados de la caña**) are further industry associations with a mandate to commercialize sugarcane products.

Industry Associations and Research Centers

There are several industry associations supporting the sugar industry. **Asocaña** represents the industry nationally and internationally (it is a member of the International Sugar Organization), while **Cenicaña**, **Tecnicaña** and **Procaña** work towards improving productivity and enhancing efficiency (Harvard 2007). More recently, Colombia's National Biofuels Federation, namely **Fedebiocombustibles**, has become a key industry player.

Importing Countries and Consumers, Downstream Companies

Some sixty countries import and consume Colombian sugar traded primarily through the importers with whom CIAMSA does business. The principal countries importing Colombia's sugar are Peru (28%), USA (17%)²¹ and Chile (14%). Importantly, Colombia is rapidly becoming a key supplier for US sugar consumption, since 2015 US imports have gone up 86.7%. In 2019, Colombia was the 5th highest dollar value supplier to the USA, supplying \$96.4 million USD of sugar (Workman 2020).²²

²¹ In 2019 the USA imported the highest dollar value of sugar worldwide, spending 1.7 billion USD which represents 8.1 % of total imported sugar globally (Workman 2020).

²² Interestingly, Peru is USA's fastest growing supplier, and its sugar exports to Northamerica have grown 255.3% since 2015. In 2019, this country supplied the USA \$47 million USD of sugar, ranking in 9th position overall in terms of US supply. (Workman 2020). Yet Peru is Colombia's primary sugar importer, receiving 28% of all Colombia's sugar exports. <http://www.worldstopexports.com/sugar-imports-by-country/>

The principal buyers and traders of Colombian sugar through CIAMSA, include: ED&F Man Sugar (London)²³; Louis Dreyfus (Holland); Sucden Americas (Miami, USA); Cargill (Minnesota, USA); Commodity Specialist Sugar (Connecticut, USA); and Czarnikow Group (London).²⁴ These act as “middle men”, purchasing sugar from where it is produced and reselling to refiners elsewhere in the world; they also buy refined sugar, reselling it to sugar-using companies (Somo 2015).

It is difficult to trace downstream companies using Colombian sugar bought from CIAMSA’s principal buyers and traders (among others), on account

of the nature of the ‘opacity’ of the supply chain and the pooling of sugar from different sources at refineries. Yet it is likely that Colombian sugar is bought by the most significant sugar buyers globally, which include: Associated British Foods (ABF), Coca-Cola, Danone, General Mills, Kellogg, Mars, Mondelez International, Nestlé, PepsiCo and Unilever. And it is likely that Colombian sugar is sold at the largest sugar retailers globally, which are Walmart, Costco, Carrefour, Tesco, Lidl and Aldi (Somo 2015). Box 2 lists the largest sugar-using companies in the US, EU and United Kingdom.

Box 2:

Sugar-using companies

In the **US**, key companies using sugar include:

- *Packaged Food Manufacturers:* Coca-Cola, Danone, General Mills, Kellogg Company, Mars, Mondelez, Nestlé, PepsiCo, Unilever USA;
- *Restaurants:* McDonald’s, Starbucks, Subway, Yum! Brands (Taco Bell, Pizza Hut, KFC)
- *Retailers:* Albertsons, Costco, Kroger, Walmart (Ceres 2017)

In the **EU** and **United Kingdom**, key companies using sugar include:

- Barilla, Orkla Foods, Ferrero, Refresco Gerber, Lactalis, Lotus Bakeries, Müller Einkauf & Service y United Biscuits. (Somo 2015)

²³ ED&F has two subsidiaries: Inversiones Greenfields SA (Chile) and Ukrainian Sugar Company. The company has more than 220 years’ experience in the industry, and has marketing, brokering, refining and distribution operations in over 44 countries. It is a founding member of Bonsucro and the Better Sugarcane Initiative.

²⁴ According to Somo (2015) and Ceres (2017), the following traders control two-thirds of global trade in raw and refined sugar: Bunge, Cargill, Czarnikow, ED&F Man, Louis Dreyfus and Sucden.



Reduced river levels make navigation in the Paila River increasing more difficult
 Photo: Vicki Brown/Forest Peoples Programme

Colombian State Agencies

Several State agencies have mandates particularly relevant to the sugar industry and addressing its impacts. That is the case in relation to agencies encouraging trade, agribusiness and tourism; as well as those responsible for the protection of the environment, climate change mitigation

and those mandated to address land rights; and the protection of ethnic rights; as well as those that must implement the outcomes of the 2016 Peace Agreement and its special jurisdiction for peace. The key agencies and their mandates are summarized in Box 3.

Box 3:

Principal Colombian State Agencies with mandates relevant to sugarcane and its impacts

Ministry	Agency	Mandate related to sugarcane
Ministry of Commerce, Industry and Tourism	Procolombia	<p>Promotes foreign investment in Colombia, and 'non-traditional' exports and services (i.e. not including extractives). Has a network of offices across the country and international offices in 32 countries. Its outreach activities include creating opportunities by working with other international instances and agencies, such as Canada's "Trade Facilitation Office" the "Swiss Import Promotion Program" the Inter-American Development Bank, among others. It identifies opportunities for exporting sugar attached to Trade Agreements (such as the Colombia-EU Agreement); and provides a range of support services to suppliers/exporters, promoting "sustainability" as a competitive tool, and respect for human rights standards.</p> <p>In 2017, it held a business roundtable on sustainable and organic agri-food that promoted certification. It works with the most vulnerable communities to export their organic panela, crafts, and cocoa; promotes opportunities to invest in conflict ridden areas; and promotes those practices that enable businesses and investors to be responsible with natural resources and biodiversity (ProColombia 2016-2017 Sustainability Report; and website).</p>

Ministry	Agency	Mandate related to sugarcane
Superintendency of Industry and Commerce		National Authority protecting Colombia's Competition. Has investigated irregular, 'cartel-like' behaviour by the sugar industry as discussed in section 1.8
Ministry of the Environment and Sustainable Development		<p>Responsible for Colombia's policies and regulations around environmental and non-renewable resources management with a view to ensuring sustainable development. Directs the National Environmental System (SINA).</p> <p>In 2011, the Ministry produced an environmental guide for the Sugarcane subsector (<i>Guía Ambiental para el subsector de caña de azúcar</i>) targeting responsible authorities that are part of the National Environmental System, namely the Regional Autonomous Corporations (Corporaciones Autónomas Regionales). The guide summarizes the regulatory framework underpinning the sugarcane sector, and the conditions that producers must comply with. It also outlines some of the main environmental impacts the sugar growing and processing cycle produces (including air, water, surface, flora and fauna, social impacts) and potential mitigation strategies (https://redjusticiaambientalcolombia.files.wordpress.com/2012/09/guia-ambiental-para-el-subsector-cac3b1a-de-azucar.pdf).</p> <p>This guide is outdated, however, and new measures have since been established to protect the environment, such as Decree 1076 of the 26th of May, 2015 on Environmental and Sustainable Development; and Decree 2157 of the 20th of December, 2017 "by which general directives are adopted to develop the emergency preparedness plans of public and private entities in alignment with article 42 of Law 1523 of 2012."</p>
Ministry of the Environment and Sustainable Development	National Authority for Environmental Licenses (ANLA)	Responsible for environmental licensing, including around the use and transport of pesticides, in line with Decree 1076 of 26th of May 2015 on Environmental and Sustainable Development. (See, for example, Auto No. 02185 of the 8th of May 2018 where ANLA undertakes environmental monitoring and follow-up of Arysta Lifescience Colombia S.A and its DINAMIC 70 WG product containing AMICARBAZONE).

Ministry	Agency	Mandate related to sugarcane
Department of Cauca and Valle del Cauca	Autonomous Regional Corporation (Corporación Autónoma Regional)	As the Regional environmental authority, it is responsible for environmental protection and management, which includes protection of surface and subterranean waters that are severely affected by sugarcane growing. In the Cauca department the regional authority is called CRC and in the Valle del Cauca the CVC (https://www.cvc.gov.co/plan-de-manejo-ambiental-del-acuifero-del-valle).
Ministry of Health	National Institute for Food and Medication Inspection (INVIMA)	This oversight mechanism regulates all foods and drinks that will be commercialized within Colombia. It also monitors for contamination by insecticides and other chemicals that foods and drinks might contain.
Ministry of Agriculture and Rural Development	National Lands Agency (ANT)	Agency responsible for land titling in Colombia.
Ministry of Agriculture and Rural Development	Land Restitution Unit (URT)	Agency established to implement Law 1448 of 2011 to return lands to those displaced and affected by Colombia's armed conflict.
Ministry of the Interior	National Authority for Prior Consultations	<p>The National Authority for Prior Consultations states that it "guarantees due process with regards to upholding the fundamental right to prior consultation of collective subjects with special protection that are registered in the area of influence of a project, infrastructure work, activity, legislative measure or administrative measure that is object of a consultation in conformity with Colombia's Constitutional Jurisprudence."</p> <p>In Cauca, 'post consultation' was undertaken for the operation of the Salvajinas Dam - which was a pivotal catalyst enabling the sugarcane industry to flourish - almost 25 years after it was constructed (Machado et al 2017). However, to date there has been no targeted prior consultation for sugarcane plantations themselves, despite there being ancestral homelands for black and indigenous peoples in the area.</p>

Ministry	Agency	Mandate related to sugarcane
<p>Ministry of Justice and Human Rights</p>		<p>Administers Colombia's law and justice. Dedicated to formulating, adopting, directing, coordinating and executing public policy in matters of legal order, legal security and defense, access to formal and alternative justice, fighting crime, transitional justice mechanisms, crime control and prevention, prisons and penitentiary affairs, promotion of the culture of legality, harmony and respect for rights.</p>
<p>Ombudsperson's Office of Colombia</p>		<p>Oversees the protection of civil and human rights within Colombia's legal framework.</p>
<p>Office of the Attorney General</p>		<p>Colombia's Office of the Inspector General (Attorney General). Oversees the public conduct of those in authority or exercising public office, and of overseeing the correct functioning of other government institutions and agencies.</p>
<p>Comptroller General of the Republic</p>		<p>The Comptroller General of the Republic (CGR) is the highest fiscal watchdog of the State. It exercises oversight of fiscal management, and the individuals or entities that handle the Nation's funds or assets. It is in charge of establishing the fiscal responsibility of public servants and individuals who cause, by action or omission and willfully or negligently, damage to the State's assets. It imposes the corresponding pecuniary sanctions and other actions derived from its fiscal surveillance. The supervisory body promotes transparency in the use of public resources, through a strategic process focused on those entities and / or areas of high risk previously identified.</p>
<p>The Comprehensive System of Truth, Justice, Reparation, and Non-Repitition for the Peace Agreements 2016</p>	<p>Special Jurisdiction for Peace (JEP), the Commission for the Clarification of the Truth</p>	<p>The JEP administers transitional justice and investigates crimes related to the armed conflict committed prior to December 1st, 2016.</p> <p>Colombia's Commission for the Clarification of the Truth gathers information and undertakes analysis to provide to the JEP regarding collective responsibilities including those related to armed actors and business groups. Allegations around the sugar industry and its links to armed conflict have already come to light through testimony that can be used by these mechanisms, as pointed out in section 1.8.</p>

1.8 The “other side” of the supply chain: Parapolitics scandals, Corruption and “Cartel-Behaviour” in Colombia's Sugar Sector

Importantly, in the context of armed conflict and weak governance, the sugar supply chain in Colombia is far more complex than Figure 2 conveys. As with much big industry in Colombia, the sugar sector is plagued by high levels of corruption, influence peddling, and alleged links with armed actors fuelling Colombia's conflict - and also with violence and intimidation against indigenous peoples, Afro-descendant communities, peasant farmers and members of the trade union movement.

Ardila Lülle's links to paramilitary violence

Ardila Lülle, who owns the Incauca, Providencia and Risaralda sugar mills, has become a poster child within the study of these issues. Recent reports have shown apparent collaboration between two of Ardila Lülle's companies – the soft drink company Postobón and media company RCN – in actions undertaken by organizations outside the law. Indeed, between 2005 and 2007, RCN “has been publicly apologetic” for actions taken by paramilitary groups that allegedly assassinated “close to 4000 union workers, while controlling extensive areas of land” (Mondragón 2007).

Postobón provided free drinks and monthly payments to paramilitary organizations in return for security and protection, according to a Javeriana University database synthesizing information from Justice and Peace Tribunals hearings, which systematizes the names of 120 companies allegedly involved in diverse parascandals (Editora Cauca 2020; Universidad Javeriana 2020). Other damning allegations at the Justice and Peace Tribunals include affirmations that RCN – one of the most persistently critical voices of peace process negotiations between the Santos Government and the FARC-EP left-wing guerrilla group—transmitted interviews with the United Self-Defense Forces of Colombia

(*Autodefensas Unidas de Colombia, AUC*) leader Carlos Castaño that presented him as “a leader fighting against subversion”, in this way publicly condoning AUC's killings of social leaders (Alsema 2016). Yet despite special peace tribunals finding Ardila Lülle's companies, among others, guilty of supporting paramilitary organizations, these companies—and personalities such as Ardila Lülle—have been exempt from prosecution, according to the Javeriana's findings (Editora Cauca 2020; Universidad Javeriana 2020).

Postobón provided free drinks and monthly payments to paramilitary organizations in return for security and protection, according to a Javeriana University database

Coca-Cola and paramilitary assassinations

Coca-Cola is another end user of Colombia's sugar that has been in national and international news for alleged links to paramilitary actions. The Colombian Trade Union Sinaltrainal (National Union of Food Workers) alleges that a Colombian Coca-Cola bottling company provided assistance to paramilitary groups who murdered up to 10 union members.

In 2001, *Sinaltrainal v. Coca-Cola* was brought to the US court system under the Alien Torts Act. Yet the case was dismissed in 2009 for lack of evidence linking the actions of the paramilitaries to the Colombian government and Coca-Cola (Telesur 2016; Bacon 2002).

This precedent reflects a troubling reality: where companies are operating in violent settings and

Photo: Vicki Brown/Forest Peoples Programme

there are indications of collusion with paramilitary actors, whose violent actions may be benefitting their operations, their movements are likely to be cloaked in secrecy and very difficult to prove. This creates a significant barrier to accountability, access and justice and remedy for victims for corporate-linked human rights abuses.

The Colombian Trade Union Sinaltrainal (National Union of Food Workers) alleges that a Colombian Coca-Cola bottling company provided assistance to paramilitary groups who murdered up to 10 union members.

Sugar mills and paramilitary groups

According to the Superior Court of the District of Medellín, sugar mills financed the Calima bloc of the United Self-Defence Forces of Colombia (AUC) (*Autodefensas Unidas de Colombia*), a paramilitary group responsible for numerous war crimes against humanity in Cauca and Valle del Cauca (Superior Court of the District of Medellín 2014). The judges reached this conclusion after analysing evidence, including accounts provided by former AUC commanders, in which they confessed the crimes and the names of their collaborators before the prosecutors. In those confessions, the maximum commander of the Calima Bloc, Ever Veloza García, alias “HH”, announced that he would reveal the names of

several sugar mills that financed the AUC (Verdad Abierta 2009). However, these witness accounts were interrupted in 2008 by his extradition to the United States, where he only answers for the crime of drug trafficking, and not for the serious crimes against humanity committed in Colombia (Verdad Abierta 2015).

Before his extradition, “HH” and other AUC commanders confessed that the Calima Bloc was financed by the managers of the San Carlos sugar mill (Superior Court of the District of Medellín 2014; Superior Court of the District of Bogotá 2012) and explained how they received key information from the company’s security chief, which they used to murder and threaten human rights defenders (Verdad Abierta 2009). In fact, the San Carlos sugar mill’s security chief was convicted of forcibly displacing a union member, who had to flee the country after being threatened, and two other union board members were killed (Bogotá Municipal Criminal Court No 10, 2010). In spite of public judicial decisions, which point to the responsibility of the directors of the San Carlos sugar mill for serious human rights violations, the mill indicates on its web page that it has Bonsucro certification.²⁵ At the very least, these facts and other similar allegations should raise major red flags for supply chain actors about potential human rights violations that warrant thorough investigation.

Corruption in building contracts for Ecopetrol’s Bioenergy plant

Recently, state-owned Ecopetrol’s Bioenergy plant in Puerto López, Meta, has also made headlines. Colombia’s Comptroller – the country’s official

²⁵ <https://www.ingeniosancarlos.com.co/corporativo/certificaciones> (accessed on December 26th, 2020)

fiscal watchdog - launched an investigation around improper contracting procedures in 2010 for the plant construction that signalled high level corruption. The construction contract with Spanish firm Isolux ended up costing Colombians and shareholders twice as much as it should have and took far longer to build than it should have (2010-2016). The Comptroller declared the project "unfeasible" from an economic perspective in that it would take over 20 years to pay off the construction. At the end of 2016 the case went to the special anticorruption unit of the attorney general for further investigation. Yet this judicial investigation unit has itself been riddled in scandal, and the then director proceeded to block the process from going ahead. The case has involved a series of other irregularities around purchasing of lands for the plant and conflicts of interest (Somo & Indepaz 2019). Bioenergy eventually sued Isolux at the international court of arbitration of the international chamber of commerce, which in 2017 ordered both parties to repay one another (Moreno 2019).

Land grabs in the Altillanura

In 2013, several sugar business groups seeking to expand their businesses in other departments and into the biodiesel market, were at the centre of the scandal for irregular and illegal appropriation of uncultivated lands in the Altillanura region, in the southeast of the country. Companies from the Manuelita group and Riopaila Castilla, as well as the multinational company Cargill were identified in the findings of the Comptroller General's Office as responsible for the illegal appropriation of these lands. The Comptroller identified several irregularities such as the creation of front companies, the undue use of credits or tax exemptions, the improper adjudication of vacant land to city dwellers without any relation to the field, an increase of up to 500% in the value of the properties and the sale of uncultivated lands prohibited by law, in order to monopolise land to develop agro-industrial projects (Comptroller General of the Republic 2017).

Land grabbing of uncultivated places is of particular concern in the country because the

...The San Carlos sugar mill's security chief was convicted of forcibly displacing a union member, who had to flee the country after being threatened

land distribution in Colombia is the most unequal in Latin America. Furthermore, Colombia has one of the highest Gini indices: 0.897 in 2014 (Oxfam 2017). Precisely to guarantee democratic access to land, Law 160 of 1994 establishes that vacant assets that are in the name of the Nation may only be titled to indigenous or black communities or awarded to landless campesinos. In order to deconcentrate the ownership of the land, allocations cannot be made in areas greater than the Family Agricultural Unit (FAU), which, according to the characteristics of each region, has a cap of hectares to guarantee that the family to whom it is allocated can produce to supply itself and to sell and generate at least a minimum wage. Once allocated, these assets cannot be sold for a period of time (Law 160 of 1994). Openly contrary to the law, Riopaila Castilla, as well as the multinational company Cargill created 27 front companies to buy uncultivated lots awarded less than a year ago, and accumulated 42,000 hectares in the department of Vichada. For its part, Aceites Manuelita S.A. monopolized 16,829 hectares in the department of Casanare, where the FAU cannot exceed 843 hectares (Comptroller General of the Republic 2017).

Sugar cartel prevents imports of cheaper sugar

High-level investigations by Colombia's Competition Authority (SIC) from 2012 to 2015 found that Colombia's sugarcane sector (namely 12 out of the 14 sugar mills together with their associations Asocaña, DICSA and exporter CIAMSA) was in effect acting as a cartel. It was engaged in a series of 'anticompetitive' moves in an attempt to shut out cheaper sugar from being imported, and artificially maintaining higher prices

Land grabbing of uncultivated places is of particular concern in the country because the land distribution in Colombia is the most unequal in Latin America. Furthermore, Colombia has one of the highest Gini indices: 0.897 in 2014 (Oxfam 2017).

for Colombian sugar in effect becoming the first import cartel of its kind in Latin America (Horna 2020; Semana 2013). The investigations resulted in fines levied against the 12 sugar mills and three associations, as well as 12 high-level directors involved in the scam, for a total of 260 thousand million COP. Each actor involved received a fine proportionate to the gravity of their actions and capacity to pay (Ardila Lülle's sugar mills paid the greatest combined fine of over 101 thousand million COP). The Competition Authority also called for the government to review the conduct of the price stabilisation body FEPA to prevent it from becoming an instrument for cartel-like behaviour. In effect, these investigations again confirmed corrupt practices in the Colombian sugarcane sector (SIC 2012; SIC 2015).

Ardila Lülle benefits from corruption in COVID-19 special credit allocation scandal

And corruption continues to plague the sector. The latest scandal to make headlines relates to corruption by misallocation and misuse of a

special credits intended to mitigate the impact of the COVID-19 pandemic. Colombia's Agrarian Bank opened up a special line of credit managed by Finagro called "Colombia Agro Produce", intended to support producers contending with the emergency. Some COP \$6.1 billion credit has been allocated from this special credit line. Large producers have obtained 78% of the credit to date, medium-sized producers 12%, and small producers only 10%. The country's fiscal comptroller opened an investigation following a storm on social media exposing a situation where the smaller producers were being short-shrifted. The public auditor watchdog found that "almost 90% of the credit resources destined to guarantee agrarian production during the emergency are being concentrated in the hands of beneficiaries who are not using them for agrarian activities." The top of the list of companies that most benefited from the credit line so far includes Ingenio Incauca and Ingenio Providencia, both owned by Ardila Lülle (Pluralidad Z 2020).

The above accounts are only a handful of the types of problematic and persistent behaviours that are found in Colombia's sugarcane industry. Among other things, they signal an urgent need for far stronger human rights protection, due diligence, transparency and access to remedy for victims. But also, they signal that in the context of Colombia's violent landscape where business activities more often than not involve collusion between powerful private companies and armed and unarmed state and non-state actors, any claims around upholding corporate social responsibility need to be very carefully scrutinized and the companies must be subjected to rigorous examination comparing their commitments with what takes place in practice in their operations.

Large producers have obtained 78% of the credit to date, medium-sized producers 12%, and small producers only 10%.

SECTION 2

UNPACKING COLOMBIA'S SUGARCANE SUPPLY CHAIN



2.1 Commitments to human rights and sustainability

A scan of industry websites and reports on Colombia's sugarcane supply chain reveals a range of commitments to sustainability and human rights, and memberships in corporate social responsibility and certification initiatives. This section provides a synthesis of this analysis, identifying some key problematic aspects related to self-reporting, verification and traceability, and

to the nature of the chain more generally. It then shines a light on Ingenio del Cauca (or Incauca) more specifically in order to illuminate the issues at stake and prepare the grounds for unpacking key impacts through the lens of good living and a human rights-based approach to corporate conduct/accountability that is grounded in community perspectives.

2.2 Two striking gaps from the get-go

Indigenous and Afro-descendant peoples and sugar mill suppliers' standards

Before synthesizing what the various actors in the chain purport to uphold, a review of the literature from Colombia's sugarcane mills and industry associations reveals a striking absence of any acknowledgement of the ancestry of the lands where their operations take place, or the effects these have caused to the indigenous and Afro-descendant peoples. Company histories tend to commence with the arrival of a particular family who bought up lands and began operations, expanding further throughout the years. No mention is made of previous histories or even territorial conflicts along the fertile Cauca River Valley. Wiping clean any potential founding (and

ongoing) human rights violations of unlawfully purchasing or obtaining ancestral lands through dispossession, the available reports curtail their scope of presentation to select and limited operational aspects only.

A further striking gap relates to the standards of the 2750 growers who are responsible for 75% of the total sugarcane production. The 14 sugar mills (and their ethanol distilleries) only produce and apply standards to 25% of total production. The remaining 75% is not even subject to an effort to bring them into compliance with the standards required by the supply chain. With these gaps highlighted upfront, Box 4 provides an overview of the principal sustainability and human rights standards the supply chain purports to uphold.²⁶ A short analysis follows.

²⁶ And another striking reality in reviewing the literature, is that the sugar mills executives are largely male only, with seemingly very few women part of upper-level management or decision-making. One notable exception is the current President of Asocaña, a woman who remained in this position following controversy over the incoming male candidate who was reportedly dismissed for being too far left, having spoken out for implementation of the Peace Process. (Varela 2020).

Box 4:

Colombia's Sugar Sector Supply Chain and Commitments

(Note: This table is not exhaustive and provides a simplified, big picture view.

Sources include company and industry association websites and publicly available reports)

Link in the Chain	Principal Sustainability & Human Rights Commitments
Growers / suppliers	
2750 growers	n/a
Sugar mills/distilleries	
La Cabaña	ISO 14001:2015 2015 (Environmental Management System – EMS standard) A series of its own environmental and social commitments
Carmelita	A series of its own environmental and social commitments
Maria Luisa	UN Global Compact (2010) Maria Luisa sugar mill was expelled from GC in 2014 due to failure to communicate progress
Manuelita + Ethanol Distillery	ISO 14001:2015 Bonsucro (2017)
Providencia + Ethanol Distillery	ISO 14001:2015 Bonsucro (2019) Production and Chain of Custody Standards
Incauca + Ethanol Distillery	ISO 14001:2015 Social Responsibility Award -ADICOMEX Code of Ethics/BASC v. 4
Tumaco	Set of own principles
Risaralda + Ethanol Distillery	ISO 14001:2015 SAGRLAFT (Self-Control and Anti-Money Laundering and Counter Terrorism Financing Risk Management System and Business Ethics Program - Anticorruption
Pichichí	Good Governance Code ISO 14001:2015 Self-reported use of Global Compact criteria (participant since 2010) Pichichí sugar mill was expelled from GC in March 2020 due to failure to communicate progress

Link in the Chain	Principal Sustainability & Human Rights Commitments
Mayagüez +Ethanol Distillery	ISO 14001:2015 Bonsucro (2020) UN Global Compact
San Carlos	ISO 14001:2015 Bonsucro (2020)
Riopaila-Castilla +Ethanol Distillery	ISO 14001:2015 UN Global Compact, not verified
Del Occidente	Health and security policies; a mission and vision that references care of the environment. No sustainability reports. Operational since 2013.
Bioenergy (Ecopetrol) Distillery	Committed to SDGs and GRI reporting and mentions as a goal achieving the UN Global Compact goals, but not a direct member. Ecopetrol, who lists Bioenergy as one of its projects, is a member of the UN Global Compact.

Sugarcane producer and sugar mills financiers

Finagro via Banco Agrario and Commercial Banks (Davivienda, Bancolombia, Banco de Bogota and BBVA). The World Bank's International Financial Corporation and Inter-American Development Bank's IDB Invest have provided direct loans to sugarcane/ethanol projects. ODA.

Finagro: SAGRLAFT; ISO 9001

IFC Performance Standards; IDB Environmental and Social Sustainability Policy.

Industry Association

Asocaña

UN Global Compact (participant since January 28th, 2010)
Asocaña was expelled from GC October 29th, 2018 due to failure to communicate progress.

Since 2018 a multidisciplinary and interinstitutional group has been established to develop a sustainability strategy for the sector in the medium and long term in the sector's area of influence.

Link in the Chain	Principal Sustainability & Human Rights Commitments
Colombian Retailers	

Grupo Éxito

(Includes Exito, Carulla, Surtimax, Super Inter, Surtimayorista, Viva supermarkets)

(Grupo Exito is present also in Argentina [grupos Disco, Devoto and Géant] and Uruguay [Libertad])

Grupo Exito's 2019 "sustainability report" identifies as priorities local and direct buying practices; committing to providing more healthy products; reducing plastic use and its carbon footprint by 22% by 2022. It notes as a risk lack of social responsibility in its supply chain, meaning that its suppliers might not comply with its commitments, and it identifies human rights as an emerging issue. It claims to contribute to the fulfilment of several Sustainable Development Goals. It has started a social and environmental auditing for its own name brand products, alleging 15% have been audited in 2019. It has an "ethical supplier form" that some 900 suppliers have signed and holds best practice capacity-strengthening workshops around environmental issues. It has focused on ensuring that its own brands of household oils come from producers certified – or in the process of being certified – by the Roundtable for Sustainable Palm Oil (RSPO) towards zero deforestation. It commits to gender equity and inclusion of vulnerable populations in its work force.

Exporter	
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CIAMSA

Mentions sugar refining plants have environmental and safety (BASC) certification by ISO/Icontec and Kosher certifications

Note: Uses London and NY Stock exchanges for sugar pricing

Principal Importers / Buyers	
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ED&F Man (London, UK)

Subsidiaries: Inversiones Greenfields (Chile); Ukrainian Sugar Company.

Bonsucro (founding member) and Better Sugar Initiative

UN Declaration on Human Rights

ILO Conventions

OECD Guidelines for MNEs

Supplier Code of Conduct/Human Rights Statement

Note: 220 years of experience; Operates in 44 countries (marketing, brokering, refining and distribution)

Link in the Chain	Principal Sustainability & Human Rights Commitments
<p>Louis Dreyfus (Holland, EU)</p>	<p>Supports Bonsucro, and LDC facilities are certified UN Sustainable Development Goals</p> <p>Note: Operates in 14 countries. In 2019 it increased certified sugar to Canada, US and EU by 34%</p>
<p>Sucden Americas (Miami, USA) Joint Venture with "National Sugar Marketing" and "Southern Minnesota Sugar Beet Company"</p>	<p>UN Global Compact (March 2020)</p> <p>Note: Operates in North and South America and Philippines</p>
<p>Cargill (Minnesota, USA)</p>	<p>Funds Bonsucro</p> <p>Note: Offices Worldwide</p>
<p>Commodity Specialist Sugar (Connecticut, USA)</p>	<p>Bonsucro/Fair Trade</p> <p>Note: Operates in USA and Mexico</p>
<p>Czarnikow Group (London, UK)</p>	<p>VIVE</p> <p>Note: Operates in 12 countries</p>
<p>Potential Downstream Companies Purchasing from Importers (Note: These are the most important Colombian sugar-using companies globally) *</p>	
<p>Associated British Foods (ABF), Coca-Cola, Danone, General Mills, Kellogg, Mars, Mondelez International, Nestlé, PepsiCo, Unilever</p>	<p>Following Oxfam (2013) research and campaigns around the sugar industry's role in land grabbing that targeted these 10 sugar-using companies, five sugar-using companies have made a commitment to 'zero tolerance on land grabs', including: PepsiCo, Unilever, Coca Cola, Nestlé, and Illovo Sugar.</p>
<p>Principal Consuming/ Importing Countries</p>	
<p>In 2018 Colombia consumed 71% total sugar it produced; 100% of ethanol it produced.</p> <p>In 2018, 29% of Colombia's sugar produced was exported to: Peru (28%); USA (17%); Chile (14%), Haiti, Ecuador, China + 51 other countries.</p>	<p>Colombia's Commitments:</p> <p>1991 Constitution; Ley 70; ILO 169; UNCERD; Inter-American Convention on Human Rights; CBD; OECD; UNGPBHR; 2016 Santos Government-FARC-EP Peace Agreements (Ethnic Chapter); Zero deforestation by 2020.</p>

*Unlike the palm oil sector where many companies using the oil and its derivatives have been publishing lists of their mills and suppliers since 2017, the sugar industry does not yet disclose this information.

2.3 Analysis

Very briefly, the review reveals that among **the sugar mills and distilleries:**

- ISO14001:2015 (see box 5 below) is the environmental standard the majority purport to uphold (at least 9 supply chain actors). Four mills hold Bonsucro certification (Providencia, Manuelita, Mayagüez and San Carlos), while two are active participants in the UN Global Compact (Mayagüez and Riopaila-Castilla) and two have been expelled for lack of reporting (Maria Luisa and Pichichí), with Asocaña dismissed in 2018. Only one sugar mill has certification from both Bonsucro and ISO 14001:2015, and is also an active participant in the UN Global Compact (Mayagüez). With regards to Bonsucro, this certification scheme is still very new in Colombia, with the first sugar mill obtaining certification in 2017, the second in 2019, and two more in 2020. It is still too early to conclude what effects this certification might generate on the ground and with neighbouring communities affected by operations, and close monitoring—and independent study (as was done in the case of India)²⁷—will be essential. Yet as pointed out in Box 4, a key issue in terms of compliance with certification schemes aside from ISO 14001:2015, is that they are based on unverified self-reporting, with the only sanction for potential non-compliance being expulsion from the scheme in question.
- Further, companies that have indeed been expelled from schemes do not have to report this on their sites, and in fact can continue to reference the scheme while not members.**
- Leading to a major risk of public misinformation and potential greenwashing by companies active in the sector.
 - Any mention of human rights violations in company and industry association reports is an exception rather than the norm. Self-reporting through GRI reveals that even those companies who do report about adopted policies and measures to uphold human rights, provide very little information in this regard (see spotlight on Incauca).
 - There is unevenness within company groups such as Ardila Lülle or Manuelita with regards to commitments to sustainability and human rights across their companies. For example, why is it that Incauca and Risaralda do not adhere to any human rights standards or certification schemes, while Ingenio Providencia has certification under Bonsucro's Production and Chain of Custody Standards? In the Manuelita Group, how come Manuelita's policy page does not refer at all to human rights in relation to its sugarcane operations ("Manuelita Azucar y Energia"), yet it does with regards to its oil palm operations ("Manuelita Aceites y Energia")²⁸? If there are commitments to human rights, surely this should mean across all operations of a Group, not just some of them?
 - In company reports there is no mention of the Voluntary Principles for Security and Human Rights, which is one of the most often invoked and encouraged CSR mechanisms in the context of armed conflict for other sectors, such as mining (Weitzner 2012). And there is very little direct mention of the United Nations Guiding Principles on Human Rights, albeit those who are Bonsucro certified indirectly

²⁷ See Columbia University (2019).

²⁸ <http://www.manuelita.com/politicas/> accessed April 29th, 2020.

In the Manuelita Group, how come Manuelita's policy page does not refer at all to human rights in relation to its sugarcane operations ("Manuelita Azucar y Energia"), yet it does with regards to its oil palm operations ("Manuelita Aceites y Energia")?

"converge" with aspects of the UNGPs, according to Bonsucro. Importantly, reference to OECD due diligence for the agricultural sector (OECD/FAO 2016) and for multinational enterprises in general, is also largely missing (aside again from Bonsucro, that claims it draws on OECD's guidelines for MNEs and Responsible Agricultural Supply Chains. (See Box 5).

- Colombia became a full member of the OECD April 28th, 2020 (a process it started in 2013), which will encourage companies operating in Colombia to adhere to OECD best practice guidelines. This is key, because the OECD offers very clear guidance regarding issues around land tenure and human rights, Folding the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of the Committee on World Food Security (VGGT) into its Guidance on Responsible Agriculture Supply

Chains. Membership in the OECD means the Government of Colombia will also need to strengthen its existing National Contact Point complaints mechanism, which offers another avenue for communities affected by sugar industry operations to consider submitting complaints.

Among principal **Colombian retailers**, namely those belonging to Grupo Exito, there has allegedly been increased attention to supply chain environmental and social accountability and audits for its own name brand products, and to local direct buying practices. However, these audits are incipient (as reported in their 2019 sustainability report (Grupo Exito 2019) some 15% of suppliers had undergone them). Nor have human rights yet become integrated as a major concern, although they have been flagged as an "emerging issue" to be considered. While Grupo Exito backs Roundtable on Sustainable Palm Oil (RSPO) certification for its own name brand household oils, its sustainability report does not mention sugar or its derivatives. As well, it is unclear what type of monitoring takes place with regards to the "ethical supplier form" that suppliers sign, or to what extent this is mandatory. In short, there is a key opportunity for Exito to broaden its supplier agreements to include targeted commitments to human rights and land rights, and to focus specifically on suppliers of sugar and sugar-using products with rigorous verification and monitoring. Following the precedent set by the Ministry of Environment's agreement on palm, beef and dairy products regarding environmental issues, Grupo Exito's efforts could be buoyed by a similar agreement for the sugar supply chain yet strengthened also to include human rights and land rights alongside environmental commitments (Minambiente 2019).



Small-scale extraction of building materials in the Paila River
 Photo: Vicki Brown/Forest Peoples Programme

Going down the supply chain to the **principal buyers and importers** of Colombian sugar mentioned by CIAMSA, with most being members and supporters of Bonsucro, all of them have some (although not necessarily comprehensive) human rights and sustainability commitments.²⁹

Yet how can buyers such as ED & F Man who require their suppliers to sign a Code of Conduct and a Human Rights Statement form,³⁰ consider that this is sufficient to ensure compliance on the ground without mandatory third-party verification?³¹ Could it be, as some have concluded (e.g., Selfa, Bain and Quintero 2014), that certification through Multi-Stakeholder Initiatives such as Bonsucro, provide in fact a “veil of legitimacy and authority” to land rights and water grabbing “premised on deeply entrenched historical patterns of inequitable land ownership patterns and access to natural resources”? That certification in fact rubber stamps and veils for

international scrutiny, the inequities and practices of dispossession and violation of rights that acquiring lands and water have entailed for the ancestral peoples affected?

While it is not possible to state with certainty which **downstream companies buying sugar from the principal buyers and traders listed by CIAMSA** are using Colombian sugar on account of the ‘opacity’ of the chain (Somo 2015), these likely include the largest global buyers. Of these, five have made commitments to ‘zero tolerance for land grabbing’ following research and campaigns by Oxfam (2013), including PepsiCo, Unilever, Coca Cola, Nestlé and Illovo Sugar. Yet it remains unclear how these companies are ensuring this commitment is upheld in practice if they are potentially using sugar sourced from companies condemned for land grabbing by the public audit office.

²⁹ Fairtrade sugar certified by FLOCERT is another scheme available to producers, yet only two small-scale producers and two traders currently have this certification in Colombia and it is not mentioned in Cauca’s sugar mill or larger-scale commercial trading literature (see <https://www.flocert.net/es/conozca-flocert/busqueda-de-clientes/>)

³⁰ The form is one page, outlines several principles including around legal compliance, basic human rights, health and safety, environment, and ethical compliance, and states: “By signing below it is confirmed that supplier complies with above basic human rights and ethical principles and has in place internal processes and controls to ensure compliance. ED&F Man reserves the right to - themselves or via independent third-parties - verify compliance at some point.” <https://edfman.com/images/PDFs/Supplier-Code-of-Conduct---English.pdf>

³¹ Indeed, CCSIBHR (2018) notes that the “absence in a transparent link” between producers and end-users poses an enormous challenge in human rights commitments made further up the chain; or by grower companies, whose sugar is then traded through middle actors muddying the possibilities of end-user companies knowing the names of the ultimate source companies. And they note the potential influence and leverage global sugar buyers could have to improve this situation.

When examining the commitments made by the **various countries involved in consuming or importing sugar**—including Colombia—it is found that most of them have made important commitments to human rights and sustainability. Importantly, Colombia has one of the most progressive Constitutions and normative frameworks for indigenous and Afro-descendant rights protection in the world; and its Constitutional Court has made cutting edge decisions in this regard.

Yet the sugar mills and distilleries operating in the Cauca River Valley disregard these special protection measures and applicability to their operations. While their reports state they uphold Colombia's laws, those related to indigenous and Afro-descendant rights—including ILO Convention 169 on indigenous and tribal rights—are completely absent in any of the company's public CSR statements, which can be seen as a major and serious shortcoming in transparency and accountability.

On April 3rd, 2020, in light of the COVID-19 pandemic, 25 Colombian business leaders – among them Ardila Lülle's Vice-President of Corporate Relations, who was previously president of Asocaña between 2017-2019 – wrote a letter to Colombia's president. They asked for a variety of support incentives to prop up their companies, including simplified approaches to the fundamental rights to prior consultation (they do not recognize free, prior and informed consent) and environmental licensing which are protected through Colombia's constitutional framework (Rojas 2020). Their requests demonstrate that not only do they disregard these rights in their own commitments and reporting, they are actively lobbying to have these weakened at a moment when affected communities in Colombia are at their most vulnerable.



Small scale extraction of sand at the mouth of the Palo River
 Photo: Vicki Brown/Forest Peoples Programme

Box 5:

Selected Standards in Brief

ISO 14001 is a standard that specifies the requirements for an environmental management system (EMS) to enhance performance consistent with the organization's environmental policy. In Colombia, companies receive ISO certification through ICONTEC (Instituto Colombiano de Normas Técnicas y Certificación).

Bonsucro is a global multi-stakeholder non-profit organisation that promotes “sustainable sugarcane production, processing and trade around the world.” It has over 500 members in 40 countries and is funded by them. Members include sugar purchasing and consumer goods companies (e.g. Bacardi, Tate & Lyle, Coca Cola, Nestlé, Mondelez, PepsiCo, Ferrero, Cadbury Schweppes, Hershey, Unilever), commodity traders (e.g. ED & F Man, Cargill), NGOs (e.g. WWF, Solidaridad, Reef Catchments), national and local producers (e.g. UNICA, EID Parry) and oil companies (e.g. Shell, BP, North Sea Petroleum). Membership requires signing a Code of Conduct, which has recently been revised to align better with human rights (in effect as of April 1st, 2020.) Among other commitments, it asks members to “respect human rights and support the protection of forests and other ecosystems;” and to establish a grievance mechanism aligned with the UN Guiding Principles on Business and Human Rights effectiveness criteria. Bonsucro “supports convergence” with the UN Guiding Principles on Business and Human Rights; the OECD Guidelines for Multinational Enterprises (2011); and it draws also on the OECD-FAO Guidance for Responsible Agricultural Supply Chains (2016).

It has developed a certification scheme that has two standards: The production standard of sustainable farming and milling of sugarcane; and the chain of custody standard that ensures the traceability of sustainability claims along the supply chain from the farm to the end user. Yet the scheme is based on self-reporting, with Bonsucro officers able to ask for clarification or additional information if there are concerns regarding non-compliance with the Code of Conduct, with the only sanction being expulsion from the certification scheme. Bonsucro has a grievance mechanism revised in 2020, for complaints related to its scope of action/mission only, requiring written submissions in English (<http://www.bonsucro.com/complaints-and-grievances/>).

The UN Global Compact outlines a set of 10 human rights principles that are upheld voluntarily, and that are self-reported through the Global Reporting Initiative indicators. It does not require external verification, and its only sanction is participant expulsion for failing to report.

In short, in examining industry reporting around the supply chain and the various standards and certification schemes related to sugarcane production, it is found that while on paper there has been some increased attention paid to human rights and environmental principles in recent years, such frameworks based on non-verified self-reporting and voluntary schemes are simply inadequate for any assurance that these standards are being upheld, particularly in the context of violent armed conflict. Moreover, they offer no effective redress to those harmed. Instead, what seems to be happening is a greenwash of 'the green monster.'³² And the further down the supply chain, particularly to the commodity traders, the more polished and seductive the shade of green.

Incauca was obtained by Ardila Lülle in 1980 following a hostile takeover from previous owner Manuelita. Company materials claim that together with its associated company Ingenio Providencia, the companies produce 25% of Colombia's sugar, and 50% of Colombia's ethanol.

³² CAJAR (2020) highlights nine patterns of complicity characterizing links between the private sector and armed conflict, and notes about corporate social responsibility mechanisms that: "When corporate interventions occur in contexts of internal armed conflict, as is the case in Colombia, the panorama **becomes more diffuse and the language of Corporate Social Responsibility becomes a distraction mechanism to hide the fact that, by action and omission, there is complicity in crimes that may even constitute international crimes, as defined by international criminal law and international human rights law.**" (Unofficial translation, **emphasis added**). They show further that the implementation of CSR mechanisms such as the Voluntary Principles on Security and Human rights, rather than uphold human rights, have facilitated the violation of human rights: "we have tried to demonstrate the nine patterns in which corporate behaviour has been complicit in various situations that violate human rights, either by its direct and indirect relationship with illegal actors, especially paramilitaries, or by its consensual participation in the agreements with the Ministry of Defence and the various branches of the security forces for the protection of its facilities and personnel, through the application in the country of the Voluntary Principles on Security and Human Rights." (Unofficial translation). See also Lazala and Romero (2017) for a discussion of links between business and human rights abuses in Colombia, and the role of CSR instruments.

2.4 Spotlight on Ingenio del Cauca: Incauca

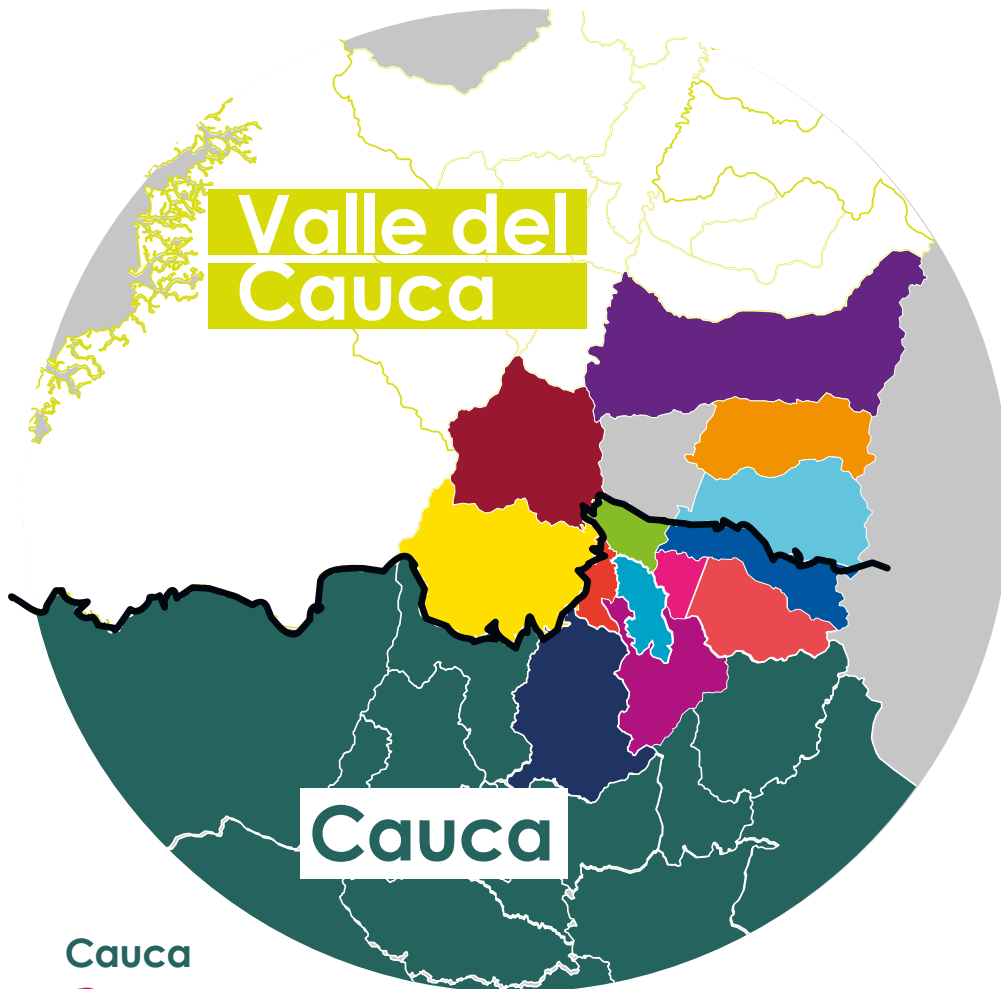
The intention of this spotlight is to delve a little deeper into the policies and impacts of a particular sugar mill. Incauca was the case chosen for its emblematic name, its important role as a producer, and its effects on communities that are part of the Palenke Alto Cauca. The analysis will first focus on what the company says it does; with its business and supply chain impacts in practice, assessed later.

Established in 1963, Incauca was obtained by Ardila Lülle in 1980 following a hostile takeover from previous owner Manuelita. Company materials claim that together with its associated company Ingenio Providencia, the companies produce 25% of Colombia's sugar, and 50% of Colombia's ethanol. Incauca operates in five municipalities of Valle del Cauca, and eight municipalities of Cauca (see Map 3), and most of its operators live in Florida, Cali, Palmira, Puerto Tejada and Candelaria.

Incauca has ISO 14001:2015 certification for its environmental management system, among others related to occupational health and safety. It is also certified by Business Alliance for Secure Commerce - BASC version 4: 2012, created by the U.S. Customs Service primarily to prevent smuggling of drugs and illicit goods. In addition, it has a series of policies around ethics and transparency, including anti-bribery. According to the company: "Incauca SA is committed to perform its duties responsibly and in accordance with the highest legal and ethical standards" essential for safeguarding "our reputation of honesty and integrity and our long-term financial well-being."



MAP 3 Municipalities in which Incauca has operations



Cauca

- Padilla
- Caloto
- Santander de Quilichao
- Villa Rica
- Guachené
- Miranda
- Puerto Tejada
- Corinto

Valle del Cauca

- Florida
- Cali
- Jamundí
- Pradera
- Palmira

Source: Incauca S.A.S 2018. 2016 – 2017 Sustainability Report. P 13

The latest sustainability report published on its website covers the years 2016-2017, and notes that Incauca maintains dialogues with the leaders of seven communities where it generates the most impact (Holanda, de La Paila, El Ortigal, El Tiple, Perico Negro, Morga/Hormiguero and Paso de la Bolsa). According to Incauca, these conversations are to understand what the communities think of the company and are intended to “open a new doorway to maintain more fluid and closer communication with them.” The report also claims that these local dialogues have revealed the social problems identified by community leaders: unemployment, delinquency from other territories, difficulty accessing higher education, lack of training to enable youth to get employment, lack of community unity, drug addiction, early age pregnancies and lack of environmental education, among others. Nothing in the records of these dialogues reveals any critique around human rights and land tenure violations by the company itself, or fundamental issues relating to social and environmental harms linked to their operations.

The company describes itself as “the best and largest sugar mill in Colombia”, noting that its challenge for 2018 was to continue upholding this reputation “with excellent financial results, in line with the realities of climate change, and a contribution to the solid social development of our employees and neighbouring communities.” Its mission is to: “deliver energy and sugar-chemical solutions with high added value, from renewable sources, being responsible for economic, environmental and social sustainability, within an ethical and transparent framework.”

Yet the report is incoherent and contradictory. While there is a code of ethics and anti-bribery policy, the report states with pride that in 2016 and 2017 the company supported the development of the country's democracy with a contribution of \$63 million pesos to different political parties. In the face of recent scandals including around inappropriate channelling of much-needed funding to address COVID-19 (see section 1.8), and in

“The report states with pride that in 2016 and 2017 the company supported the development of the country's democracy with a contribution of \$63 million pesos to different political parties.”

–Incauca Sustainability Report 2016-2017 (2018, 16)

light of its role in the “sugar cartel” for which it was heavily fined in 2015, it is hard not to see its funding of political parties as a type of bribery and influence peddling, however ‘legal’ this might be in the Colombian framework.

On the one hand, company policies state that: “Employees must not engage, in any way, in the payment of bribes or kickbacks, whether in the public or private sector, and must understand and comply with applicable anti-corruption legislation. Bribery or permitting bribery is a dishonest practice, prohibited by the Company and will result in disciplinary consequences.” And on the other hand, the company describes its payments to political parties as supporting “Colombian democracy.”

Incauca claims that in light of its new code of ethics and through its whistleblower line, it has received nine cases that have been reviewed with corrections now in place.

There are several other statements about its social and environmental responsibility. The company proudly acknowledges that in December 2017 it received a social responsibility prize from the Association of Foreign Trade (ADICOMEX) for its continuous work “in support of the development of our neighbouring communities.” In addition, it claims that evidence of its social commitment is shown in its investment in education, sports promotion, and support to programs for reducing consumption of alcohol and psychoactive substances.



Water pollution in the Palo River
Photo: Vicki Brown/Forest Peoples Programme

Yet a closer look at the GRI indicators on which Incauca reports shows that despite its stated commitments around social responsibility and being a good neighbour, upholding human rights and respecting community tenure seems not to enter into its definition of “being a good neighbour.”

Indeed, it admits there was no capacity building or training on human rights for its employees or security providers; and that any agreements that involve human rights are done through Asocaña and ILO, and focus on the eradication of child labour. It therefore limits, at its convenience, its human rights commitments to elimination of child labour, and not beyond, such as upholding ILO Convention 169 which is enshrined in Colombia's Constitution, and therefore law it should respect.

Incauca claims also there were no cases of discrimination, once again interpreting this in

“We are environmentally responsible at the highest level and we are a good neighbour.”

–Ingenio Incauca, Policy on social responsibility

a narrow sense to only discrimination against its workers. Yet analysis in the next section will reveal indeed that all sugarcane work involves structural discrimination and discrimination against Afro-descendant and indigenous peoples' self-determination and right to development according to their own definitions and aspirations, with conditions of sugarcane work for black people likened to “modern slavery.”

Responding to indicators around resolving social impacts, Incauca reports that that there were cases of ‘rights to petition’ against the company that were resolved with the communities. No other information is given.

With regards to upholding indigenous peoples' rights, the sustainability report turns this around, to show that it is a victim of indigenous peoples invading its private property: “During the reported years, we suffered invasions almost daily by the indigenous communities in the area. This problem should be handled directly by the National Government. We are supported by the Apolo Task Force of the National Army.” No detail is given on these “invasions”, which may well reflect territorial claims or continued use of ancestral territories, (see Box 6). Incauca simply passes on to the state the responsibility for being a victim of

these invasions despite its claim of being a “good neighbour”, and instead counts on the military to address this issue. The participation of the military to protect its interests and property could be seen as a type of subsidy, and identified as one of five types of corporate strategies to avoid responsibility of human rights abuses described by Somo (2020).³³ Aside from using the military to break up peaceful indigenous protests with force and violence,³⁴ Incauca has also reportedly used other tactics which deviate from any sense of upholding indigenous rights, such as –allegedly– purposefully spraying indigenous crops with glyphosate in 2017 (Proceso de liberación de la Madre Tierra 2017).

Responding to the indicator of whether it has been the subject of any human rights impact assessment processes for any of its “centres”, Incauca claims that “we do not impact the human rights of any of our interest groups, therefore, we have not been subject to human rights impact assessments or reviews.” That is an interesting claim in and of itself: either it does not consider ancestral peoples and customary landowners one of its interest groups; or, if it does, it believes it has no human rights impacts on them at all, even though it reported that indigenous peoples invade the lands of the company daily (which, as noted, is likely because of territorial claims or continued use, although that is never mentioned).

With regards to its suppliers and their human rights impacts, the company claims that it

evaluated 65% of its 1146 suppliers and found none to have forced child labour issues or discrimination. And that in 2016 and 2017 it received no human rights claims to resolve.

On the environmental front, the company says it recognizes the harm suppliers might do and it engages in an annual review of these – through self-reporting. In 2016 it alleges that of 145 service providers evaluated, 97% complied with environmental criteria.

They seemingly did not ask about the seriously harmful impacts of aerial spraying of herbicides on communities (see box 6), nor about social or human rights criteria. And Incauca claims that again, using self-reporting as a baseline, it will engage in an analysis and re-orientation of its environmental priorities. Yet diminishing water use and particulates emissions remain its key priorities.

In short, the sustainability report provides a rosy and very partial picture of Incauca's operations and impacts, and its relations with its neighbouring communities. This self-reported picture hangs in the balance through the testimonies and perspectives provided in the next section.

33 The five harmful strategies Somo (2020) identifies include constructing deniability; avoiding liability through judicial strategies; distracting and obfuscating (including through abusing the use of standards); undermining defenders and communities; and utilising state power (including engaging state security forces).

34 See Bermúdez Bazurto and Marín Carmona (2018) for a synthesis of the variety of ways that Incauca has affected the Nasa people and their territories, and their actions to uphold their rights. See also <https://www.cric-colombia.org/portal/las-estrategias-del-monopolio-mundial-guerra-militar-biologica-e-ideologica-continuar-remetiendole-contra-la-politica-de-liberacion-de-la-madre-tierra/>; <https://www.cric-colombia.org/portal/ejercito-que-protege-a-ardila-lulle-ataca-la-liberacion-de-la-madre-tierra-en-corinto/>

SECTION 3

IMPACTS OF THE SUGARCANE INDUSTRY



3.1 “Buen Vivir-Ubuntu”: Analytical framework, methodologies and sources

Over the years much has been written about the impacts of the sugarcane business on the people living along the Cauca River Valley and their lands (e.g., Mina 1975; Correa-Garcia et al 2018). Yet few have considered an analytical framework that takes as an explicit starting point the values and cosmologies of the peoples living with the impacts. And more particularly, for our case, the concepts and cosmology of black communities.

Indeed, at the heart of the cumulative impacts of sugarcane production, and its related hydroelectric production and roads infrastructure, is a model of development and corporate conduct that clashes with the ancestral livelihoods, territorial rights and cosmologies of Cauca's black (and indigenous) communities. The Palenke Alto Cauca has appropriated the dual concept of “**Buen Vivir-Ubuntu**”, enshrined in ancestral Latin American and African philosophies, as the principal framework for envisioning the past, present and future of its people and territorial relations:

This dual concept of **Buen Vivir-Ubuntu** is not homogeneous but plural in and of itself and is based on interrelations and ways of looking at life and “making worlds” where everything that exists depends on everything else: everything inter-exists in interdependence. It is a way of envisioning the world that distances itself from a “predatory” model of development based on individualism, extractivism, material relations of production and profit-making, and that is rooted in several guiding principles (see Figure 3). Principles that work not only towards safeguarding the territories of life for black communities, but beyond these, take as a responsibility ensuring life for all human and non-human beings inhabiting these territories. Importantly then, rather than an ‘anti-development’ stance which many accuse black peoples of taking against the national interest or the interests of the general population, the ethos underpinning **Buen Vivir-Ubuntu** is one of protecting life on earth for all, including for the national or general interests.

In addition, it is necessary to place front and centre Colombia's normative framework for protecting Afro-descendant rights. This includes those rights enshrined through ILO

Buen Vivir is constituted [...] as an alternative to development, to the enormous ecological and human costs of the capitalist-developmental model. An important feature of this proposal for relationships among people and between people and other beings is the breadth of its basic postulates: respecting nature and our humanity that is part of it, understanding that we are part of its integrity; not seeing ecosystems only as a resource, using friendly technologies with them; retaking our own and alternative forms of organisation and community relations that involve the autonomy of communities. From nearby and always present Africa [...] those who proudly recognise themselves as daughters and sons of that black, vital and nurturing land, bring (in their skin and souls) a philosophy of life that explains with justice, simplicity and complexity the relational ontologies and radicalises them with its postulate “I am because we are.” We relate this concept-philosophy of life of Ubuntu with the life projects of black communities in their intrinsic relational conception as an attribute of linking Buen Vivir-Territory. (Machado-Mosquera et al. 2018: 11).



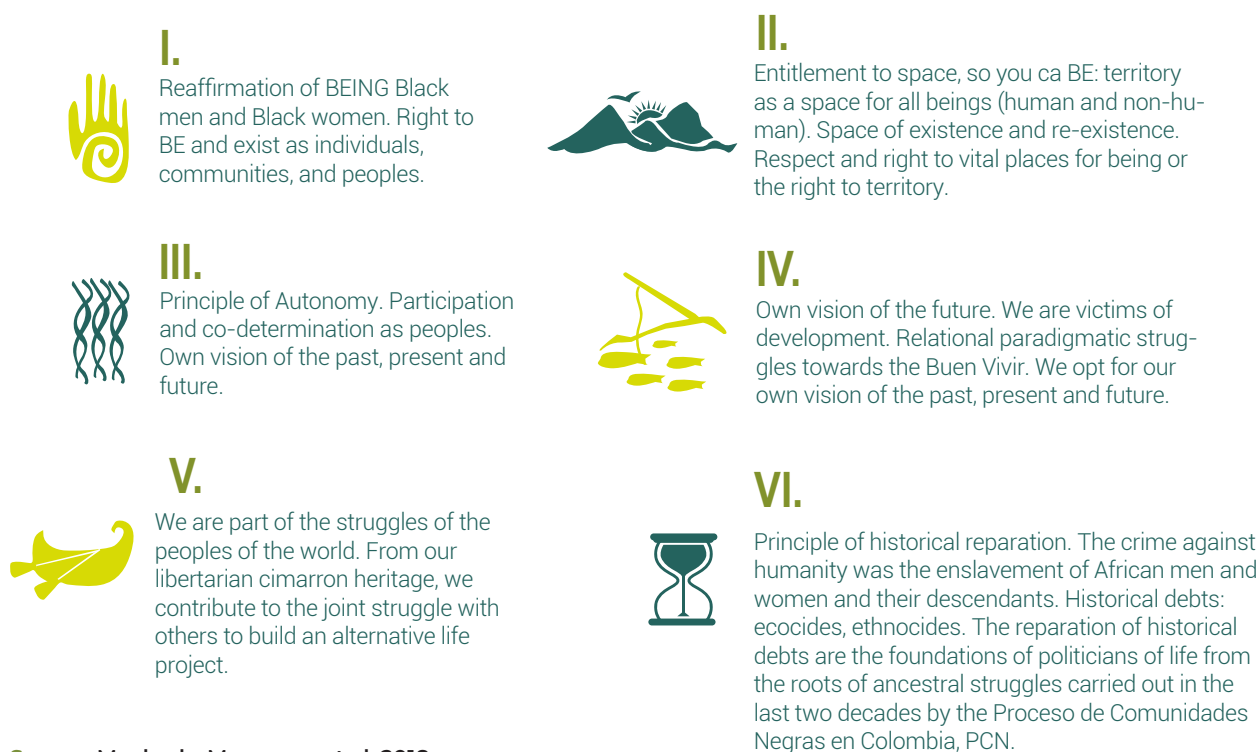
Harmonisation ceremony at a gathering of Black Communities of northern Cauca
Photo: Viviane Weitzner

Convention 169 on Indigenous and Tribal Peoples, the Convention on the Elimination for Racial Discrimination, the American Convention on Human Rights, the ethnic chapter of the 2016 Peace Accords, as well as Law 70 of 1993 which enshrines, among other rights, the collective territorial rights of black communities (albeit with still a long way to go in terms of operational regulations) (Proceso de Comunidades Negras de Colombia 2018).

communities living in the Cauca River Valley, their ancestral territories, their rights, and possibilities of *Buen Vivir-Ubuntu*. Importantly, our fieldwork planned for 2020 was severely constrained by the realities of COVID-19. We therefore draw on community research and existing studies and testimonies for our analysis,³⁵ supplementing these wherever possible by new testimony generated by the Cauca-based community team. And we highlight particular research gaps future studies might consider.

This section teases out some of the principal impacts of sugarcane production on the black

Figure 3: Key principles of Proceso de Comunidades Negras



Source: Machado-Mosquera et al. 2018

³⁵ We would like to acknowledge in particular an important series of community interviews undertaken by Karin Banguero in 2009; as well as select interviews undertaken by FPP's communicator Vicki Brown in early 2020.

Because we want to shine a light on the impacts of Incauca now from the perspectives of the communities it affects to contrast with the company perspectives shared in the previous section, we draw heavily from a 2017 report drafted by the Universidad del Valle. Undertaken as an outcome of a judicial process around land restitution for victims of the armed conflict (Judgement 046 of 2015 - first ruling of the circuit judges of the Popayán Land Restitution civil tribunal) and through an MoU with the *Corporación Autónoma Regional del Cauca*, the U.Valle study is an impact assessment of sugarcane plantations on the mostly black communities³⁶ of Lomitas, in Santander de Quilichao, Cauca.³⁷

However, because the study includes the impacts of three sugar mills affecting these communities—namely, Incauca, Mayagüez and La Cabaña—shining a spotlight on Incauca will be slightly diffuse, as the operations of the three sugar mills are usually not disaggregated in community discussions. Yet in some discussions with company representatives, responses are disaggregated by sugar mill. Indeed, the U.Valle fieldwork evidences perspectives from both community and company representatives that are extremely useful in analysis towards targeted recommendations on business conduct and corporate accountability across the supply chain.

“[We] were once the owners of this area, the Cauca Valley region... The cañeros (cane producers) came here and took the land away.”

**—Elder, Puerto Tejada,
in Brown (2017)**

3.2 Stolen lands, rivers and wetlands

While the fundamental issue that underpins all impacts flowing from the sugarcane industry on affected black communities is a clash in ‘development’ models, the largest impact by far is the industry’s mode of “accumulation by dispossession” (Harvey 2003), from which ancestral owners are forced to give up their farms and collective lands. Historically, this has taken place through various means: from forced removal using legal and illegal armed forces, to more subtle modalities involving corruption and administrative manipulations (Ángel 2012a, b; Vélez-Torres et al. 2014)—resulting in lands either being expropriated, purchased or leased with restrictive conditions attached. This is a process that has been characterized also as ‘land-use’ grabbing, namely where traditional land-use becomes transformed to the capitalist modality underpinning the sugarcane economy (Correa et al. 2018). While a handful of traditional owners hold onto their farms tenaciously staving off the various pressures to sell, rent or convert their cropping systems to monoculture, this is not an easy task and brings constant hardship.

And the dispossession does not stop at lands: it includes extraction of groundwaters and the damming of rivers such as the Cauca to produce hydroelectricity and regulate waterflows, among other types of “water grabbing” and privatization schemes (Vélez-Torres 2012). These have

³⁶ Some 1303 people live in Lomitas, where 80% of families are members of the Consejo Comunitario Cuenca Rio Cauca, and 20% belong to the Consejo Comunitario Afrolomitas.

³⁷ Because this is an Environmental Impact Assessment (EIA)—not an Environmental and Social Impact Assessment (ESIA) or a human rights impact assessment (HRIA)—there is an under-representation of social and human rights impacts, with only one of the eleven volumes of the assessment targeting socio-economic aspects.

resulted in the flooding of the most fertile lands of black communities, their ancestral mines and their sacred places, to name only some of the most significant impacts (Mina 2008; Machado-Mosquera et al. 2017). At the same time, the expansion of sugarcane plantations to cover more than 90% of the land area of many municipalities has resulted in massive land use change; and widespread destruction of wetlands and dry tropical forests that formed vital livelihood resources for black communities in the Cauca Valley. Transformations that have also led to devastating impacts for the indigenous peoples inhabiting this area.

To ancestral peoples for whom territory is the source of life, and the root of everything—their collective identity, possibility of existing over time, food sovereignty and security, freedom and autonomy, ancestry/futurity, social memory, unity and spirituality—the impacts of dispossession are unfathomable. Indeed, dispossessing peoples of their lands and rivers—of their very territoriality—and on such a large scale as has happened with sugarcane in Cauca, represents a violence akin to genocide (Eichler and Bacca 2020).

“The territory is understood ... as a source of life. Being and living with the territories guarantees food autonomy at work and in the preservation of the communal fabric. Therefore, the territory is not a resource, it is the place where unquantifiable, affective, and solidary memories have been built with the river, with memories of ancestors, grandparents and the matrons of the reborn.”

—Mosquera et al. (2018: 13)

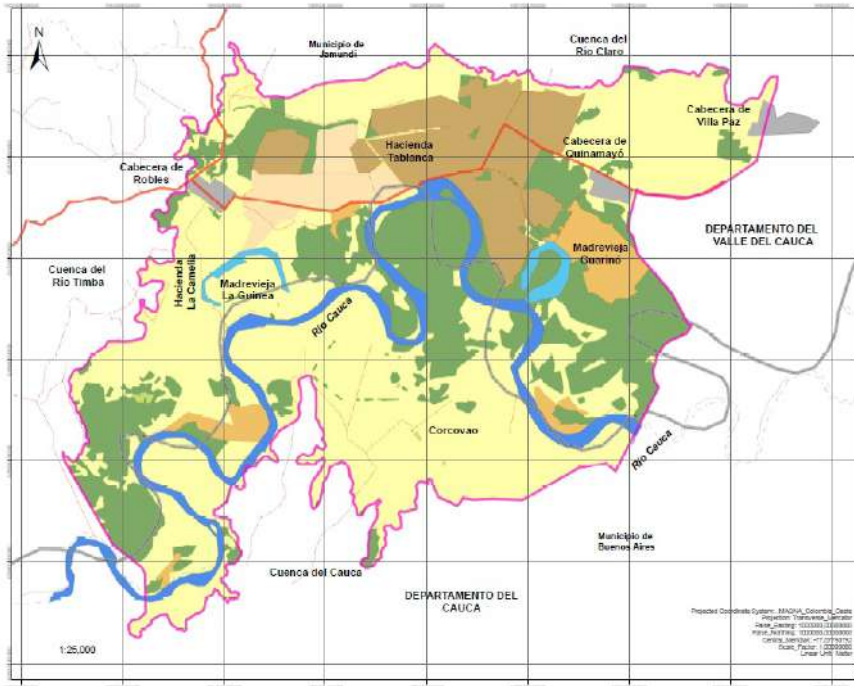
For Cauca's black communities, this uprooting is magnified at least twice over. It comes after first being uprooted from their African homeland to work for the Spanish mines in the area in the 1600s. Then, after buying back lands and freedom through arduous work, being uprooted once again from their cultivated plots and commons areas to pave the way for large-scale agri-business and related water schemes (Mina 1975). A forced entry of agribusiness and monocrops facilitated by the violence of armed conflict particularly in



Black Community field visit to identify and document sugar industry impacts. The extraction pumps for taking river water for irrigating the sugarcane plantations can be seen in the background.
Photo: Vicki Brown/Forest Peoples Programme

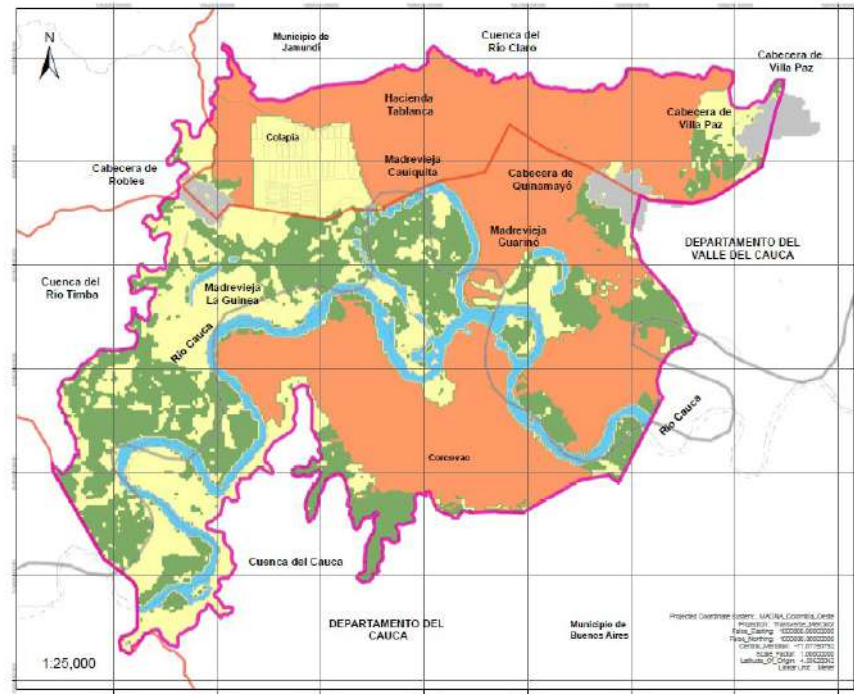
MAP 4 Land cover, Guarínó and La Guinea wetlands.

Land Use in 1982



Scale 1: 25,000

Land Use in 2014



Scale 1: 25,000

Coverage

- Built area
- Cauca river
- Lakes (Fish farming)
- Wetlands
- Rice cultivation
- Transitory Crops
- Traditional Crops
- Sugar cane
- Bare soils and grasses
- Wooded vegetation

Convenciones

- Main roads
- Roads and Paths
- Watershed Limit
- Departmental Boundary
- Study area

Source: Base geography obtained from the CVC, 2013. In: Perafán, A., Peña, E. y Buitrago, O. (2018) *Humedales vallecaucanos. Escenario natural de cambios históricos de ocupación y transformación*. Cali: Programa Editorial Universidad del Valle. Source: Authors, based on the geoprocessing of aerial photographs provided by the Corporación Autónoma Regional del Valle del Cauca-CVC (different dates) and Landsat OLI 8satellite imagery.

the early 2000s, when many communities were displaced, and their lands then taken over by sugar interests, or sold cheaply.³⁸ In face of all this, black communities have constantly resisted dispossession and even been involved in outright battles led by legendary leaders such as Sinécio Mina.³⁹

However, reports of sugarcane growers and industry associations do not reference the ancestral peoples whose lands they have dispossessed and are profiting from, and who still lay claim to these lands. Investigations of irregularities around land tenure and land purchasing have been met with obstacles. In the case of Lomitas, for example, U. Valle researchers found a lack of transparency – indeed, opaqueness – around how lands were obtained:

This study attempted to make an analysis of land tenure in Lomitas, but it was not possible to have access to official information on the forms of land tenure in the sugarcane sector, which occupies the largest area of land in the study ... it was considered difficult to provide precise information on this topic that is quite sensitive in light of the main objective of the agreement that frames this EIA (2017, 21).

Clearly this is a key topic to be addressed for human rights and justice to be upheld in the context of what appears to be wide-spread corruption and complicity around land and water grabbing. Without greater transparency and

“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

better public access to tenure information relating to specific plantations, mills and commodities, scrutiny of corporate conduct and compliance with supply chain standards on human rights will continue to face major obstacles in Colombia.

38 For example, the communities in Lomitas were forcefully displaced by the arrival of paramilitaries in the 2000s who set up training camps, fuelling a wave of violence. Land lots were abandoned “and some of them were taken by sugarcane workers. The difficult situation of poverty for those people who remained in their lands often obliged them to sell their lands at cheaper prices to big landowners, who rented the lands or sold sugarcane production to the mills. (Environmental Justice Atlas 2017) <https://ejatlas.org/conflict/plantations-of-sugarcane-in-the-rural-settlements-of-lomitas-colombia>

39 Sinécio Mina, who died in 1919, is known for leading 100 black men against Valle del Cauca’s landowners who were attempting to dispossess them of their lands, and was seen as a “bandolero” and persecuted by the state (Castillo 2017; <https://www.semana.com/opinion/expertos/articulo/los-negors-caucanos-en-el-siglo-xx/322452>). He has become a key inspiration for the Afro-Descendant movement in Norte del Cauca, and the subject of several popular songs.

Yet the massive expansion and sheer extension of the sugarcane fields have severely reduced the lands available for reparations from ongoing land restitution processes and collective land rights negotiations. Negotiation processes are required to uphold Colombia's international and constitutional commitments on ethnic rights, and those contained in the 2016 Peace Accords between the Santos Government and FARC-EP. In other words, reclaiming community lands that are now used for commercial sugarcane plantations will likely need to be considered in restitution and reparation processes; a difficult proposition in light of government incentives to further expand this agro-industrial sector (see Box 6).⁴⁰ Importantly, this expansion is taking place at the same time as parallel criminal activities, such as criminal mining by outlawed armed actors, and cultivation of illicit marijuana and coca crops. As one Afro-descendant leader stated poignantly in early 2020, there are no lands left for Afro-descendant communities:

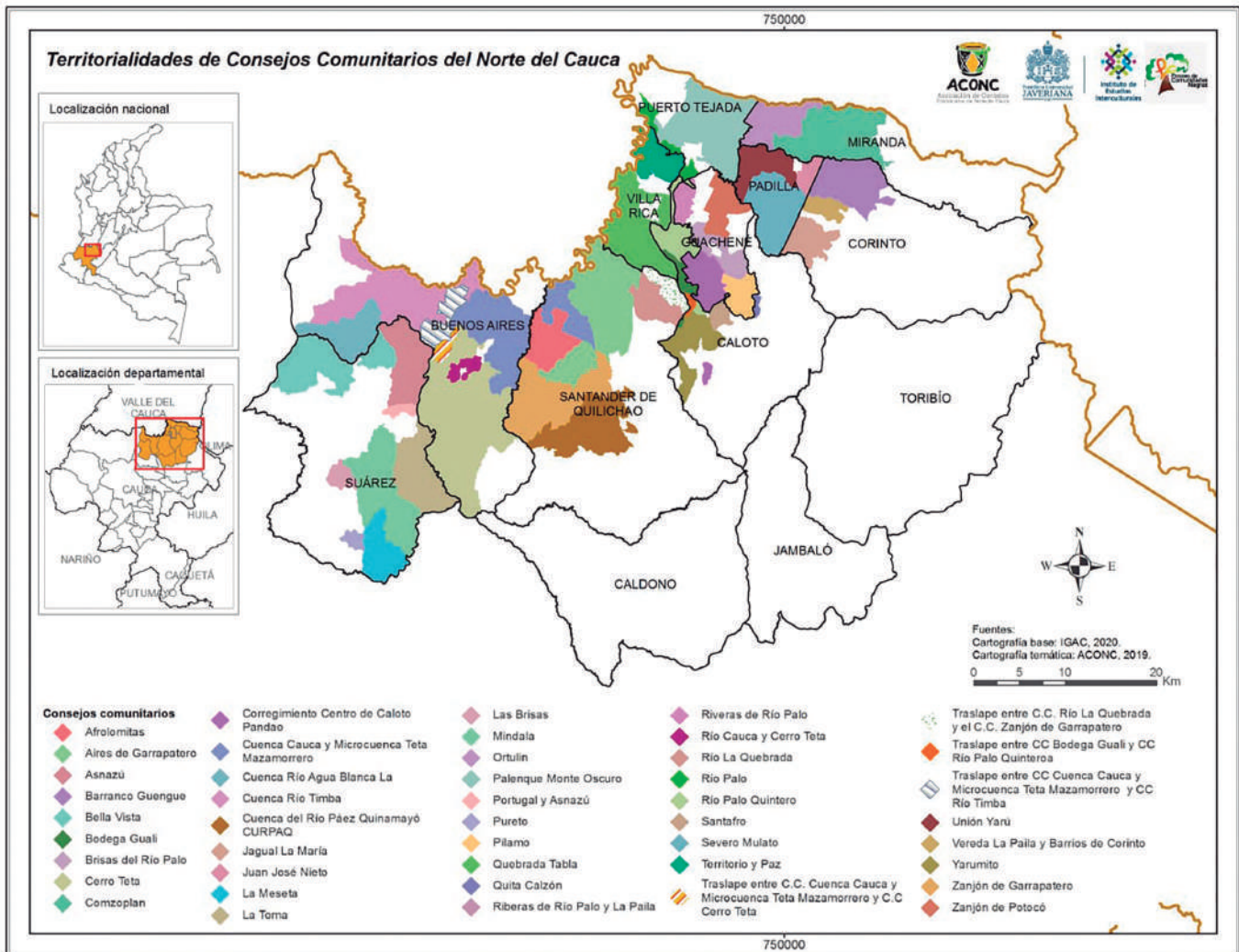
**“in the Valley, there is sugarcane; in the middle zone, there is criminal mining; and in the hills, there are illicit crops.”
Indigenous and Afro-descendant peoples are hemmed in on all sides.**

Research/Information Gap:

There is lack of transparency and data on 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. Instead, active blocking of information-sharing has taken place. This information is required to assess a series of potential human rights violations, and their reparations, including dispossession from ancestral lands.

⁴⁰ In his 2018 presidential campaign, senator Gustavo Petro made headlines with his controversial statement that “Bonito sería el gesto de que (Ardila Lülle) decidiera vender su hacienda de Incauca al Estado, para que el Estado la entregue al pueblo campesino y al pequeño productor agrario para producir alimentos.” The senator has also been extremely critical of the negative health impacts of sugar consumption and the sector more generally, fuelling widespread debate (Semana 2019).

MAP 5 Community Councils of Northern Cauca.



Source: Association of Community Councils of Northern Cauca & Institute of Intercultural Studies of the Javeriana University of Cali. Plan de buen vivir del pueblo negro-afrocolombiano del norte del Cauca.

Box 6

Nasa Indigenous Community Liberation of Mother Earth

In 1991, the 'Masacre del Nilo' took place in Cauca, where members of national police and paramilitaries funded by narcotraffickers attacked the indigenous Nasa population in the area, leaving 20 Nasa dead and producing a series of profound effects still felt today. The massacre was payback for the Nasa refusing to sell their estate to the private sector. Following interventions at the Inter-American Commission on Human Rights, the Government of Colombia committed to acquiring 15,000 hectares of land to compensate the communities affected by the massacre. While this commitment was partially fulfilled, in 2005, 6,000 hectares available for this reparation were leased out by the national government to Incauca S.A., who since then have used these lands set aside for the Nasa for their sugarcane production. This miscarriage of justice in favour of the private sector, and specifically Incauca, have led to a series of actions by the indigenous Nasa, ranging from protests, to dialogue tables, to occupations of lands used by Incauca.

Yet the re-victimization of the Nasa continues. It has included the spreading of mistruths against the Nasa by Ardila Lülle's RCN. This in turn led the Constitutional Court of Colombia to order that the channel apologize for its actions and omissions and broadcast the truths it hid. Violence against the Nasa continues, as the Nasa continue trying to occupy and use the lands promised to them, and to liberate mother earth from being used for sugarcane monoculture production. In 2020 alone, 76 members of Nasa communities living throughout Cauca, including 6 of their leaders, were assassinated (Bermúdez Bazarro and Marin Carmona 2018; Justicia y Paz Colombia 2019). Demands for the Colombian government to return the lands to the Nasa were central in the recent MINGA protests that took place in October 2020. Yet with Ardila Lülle one of current president Ivan Duque's biggest supporters, and with his radio and television network a key propaganda tool, progress to fulfill outstanding promises remains an elusive hope at best (Alsema 2020).

3.3 Debilitated ancestral farming practices, ways of life and food sovereignty

There has been a marked decrease in traditional farms in the Cauca valley, where subsistence agriculture and rotational crops of coffee and cacao were once the predominant way of life.⁴¹ And those living next to sugarcane fields, and who try still to produce traditional crops, have

experienced a series of devastating impacts (Hurtado Bermúdez, Vélez-Torres and Méndez 2020; Bermúdez 2018). In Lomitas, these were identified as a reduction in food sovereignty; harms from the use of chemical sprays used in neighbouring sugarcane fields that have led to a

⁴¹ "By 1940, there was an economically and socially autonomous community of black campesinos in Northern Cauca, many of them landowners who cultivated around 18,000 hectares of flat land, with a prosperous peasant economy based on cocoa production of such magnitude and quality that the cocoa produced in Puerto Tejada was traded on the London stock exchange. A peasant economy had been established around ten large states in the region, covering an area of approximately 120,000 ha., where land had been won through a long and hard struggle in which black campesinos ended up being victorious based on their decision to fight, their persistence, their unity and solidarity support" (Ángel 2012a) (unofficial translation). "Black campesinos of Northern Cauca were, then, expropriated from their lands. Between 1960 and 1975 these campesinos lost around 12,000 ha. of the 18,000 ha. they had in their possession. Thousands of campesinos families were expelled from the countryside to the urban centres." (Ángel 2012b) (unofficial translation).

reduction—and even extinction—of species of flora and fauna, which have in turn drastically reduced access to food through fishing and hunting; and physical confinement to marginal areas outside large tranches of fertile land closed off as private property. Where once wetlands, forest cover and diversity abounded and people could feed and sustain themselves from their own fields and communal resources, this is no longer the case (Universidad del Valle 2017).

Other community members have noted that access to water for their own farming and household needs has been severely affected. The sugar mills channel water for use in the sugarcane plantations without previously advising those who also depend on it, and with little or no regard for their water rights. As well, groundwater levels have dropped dramatically on account of sugarcane producers' hoarding water in large wells. The huge impact of sugar plantations on the integrity of the "madres viejas", the underground ecosystems that are part of the Cauca river, was underscored by one elder, who noted that many have dried up: ***"Many Madres Viejas were dried up to plant sugarcane. Almost 80 percent of the branches of the Cauca River are now planted with sugar cane. This had an impact on the food supply of the area, because all these Madres Viejas were areas and riverbeds and branches of the rivers where, in seasons, and with an almost draconian rigor, people would go and fish. And they fished in quantities to take home. Fish of all kinds."*** This is no longer the case.

"The loss of land was the trigger, the control over the territory. Because families were affected, production was affected, the cultural part and values were affected. The environment was affected."

—Afro-descendant elder, 2020

The specific impacts of this situation for black women were highlighted in 2013 when Colombia came under fire at the United Nations Committee for the Elimination of Discrimination Against Women (CEDAW). Delegates from the Palenque de Monte Oscuro, also in Cauca, highlighted the impacts of expanded sugarcane production on black women's access to land to carry out agricultural work and realize human rights to adequate food and nutrition, thus undermining the human right to food (FIAN 2013). Besides underscoring difficulties in using their own seeds to produce nutritious food, delegates raised as key issues lack of access to individual and collective land titling; lack of appropriate safeguards for protecting black women's traditional knowledge for the survival of their culture; and lack of income to now buy nutritious food in light of the impacts of sugarcane on their once self-sustaining farming practices.⁴²

⁴² These types of impacts are also underscored by Bermúdez (2018), whose fieldwork in three communities living side-by-side sugarcane fields concluded, among other things, that: "The loss and control of the land, and therefore of practices associated with production and self-consumption of food, has generated not only a food crisis faced by communities, but also bad practices associated with the consumption of food that lead to poor nutritional status." (2018: 115). She finds also that: "The contemporary neoliberal model, consolidated in the flat Valley of the Cauca River for more than five decades, has impacted and continues to impact family farming with the low investment in the rural sector, public policies do not benefit small producers, businesses that discourage production and the absence of minimum conditions for families to live on what they produce" (2018 : 116). (Unofficial translation).

“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

Today, more and more people are forced to depend on store-bought foods, a reality starkly magnified by the onslaught of the global pandemic COVID-19. The pandemic has underscored the deleterious impacts of the sugarcane industry on black people's traditional farming and access to nutritious foods. In this new context, it is not unusual to hear from black community members comments like “I would prefer

to die from COVID-19 than from hunger.” Indeed, the legacy of dispossession and the impacts of sugarcane fields on ancestral livelihoods has resulted in once self-sustaining peoples who had food sovereignty becoming extremely vulnerable to global markets and the commodity trade, and far less resilient.

3.4 Toxic sugarcane operations, health and family impacts

Sugarcane plantations have brought about severe impacts on overall environmental and human health and wellbeing. Lomitas' communities identified, among other impacts, exposure to toxic substances that are airborne (see Box 7), or that contaminate water draining from the sugarcane plantations; an “environmental emergency” brought about by the use and decomposition of organic fertilizers in fields contiguous to households, that produce bad smells, nausea-inducing gases and flies,⁴³ and constant flooding which leads to the loss of households, mould, and infestation by cockroaches and rodents.

Lomitas communities also identified gendered impacts due to the long and arduous shifts of the sugarcane cutters who are mostly men, leading to an intensification of women's work at home; and noted the outmigration of youth to search for employment.⁴⁴ Family life has been affected in that there is a decrease in places to go for family fun and recreation (which often took place at swimming places provided by the *madres viejas*), which has in turn led to an increase in use and trafficking of illegal substances such as hallucinogens among youth, among other bad habits, and there has been increased violence.

⁴³ “The sugarcane crops have produced contamination, given the high toxicity and inadequate biodegradability of herbicides used for weed control including glyphosate, ametrine, fusillade and DCMU, acid reaction of soils and accumulation of salts and aluminum”, according to research by Environmental Justice Atlas (2017).

⁴⁴ Only some 18-21 community members from the 1303 people living in Lomitas work with the sugar mills, with community members reporting 18, while the sugar mills reported 21.



Motorised pumps extracting water from the River Paila for monoculture irrigation
Photo: Vicki Brown/Forest Peoples Programme

Community members also complained of excess heat, respiratory issues and deterioration of household items and clothing from the burning of sugar fields (Universidad del Valle 2017).⁴⁵ While these impacts are specific to Lomitas, they are likely comparable to those experienced by other communities living with the impacts of neighbouring sugarcane fields.

“The family structure as the fundamental pattern of the community, the crisis of values, the loss of social relations, the spaces for participation that communities had built autonomously, all these elements are today threatened by monocultures and the loss of land and the concentration of land in a monoculture of sugar cane.”

—Afro-descendant elder, 2009

⁴⁵ Muñoz Diaz *et al* (2019) examine the impacts of burning associated with three mills and plantations (Manuelita, Ropiala and Providencia). They conclude that “burning has had multiple effects on the environment and people’s health.” They emphasise transformative change will be achieved only if management systems like ISO 14000 are complemented with stronger environmental legislation. Importantly, a September 2020 agreement between Asocaña and CVC reduces the permitted burning areas from 78% to 32% of the total planted area; it does not outright prohibit it.

Box 7:

Impacts from Fumigation using Herbicides

The noxious impacts of herbicides – and particularly glyphosate, used until 2015 in Colombia for aerial fumigation of coca crops, as well as in agricultural plantations such as sugarcane – have recently been making headlines globally. In June 2020, the German company Bayer, owner of the glyphosate-containing weedkiller Roundup (originally launched by Monsanto in 1974), agreed to pay up to USD \$10,900 million for damages related to the harms linked to the use of its product. It received some 125,000 complaints alleging links of the use of glyphosate to cancer, links which it has denied citing its own corporate science as evidence (BBC 2020). Yet in 2018, a tribunal in San Francisco determined that use of Roundup was a “substantial factor” in the cancer that gardener Dewayne Johnson developed terminal cancer in 2014 following years of using the weedkiller (BBC 2019). Besides compensation for harms, at stake in these cases is also to what extent Bayer inappropriately used company-backed “science” and influence to convince authorities and the public that its product was harmless (BBC 2019).

In Colombia these issues came to a head in 2019 and 2020, when President Iván Duque proposed to resume knowingly noxious aerial fumigation of coca fields using glyphosate, a practice prohibited since 2015. The Trump government controversially announced it would increase by 43% its aid to Colombia for combatting drugs if Colombia resumed aerial fumigation (Espinosa 2019). While a 2017 Constitutional Court Decision upheld the suspension of aerial fumigation to eradicate illicit crops until such time that the government could provide evidence that glyphosate is not harmful for human or environmental health (BBC 2020), Duque continues to press for public hearings on the matter (<https://cnnespanol.cnn.com/2020/08/28/colombia-quiere-reanudar-fumigaciones-con-glifosato-un-quimico-toxico-para-combatir-cultivos-de-coca-criticos-advierten-que-es-muy-peligroso/>). There are serious concerns regarding the potential for aerial fumigation to go ahead, with the CVC expressing worries around impacts to biodiverse areas including the traditional farms of black people, noting that the chemical cannot be contained but spreads through the air to adjacent areas (CVC 2020).

Others have expressed grave concerns around the significant impacts on women’s reproductive health, with studies showing that aerial fumigation has been linked to incidents of miscarriages (Centre for Reproductive Rights 2020).

Importantly, not much is yet known about the scope and depth of impacts of glyphosate and other herbicide used in Colombia’s sugarcane fields, largely because the field has been dominated by corporate science with rigorous and independent science on these issues still incipient (Méndez, personal communication, 2020). There are significant questions about how glyphosate is regulated for agri-business, with research indicating that industry appears to regulate itself using a variety of questionable mechanisms to obtain the herbicide (<http://unperiodico.unal.edu.co/pages/detail/quien-controla-el-otro-glifosat>).

While lower doses are used for agribusiness, the use has been constant since 1983 over vast areas, with likely serious cumulative impacts. Indeed, experimentation by Cenicaña in the 1960s and 1970s revealed that glyphosate along with herbicides such as Etephon (Ethrel) were effective 'ripeners': they help maximize the recovery of sugar, stabilize its content and obtain additional gain in a shorter time, reducing the time also between harvests. And since 1983, all sugar mills have used these 'ripeners' as routine practice (Arcila and Villegas 1995; Asocaña 2018). Indeed, this continued use of glyphosate is highlighted in Asocañas 2018 Sustainability Report, which normalizes the use of glyphosate even if it has been outlawed in other jurisdictions (<https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/where-is-glyphosate-banned/>). In a section of the report entitled 'sustainable use of ripeners', Asocaña states that: "The use of 'ripeners' in sugarcane is a common practice in many sugar producing areas of the world and is certainly not alien to the Cauca River Valley." The report attempts to downplay the detrimental impacts from the ongoing use of glyphosate (often applied aerially) by pointing out the different doses applied in sugarcane production compared to eradication of illicit crops: "The doses of glyphosate applied on sugar cane varies between 0.7 and 1.6 litres per hectare, while for the control of illicit crops in Colombia the dose is 10.4 liters per hectare." (Asocaña 2018, 36). Here then we see how the industry dresses up and cloaks the detrimental impacts of chemicals such as glyphosate and similar products by deploying the language of sustainability for products that have been outright prohibited in other jurisdictions around the world.

Research/Information Gap: More independent research is urgently required to determine the impacts of the use of glyphosate and other herbicides on neighbouring communities, workers and the environment, as well as how much of this product enters the sugar supply chain consumed by people around the world, and with what effects.



Untreated waste being discharged from the Cauca Industrial and Commercial Park into the Palo River
Photo: Vicki Brown/Forest Peoples Programme

3.5 State abandonment, structural racism, illicit economies and armed conflict

Several community leaders link the sugarcane industry with fuelling armed conflict and illicit economies. With lack of lands to sustain themselves, and very few licit economic opportunities aside from extremely poorly paid sugarcane cutting, community members have been forced to consider working in the illicit marihuana and coca crops that line the mountains in Cauca, as well as in the mines operated by outlawed groups. Youth have also turned to drug trafficking, and there has been an explosion in the number of street gangs and associated gang-related violence. And many have been recruited also by outlawed armed actors.

Community members note that the state has in effect abandoned them, and that far from upholding its obligations to protect their human rights, it has enabled companies to continue intensifying dispossession and land use change for industrial crop production. And some allege there are direct links between sugarcane owners and outlawed armed actors: sugarcane plantation owners have in effect “financed” the armed conflict through payments to armed actors that enable them to do their work. Some such instances have been confirmed in judicial decisions (Superior Court of the District of Medellín 2014, Superior Court of the District of Bogotá 2012). In the words of one community leader: “In a way I feel that them [sugar mills] have also financed the war. That many people have come and funded the war in order to be able to do what they want to do in the territory. To get rich,

to establish what they call development for them. But what is a development that devastates.” An Elder noted the terror that paramilitaries instilled in people on behalf of the sugar mills, which drastically restricted people's movement.

With regard to the Calima Bloc of the United Self-Defense Forces of Colombia (AUC) (*Autodefensas Unidas de Colombia*), it was said that this type of financing was also recurrent in northern Cauca: “residents of the municipalities in the north of this department explained to the CNMH that the relationships and agreements between paramilitaries and businessmen were beneficial for the latter in terms of security with the sugar mills, because at that time, even, all those people [paramilitaries] help to do surveillance of the mills themselves when they were fumigating, so that they wouldn't steal this or that. They were guarding fuel, escorting fuel. And that is when it got stronger. Starting from the park, including the area located between Puerto Tejada, Caloto, Guachené and Villa Rica” (CNMH-DAV, voluntary contribution, workshop, 2016, April 3rd, Lomitas - Santander de Quilichao). (CNMH, 2018, 563).

Indeed, there is a sense that “*todo esta ligado a todo*” (everything is linked to everything), everything is interlinked in the current and violent state of affairs in Cauca, with the sugar mills a central and highly powerful actor that dominates the region and marginalises communities.

Research/Information Gap: More investigation is required to examine the links between the sugarcane industry, armed conflict and human rights violations; as well as the connections between lack of licit economic opportunities on account of the takeover of ancestral lands by the sugarcane industry and its related infrastructure and increasing gang-related violence. Complicity and corruption among state representatives and agencies should be a pivotal part of this research.

3.6 Miserable labour conditions – modern slavery

The poor working conditions of the sugarcane industry have led some to describe sugar mills as modern slave masters (e.g., Ángel 2012b), breeding conditions where union organizing and speaking out for workers' rights has led to lethal consequences. Black people that do work in the industry largely as *corteros*, sugarcutters, have reported miserable and “undignified” working conditions.⁴⁶ And those who supply the sugar mills also note unfair sugar pricing and contracts.⁴⁷

“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

These conditions sparked the historic 2008 strike that made national and international headlines when some 18,000 sugar cutters walked off the job on September 15th for more than 80 days, despite threats from state security forces supporting the sugar industry's elite. With support from labour and social organizations across the country, the strike resulted in an 11.5% increase in pay for sugarcutters. Yet this agreement was not implemented, and instead most workers continue without direct contracts with the sugar mills and without job security (WOLA 2011). The precariousness of job security for sugarcutters may intensify if the industry continues the trend towards mechanization as a means to increase yields to meet biofuels demand within the constrained space for expansion in Cauca.

⁴⁶ Community members in Lomitas described the few jobs that were obtained of very poor quality compared with “sources of decent work (agrofamilia and agro-industrial farms such as rice and livestock) stripped away by the intensification of sugar cane” (U.Valle 2017: 43).

⁴⁷ “There are sugar mills like Cauca and Cabaña that have lower prices and pay less. The sugar mill that pays better is the Occidente. I work with Occidente, so why Cabaña and Cauca? Because they have a monopoly on antiquity, and they have a lease of 5 to 10 years minimum. They ask for a contract to be made with them. And with that contract, they try to tie up the settler. We are settlers for them, and our sugar cane is to produce sugar. And theirs, is to get ethanol, which is more expensive. In other words, we always go under, competing with export prices and other countries. We are always the martyrs.” (farmer interview, 2020) (unofficial translation).



Mural artwork created by Black Communities of northern Cauca
 Photo: Leidy Mina, Palenke Alto Cauca

While a large proportion of the sugarcutter workforce is black, the company reports reviewed do not provide data on what percentage of the workforce black workers constitute, or the nature of their labour contracts. Many reports did mention that sugar mills have “ethnic lines” for complaints, yet no independent reviews of the nature or functioning of these mechanisms seem to have taken place to uncover, for example, any systemic discrimination against black workers.

“Since 1851, the Afro-descendant population went from slavery to servitude, with very few exceptions.”

—Aurora Vergara Figueroa,
 Ethnic Hearing,
 Afro-Colombian Day 2020
 Commemoration
 May 21st, 2020

Going down the supply chain, a 2017 study⁴⁸ benchmarking the human rights performance of 10 global food and beverage companies that rely heavily on sugar revealed that for the most part, these companies do not assess their risks or set targets around forced labour. And of 10 companies benchmarked, only one could name the sugar producers and growers that supplied it, with the other 9 able to identify only the country of origin of their sugar. The 2017 report also found that no company could provide concrete examples of a remedy provided to a worker whose rights

were violated (CCSIBHR 2018). This highlights a key problem with regards to traceability of sugar, accountability regarding end user claims to upholding workers’ labour and human rights, and workers’ access to justice and remedy.

Yet aside from working conditions akin to modern slavery, a key issue is the change in values that working as day labourers instills:

“As we cannot go back to our farm (finca) because there are some who no longer even have one”, an elder said, “we lose love for the territory, for the farm, and we lose and gain affection for this other way of life, that of being a day labourer.”

Research/Information Gap:

There is lack of workforce data disaggregated with regards to ethnicity—and gender; the nature and conditions of contracts; and the nature and effectiveness of sugar mill complaints mechanisms.

⁴⁸ Published by KnowTheChain, a collaborative initiative involving Humanity United, Business & Human Rights Resource Centre, Sustainalytics, and Verité.

“Very few traditional farms (“fincas”) remain due to that same scourge of dependence and, day after day people are being subordinated to sugar cane cultivation. I think we should look at this with different eyes and a very open mind, because if we continue in the same way we will be on the verge of disappearing from black communities, and we would have to return to slavery once again.”

— Afro-descendant farmer, 2009

3.7 Deadly outcomes for union leaders, and land and human rights defenders

Colombia is *the most dangerous place in the world to be a land and human rights defender* (Frontline Defenders 2020), with Cauca experiencing the highest levels of threats and assassinations. According to Insight Crime (Navarette & Alonso 2020), Cauca is Colombia’s “murder epicenter”, with 170 social leaders assassinated between 2016 and 2019.

The situation in Cauca has escalated on account of indigenous and Afro-descendant leaders seeking land restitution from agribusiness interests and opposing their lands being used for coca cultivation and illegal mining. Indeed, Cauca has been invaded by another type of green monster: illicit coca and marihuana crops that are grown by illegal armed actors such as FARC dissidents and other illegal armed groups known as BACRIM, and trafficked largely through Mexican cartels (Semana 2020).⁴⁹ In fact, Cauca’s fertile growing conditions and strategic location along the transportation corridor linking with the port town of Buenaventura make it of prime interest for the underground economy. Communities caught up in the crossfire from violent conflicts over the control of strategic trade and export routes from the Cauca region to the Pacific coast is commonplace. Indeed, paramilitary interests and structures oversee a significant proportion

of illegal trade while also often providing ‘security services’ to the interests of agro-industrial installations and plantations in the Cauca Valley.

Yet officially sanctioned ‘legal businesses’ such as the sugar industry are also directly involved in exacerbating and directly contributing to attacks and deaths of social leaders, and are not immune to links with illegal armed actors.

This reality has been highlighted nationally and internationally, with Colombia’s Ombudsperson’s office underscoring this in a 2018 early warning report, and UN Special Rapporteur on the situation of Human Rights Defenders Michel Forst driving this point home forcefully following his mission to Colombia (Forst 2018) (see Box 8). A recent analysis by the Business and Human Rights Resource Centre (2020) calculates that Colombia is the second most dangerous country in the world (after Honduras) for social leaders speaking out against state-sanctioned business. Ninety percent of the attacks between 2015 and 2019 were on defenders working on mining, fossil, fuels, agriculture and livestock, or hydroelectric dams; and these attacks resulted in 72 assassinations. Defenders speaking out against agribusiness constituted 23% of the victims of the attacks.

⁴⁹ Some 17,717 hectares were planted in coca as of December 31, 2018 (Navarette & Alonso 2020).

With regards to the sugarcane sector, there is a significant amount of media coverage on the deadly nature of protesting its impacts or trying to organize workers involved in the business. There have been numerous reported incidents and deaths linked to indigenous Nasa who claim the industry has taken over their ancestral lands, and who have tried to gain back – or liberate as they call it – their lands by occupying sugar cane plantations including those operated by Incauca and its suppliers. These recuperations have turned violent and involved armed forces and shootouts (see Box 6). Incauca has reacted to these events claiming it is the rightful private property owner; and arguing that these were never Nasa ancestral lands, insisting that this issue is for Colombia's Government to address (Incauca 2017).⁵⁰

Black leaders have also been assassinated for speaking up for human rights related to the sugar sector, and for daring to demand direct contracts with the sugar mills (rather than outsourced contracts), salaries and benefits. Most recently (March 2020), Alexis Vergara, member of the Central General de Trabajo Union, was shot dead. There is speculation that this killing was a message to Vergara's father who is renowned for his work defending labour rights as a member of Sintraincabaña, the Union of Ingenio la Cabaña (Telesur 2020).

Importantly, it is essential to consider also all the attacks against those who have spoken out against the hydroelectric schemes enabling the sugar sector, such as Salvajinas, and those in the pipeline for future construction in the area. For example, there may be potential links between the construction of the controversial Hidrotuango dam, also on the Cauca River, and the water-thirsty sugarcane business.

In short, there is no freedom to speak out to uphold human rights and defend territory for social leaders affected by the sugarcane industry and its related infrastructure. Doing so brings with it much fear and certain reprisals, including potential assassination.

“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

⁵⁰ “The only argument put forward by the invading cabildos is that these lands are “ancestral territories”, which is not true from a historical and legal standpoint.” Letter from Incauca dated June 2nd, 2017. Velez-Torres (2012: 436) has stated: “In the Alto Cauca, the titling of land for the ethnic population accounts for less than 30% of the land in Cauca Department (Gamarra, 2007). Moreover, the quality of titled land is poor in terms of its accessibility and fertility. Although it is true that the hacendados claim they are the legal owners of the land, historically its inhabitants have been ethnic communities who defend their right to be counted as legitimate inhabitants of the territory and legal users of its goods and services.”

<https://www.business-humanrights.org/es/colombia-en-conflictos-de-tierras-con-ingenio-incauca-ind%C3%ADgenas-denuncian-violentos-desalojos-que-dejan-un-l%C3%ADder-asesinado>

Box 8**Excerpt from former UN Special Rapporteur on the situation of human rights defenders Michel Forst's End of Mission Statement following his visit to Colombia November 20th to December 3rd, 2018****Recommendations:**

In the context of business operations, public and private companies may play a role to protect, or on the contrary, to limit the space for civil society to defend and promote their rights. In order to play a positive role, I recommend that:

- Companies should ensure ample participation and validation of civil society and human rights defenders at risk on the new tools and complaints mechanisms developed to deal with attacks, threats and other incidents occurring in relation to the companies' projects.
- Public and private companies must respect human rights, the internationally recognized principles on business and human rights, including the United Nations Guiding Principles on Business and Human Rights. They should publicly recognize and respect the positive role of human rights defenders. Companies must refrain from actions that can negatively affect the enjoyment of human rights in any way.
- Companies should advocate for prior and meaningful consultation with communities when they have the intention to participate in a project that can affect indigenous or Afro-descendant communities and promote the use of Popular Consultations to other communities, like in the case of peasants. Companies should refrain from taking actions that can affect these consultations, including those that can contribute to internal division of communities. Companies should offer all relevant information to the affected people by the projects in an accessible and culturally appropriate way.
- Companies must ensure that private security companies and other subcontractors respect the right of defenders and do not contribute or cause harassment or violent acts against affected communities. Companies should refrain from activating the judicial system against human rights defenders and find internal procedures to manage the social unrest that might be caused by the company's operations.

Recommendations:

- I strongly encourage the Colombian authorities to guarantee the right to free, prior and informed consent of Afro-Colombian communities, and regulating effective mechanisms for participation.
- I welcome the inclusion of an ethnic chapter in the Peace Agreement, as well as the increased recognition of indigenous jurisdiction and their autonomous governance systems. Ensuring its swift and effective implementation is imperative for their protection.
- I strongly encourage the Colombian authorities to guarantee the right to free, prior and informed consent of indigenous communities as stated in ILO Convention 169. Consultation processes should be meaningful in order to guarantee the protection and respect of the rights of indigenous communities, in full compliance with United Nations Declaration on the rights of indigenous peoples.



Large-scale sugarcane plantations in the Cauca River valley
Photo: Darwin Gómez/ Proceso de Comunidades Negras,
equipo de comunicaciones.

3.8 Deforestation/Environmental and Climate Change Impacts

While Colombia increases its production of bioethanol to reduce carbon emissions, the sugarcane industry has involved widespread deforestation to make way for the extensive monoculture plantations; and it is extremely water-use intensive. Indeed, the impact of reduced forest cover and lack of diversity over an expansive area is starkly visible to the eye. Community members note that the temperatures have risen since the arrival of sugarcane monoculture, and that with the reduced forest cover, there is lack of shade.

With regards to water use, according to the UN's Food and Agriculture Organization, sugarcane requires more water than any other crop to reach maturity, roughly some 1500-2500 mm. That is around three times more water than is needed for soybean or maize before they are harvested (Loiseau 2017). While there is extensive experimentation with GMO varieties to reduce water usage, the use of GMOs brings with it a series of impacts for native varieties and traditional crops. In addition, as discussed above, the use of herbicides and other chemicals affects biodiversity, and the physical wellbeing of those

who work in or live next to the sugarcane fields. If one includes also the hydroelectric schemes put in place to provide water and regulate water flows, the impacts of sugarcane are far broader. These cumulative environmental effects call into question the overall sustainability and benefits of sugarcane plantations with regards to their potential to reduce greenhouse gas emissions through biofuel use, simply on environmental terms. Indeed, there appears to be policy incoherence between Colombia's zero deforestation and biodiversity commitments on the one hand, and its support for the intensification and expansion of sugarcane on the other.

“There has been a lot of climate change. The rainy season is not as accurate as it used to be, because farms that are being cleared are farms that are not growing back. It seems that the cane does not have the same level of oxygenation that the trees have, because we can see that rains are not as attracted to our lands anymore, our land is getting warmer.”

–Afro-descendant leader, 2009



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

3.9 'Disconnects' in perspectives, gaps in accountability: Whose reality counts?

Ultimately, the issue of how sugar mills, their suppliers and the communities they affect **perceive and ascribe responsibility** for impacts has key implications for corporate accountability and human rights due diligence in commodity supply chains. And this was one of the most revealing outcomes in the Universidad del Valle study (2017: 27-28).

Indeed, where community members associate exposure to toxic substances and the impacts of burning sugarcane fields to the sugar mills and industry in general, the milling businesses indicate that they implement their own standards in this regard. Yet these companies note that their suppliers are contractually **"autonomous"** in their agricultural management, and subject to control by the local authorities.⁵¹ In other words, it appears that there is some acknowledgement of a gap in exercising influence and applying their own standards over suppliers.⁵² A gap that likely

involves sugarcane suppliers, extending to 75% of sugarcane production. This is a critical gap, particularly considering that one of the sugar mills involved in this discussion now has both Bonsucro certification and is a member of the UN Global Compact. How can such standards be upheld, if suppliers are autonomous, and "monitored" only by local authorities in a country where widespread corruption and low accountability is the norm?

Yet aside from this important gap in accountability, what came to the fore in the separate community and sugar mill discussion groups in the Universidad del Valle study, was the marked difference in perspectives on the type and nature of sugarcane impacts. This was summed up perhaps best by Incauca representatives who claimed that Incauca "does not generate any actions to the detriment of socio-environmental relations in Lomitas" (Universidad del Valle 2017, 3),⁵³ despite the significant negative

⁵¹ The Corporación Autónoma Regional del Cauca noted they were the responsible environmental authority; with the Ministry of Transport responsible for the heavy machinery (U.Valle 2012: 35).

⁵² "The concern continues to fall on the control that is exerted on the burning in cane crops that supply sugar mills and on which the mills have no interference" (U.Valle 2017: 28).

⁵³ Incauca "does not generate actions that deteriorate socio-environmental relations in Lomitas." (U.Valle 2017 :38).

impacts community members identified. This drives home not only that community and company representatives perceive completely different realities; but that company self-reporting is woefully inadequate for ensuring rigorous due diligence and credible reporting and evaluation of supply chain impacts and compliance with human rights and environmental standards.

3.10 Summing up: Loss of Autonomy, Self-determination, and *Buen Vivir-Ubuntu*

As the community leader quoted in the opening of this paper underscores, the sugarcane sector's territorial dispossession, habitat conversion and homogenisation of the landscape have led to rights abuse and a marked loss of autonomy, and community resilience, thus undermining self-determination and living well for black communities in Northern Cauca. Indeed, black communities were never consulted about the sugarcane projects or related hydroelectric schemes prior to their construction; they did not give their free, prior and informed consent to these regional developments that have severely affected their very survival. And while this section has only scratched the surface of some of the principal impacts of these imposed projects and their implications, it makes clear that what hangs in the balance is not only the well-being of a people; but also, the integrity and well-being of a knowledge system and ancestral way of caring for the land and rivers.

Rather than *Buen Vivir-Ubuntu*, what the black communities of the Palenke Alto Cauca have experienced with sugarcane development is ultimately, as they describe it, a "green monster" that has run roughshod over their lands, freedoms and aspirations for the future. A green monster that has generated intra-community division, increasing dependence on the vagaries of local and global commodity markets, and reduced food sovereignty and self-sufficiency, in this way intensifying poverty and vulnerability, and escalating violence.

"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

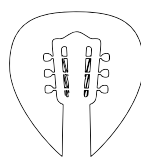
3.11 A path forward?

Yet while Cauca is a "poster child for development gone awry" and "defuturing projects", some see it also as a prime laboratory for local and regional transition projects (Escobar 2018, 190).

Indeed, the extractive regional model of industrial commodity production and development inspired by the Tennessee Valley River Authority followed in Cauca has been heavily criticized by communities, peoples' organizations, academics, non-governmental organisations, and politicians. Today these critics are working together to envision alternatives in an effort towards transformative change that breathes new life into the region, and that shows that "another Cauca is possible" (Escobar 2018, 2020). There is great hope that this kind of collaborative approach might be able to counter accumulation by dispossession; and open up pathways towards *Buen Vivir-Ubuntu*.

“Ubuntu is the foundation for survival of all peoples in a historical context of accumulation, dispossession, racism, and discrimination. As diaspora thinking, it is a contribution and affirmation device for rooted thought, which is not about studying cosmovisions; rather, it is about finding oneself within these (worldviews) as a place of possibility in global times, (and) which permits hegemonic proposals of the market, patriarchy, corruption and violence to be confronted through the promotion of collective autonomy and the processes of self and co-determination as practised by people, collectives, movements and communities in resistance and re-existence.”

—Machado-Mosquera et al. 2018: 14.



**COPLAS DEL ARGOT
POPULAR**

*De la caña, la sangre,
De su cuerpo, la miel
Juan sin tierra se muere,
se muere de hambre y sed.*

*Esto que nace y que muere
Se llama cañaverál.
Esto que crece y que mata
Es el señor industrial.*

*¡Ah, la provincia verde
De los mares de caña
Donde los ricos sueñan,
Donde los pobres callan!*

**POPULAR ARGOT
COPLAS**

*From the cane, the blood
From his body, the honey
Juan with no land dies
He dies from thirst and hunger.*

*This thing that is born and dies
is called cane field
This thing that grows and kills
It is the industrial lord.*

*Ah, the green province
Of the seas of cane
Where the rich dream,
Where the poor are silent!*

SECTION 4

RECOMMENDATIONS





A meeting of Black Communities of northern Cauca
Photo: Viviane Weitzner

This review and community-led case study leads to the following principal 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.

54 "Recalling its previous recommendation (CERD/C/COL/CO/15-16, para. 22) and its General Recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee urges the State party to: (a) Ensure the right of indigenous peoples and communities of African descent to be consulted on any project, activity, legislative or administrative measure likely to affect their rights, particularly their right to the land and natural resources that they own or have traditionally used, with a view to obtaining their free, prior and informed consent, in line with the United Nations Declaration on the Rights of Indigenous Peoples and other international standards; (b) Make certain that, as an integral part of prior consultation processes, before permits are granted, and from the design of projects, works or other activities to their implementation, impartial independent bodies carry out assessments of the potential environmental and human rights impacts of economic and natural resource development projects in the territories of indigenous peoples and communities of African descent; (c) Specify, in consultation with the indigenous peoples and communities of African descent whose territories and resources are affected, the mitigation measures to be put in place, the compensation for damages or losses suffered to be provided and the share in the benefits to be obtained from such activities." (CERD/C/COL/CO/17-19)

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.

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



Photo: Vicki Brown/Forest Peoples Programme



Photo: Vicki Brown/Forest Peoples Programme

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.

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 Honey - *Comercializadora Internacional de Azúcares y Miel 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.

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.

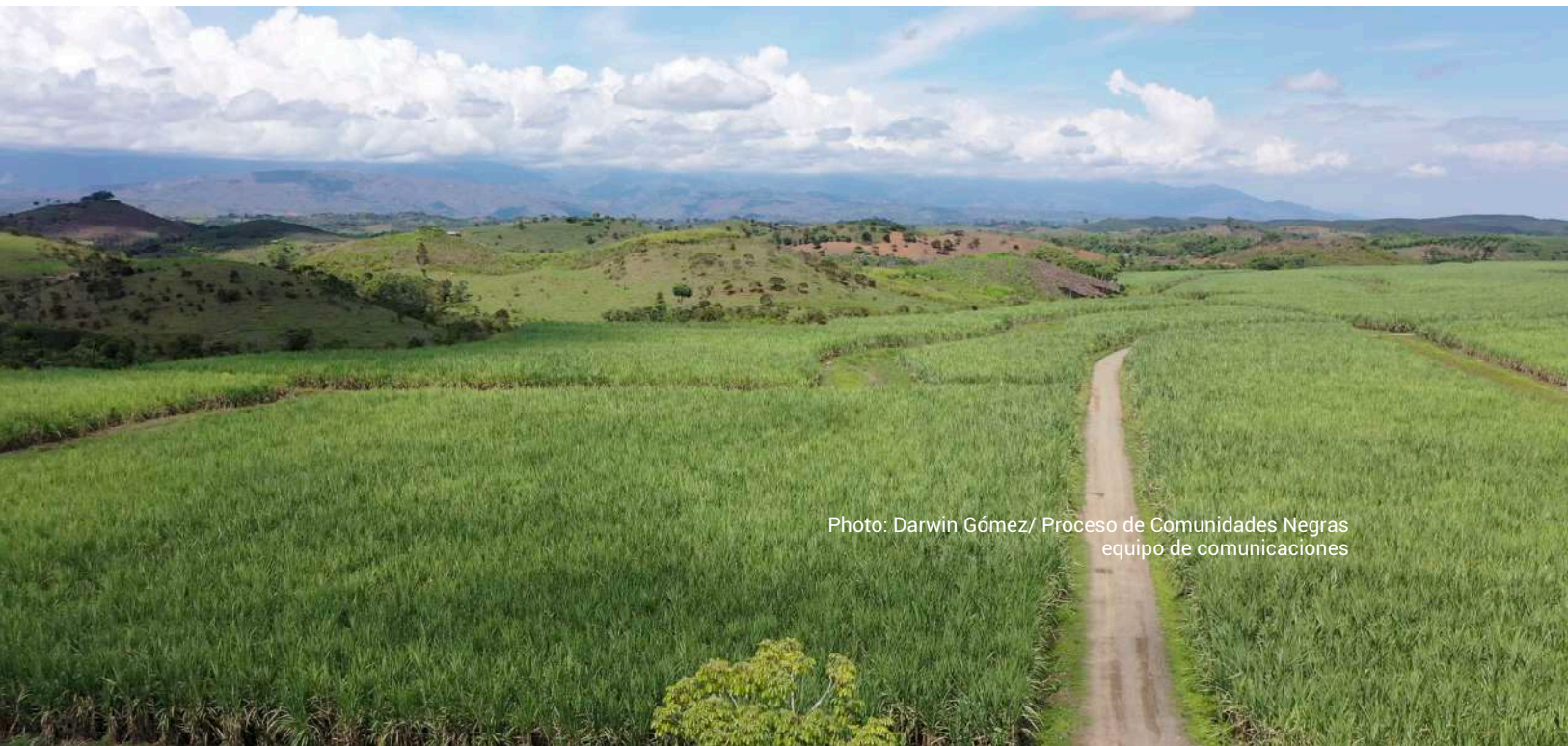


Photo: Darwin Gómez/ Proceso de Comunidades Negras
equipo de comunicaciones

POPULAR ARGOT COPLAS



UNA FUERZA POPULAR

I

Allá en el Norte del Cauca hay toda
clase de problema.
Que nos tienen agobiados y nos
aumentan las penas
El cultivo de la caña para el pueblo es
una carga
El pueblo produce dulce; pero su vida
es amarga.

Coro:

Una fuerza popular vamos todos a
formar (bis)

II

Pero que vengan, vengan ya

Coro:

Una fuerza popular

III

Formemos todos, formemos ya!

Coro :

Una fuerza popular

IV

Al pueblo nortecaucano se le burlan
sus derechos
Se le niegan los servicios de
acueducto, luz y techo (bls)

V

Las tierras de nuestros padres los
ingenios la cambiaron
Por un salario de hambre y con
hambre nos dejaron

Coro:

Una fuerza popular vamos todos a
formar

VI

Señores politiqueros déjense de hacer
promesas
Queremos salud, escuela y que
alcance la remesa (bis)

A POPULAR FORCE

I

There, in the North of Cauca there are
all kinds of problems.
They overwhelmed us and increased
our sorrows
The cultivation of sugarcane for the
people is a burden
The people produce sweets; but its life
is bitter.

Chorus:

We are all going to form a popular
force (bis)

II

But come, come now

Chorus:

A popular force

III

Let's all form, let's form now!

Chorus:

A popular force

IV

The right of people from the North of
Cauca are circumvent
They are denied aqueduct, electricity
services and houses (bls).

V

Our fathers' lands were exchanged by
sugar mills
For a starvation wage and they left us
with hunger

Chorus:

We are all going to form a popular
force (bis)

V

Stop making promises,
politicians!
We want health, school,
and the remittance (bis)

REFERENCES

Alsema, Adriaan. 2016. Top Colombia TV network compromised over paramilitary support claims. Colombia Reports. 8 August 2016. Available at: <https://colombiareports.com/top-colombia-tv-network-compromised-paramilitary-support-claims/>

Alsema, Adriaan. 2020. MINGA! | Part 1: Colombia's indigenous vs. the media mogul. October 15, 2020. Available at: <https://colombiareports.com/minga-part-1-colombias-indigenous-vs-the-media-mogul/>

Ángel, Miguel. 2012a. Los Negros Caucanos en el Siglo XX. Semana. 22 May 2012. <https://www.semana.com/opinion/expertos/articulo/los-negros-caucanos-en-el-siglo-xx/322452>

Ángel, Miguel. 2012b. Los ingenios azucareros o los nuevos esclavistas. Semana. 28 June 2012. <https://www.semana.com/opinion/expertos/articulo/los-ingenios-azucareros-los-nuevos-esclavistas/323193>

Ararat, Lisifrey; Mina, Eduar; Rojas, Axel; Solarte, Ana María; Vanegas, Gildardo; Vargas, Luis Armando; Vega, Aníbal. 2013. La Toma: Historias de Territorio, Resistencia y Autonomía en la Cuenca del Alto Cauca. Bogotá: Observatorio de Territorios Étnicos-Pontificia Universidad Javeriana y Consejo Comunitario Afrodescendiente de la Toma, Suárez, Cauca

Arche Advisors. 2015. Review on Child and Forced Labour and Land Rights in Colombia's Sugar Industry. Prepared for the Coca-Cola Company. August 2015..

Arcila, J y Villegas, F. 1995. Uso de Madurantes. In, El cultivo de la caña en la zona azucarera de Colombia, pp. 315-335. Cali: Cenicafía

Asocaña 2020. www.asocaña.org

Asocaña, 2020-1. Informe de sostenibilidad 2020. Cali, May of 2020.

Asocaña. 2019. Aspectos Generales del Sector Agroindustrial de la caña 2018-2019: Informe Anual. Cali

Bacon, David. 2002. The Coca-Cola Killings. The American Prospect. January 9, 2002. Available at: <https://prospect.org/features/coca-cola-killings/>

BBC Mundo. 2020. Glifosato: 3 preguntas sobre el herbicida por el que Bayer tendrá que pagar casi US\$11.000 millones en demandas. June 25, 2020. <https://www.bbc.com/mundo/noticias-53180741>

BBC Mundo. 2019. Glifosato: un jurado de EE.UU. determina que el herbicida más usado en el mundo fue un "factor sustancial" en un caso de cáncer. March 20, 2019. <https://www.bbc.com/mundo/noticias-47645376>

Bermúdez Bazurto, Maria y Marín Carmona, Viviana Eliza. 2018. Efectos de la presencia de Incauca S.A.

en territorios indígenas Nasa en el Departamento del Cauca (2005-2015). Retrieved from: https://ciencia.lasalle.edu.co/negocios_relaciones/97

Bermúdez Hurtado, Leidy Johanna. 2018. Sistemas alimentarios y efectos en la seguridad alimentaria en el estado nutricional de hogares rurales con población afrodescendiente e indígena en territorios de la cuenca alta del río Cauca: Un análisis mixto. Tesis de Maestría, Universidad del Valle, Escuela de Salud Pública, Cali.

Banco Interamericano de Desarrollo (BID) Invest. 2017. "Vale do Paraná S.A", Date last consulted: 1st March, 2021, <https://www.idbinvest.org/en/projects/vale-do-parana-sa>

Bonsucro. 2020. www.bonsucro.com

Botánica Uno. 2017. "Plant Records: La caña de azúcar siempre sedienta", Date last consulted: 1st March 2021. <https://www.botany.one/2017/12/plant-records-ever-thirsty-sugarcane/>

Brown, Kimberley. 2017. Colombia's cane industry efficient but potentially damaging. Mongo bay Series: Global Forests. March 27, 2017.

Business and Human Rights Resource Centre. 2020. Business & Human Rights Defenders in Colombia. March 2020. Available at: <https://www.business-humanrights.org/sites/default/files/Business%20%26%20Human%20Rights%20Defenders%20in%20Colombia.pdf>

Castillo, Luis Carlos. 2007. Etnicidad y nación: el desafío de la diversidad en Colombia. Cali: Universidad del Valle

Center for Reproductive Rights. 2020. Salud reproductiva y glifosato en el contexto de conflicto armado: una mirada con lentes de género y derechos reproductivos. New York y Bogotá

Centro de Derecho Ambiental Internacional (CIEL por sus siglas en inglés). 2019. "El Banco Interamericano de Desarrollo investigará el proyecto hidroeléctrico de Ituango", Date last consulted: 1st March, 2021. <https://www.ciel.org/news/inter-american-development-bank-to-investigate-ituango-hydroelectric-project/>

Centro para la Promoción de Importaciones de países en desarrollo (CBI). 2016. "¿Exportando azúcar de caña en bruto a Europa?", Date last consulted: 1st March, 2021. <https://www.cbi.eu/market-information/honey-sweeteners/raw-cane-sugar>

Ceres. 2017. An investor brief on Impacts that Drive Business Risks: Sugarcane. Engage the Chain. Available at: https://engagethechain.org/sites/default/files/commodity/Ceres_EngageTheChain_Sugarcane.pdf

CIAMSA. 2020. www.ciamsa.com

Colectivo de Abogados José Alvear Restrepo (CAJAR). 2020. Informe a la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No- Repetición: "El Rol de las Empresas en el Conflicto armado y la Violencia Sociopolítica." Bogotá. Available at: <https://www.colectivodeabogados.org/?El-rol-de-las-empresas-en-el-conflicto-armado-y-la-violencia-sociopolitica>

The Colombia Law & Business POST. 2009. "IFC invierte mucho dinero en empresas y sectores clave en Colombia", Date last consulted: 1st March, 2021. <https://colombialawbiz.com/2009/06/16/the-top-ifc-financed-projects-and-companies-in-colombia-2005-present/>

Columbia Center on Sustainable Investment and Business and Human Rights Resources Centre (CCSIBHR). 2018. BRIEFING: Sugar contracts and their impact on land and workers' rights. October, 2018.

Columbia University (Business and Human Rights Clinic, School of International and Public Affairs). 2019. The Impact of Bonsucro on Human Rights in the Sugarcane Sector: A Focus on India. Nueva York. <https://www.sipa.columbia.edu/academics/capstone-projects/impact-bonsucro-human-rights-sugarcane-sector>

Committee for the Elimination of Racial Discrimination. 2020. Concluding observations on the combined seventeenth to nineteenth periodic reports of Colombia. [CERD/C/COL/CO/17-19]. January 22, 2020.

Contraloría General de la República. 2017. Acumulación irregular de predios baldíos en la altillanura colombiana. Bogotá, 2017. Available at: https://www.contraloria.gov.co/documents/20181/703164/Inf_Baldios_pub2017.pdf/fc83b206-c806-414e-a253-6bf355b01ccf

Corporación Financiera Internacional (IFC). 2007. "IFC financiará una planta nueva de azúcar y etanol en el estado brasileño de São Paulo", Date last consulted: 1st March 2021, <https://ifcext.ifc.org/IFCExt/pressroom/IFCPressRoom.nsf/0/81B46EB0676F19998525729E0055A8B0?OpenDocument>

CVC. 2020. Letter to the National Environmental Licensing Agency. February 20, 2020.

Editora Cauca. 2020. Empresas y paramilitares: Alianza para asesinar a líderes y lideresas sociales. 12th January, 2020. www.colombiainforma.info/empresas-y-paramilitares-alianza-para-asesinar-a-lideres-y-lideresas-sociales/

Earth Innovation Institute. 2013. ADDRESSING AGRICULTURAL DRIVERS OF DEFORESTATION IN COLOMBIA: Increasing Land-Based Production While Reducing Deforestation, Forest Degradation, Greenhouse Gas Emissions and Rural Poverty. July, 2013.

Eichler, Jessica and Paulo Ilich Bacca. 2020. Contemporary forms of cultural genocide in the natural resources sector: indigenous peoples' perspectives from Bolivia and Colombia. *Canadian Journal of Development Studies*

Environmental Justice Atlas. 2017. Sugarcane and Gold Mining in Lomitas, Colombia. <https://ejatlas.org/conflict/plantations-of-sugarcane-in-the-rural-settlements-of-lomitas-colombia>

Escobar, Arturo. 2020. **Pluriversal Politics: The Real and the Possible**. Durham: Duke University Press.

Escobar, Arturo. 2018. **Designs for the Pluriverse: Radical Interdependence, Autonomy and the Making of Worlds**. Durham: Duke University Press

Espinosa, Jorge Eduardo. 2019. El glifosato no es la solución para Colombia, New York Times, April 15, 2019. <https://www.nytimes.com/es/2019/04/15/espanol/opinion/glifosato-colombia-duque.html>

Federación Nacional de Biocombustibles de Colombia. 2017. Biocombustibles Hoy No. 165 [Boletín], Date

last consulted: 1st March 2021. <http://www.fedebiocombustibles.com/nota-web-id-2822.htm>

FIAN International. 2013. Press Release: Colombian Afro-Descendant Peasant Women Make Demands to UN.

Fondo para el Financiamiento del Sector Agropecuario (FINAGRO). 2014. Perspectivas del sector agropecuario Colombiano. Bogotá. 2014. https://www.finagro.com.co/sites/default/files/2014_09_09_perspectivas_agropecuarias.pdf, p. 10. Date last consulted: 1st March 2021

Food and Agriculture Organization of the United Nation (FAO). 1986. Chapter 2: Crop Water Needs. In Irrigation Water Management, Training manual no. 3, edited by C. Brower and M. Helnloem. Available at: <http://www.fao.org/3/s2022e/s2022e02.htm>

Forst, Michel. 2018. Declaración de Fin de Misión del Relator Especial de las Naciones Unidas sobre la Situación de los Defensores y las Defensoras de Derechos Humanos, Michel Forst visita a Colombia, 20 November to 3 December 2018. Available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23960&LangID=S>

Frontline Defenders. 2020. Frontline defenders Global Analysis 2019. Ireland: Front Line, the International Foundation for the Protection of Human Rights Defenders.

Gronewold, Nathaniel. 2011. Colombia Pursues Sweet Dream of Becoming a Sugar-Cane Ethanol Powerhouse. Greenwire, Environment & Energy Publishing. May 9, 2011.

Grupo Éxito. 2019. Informe de Sostenibilidad, 2019. Date last consulted: 1st March 2021, <https://www.grupoexito.com.co/es/informe-de-sostenibilidad-grupo-exito-2019.pdf>

Gustin, Georgina. 2019. Mientras Trump promociona el etanol, los científicos cuestionan las afirmaciones climáticas del combustible, Inside Climate News, Date last consulted: 1st March 2021, <https://insideclimatenews.org/news/14062019/trump-ethanol-climate-change-benefit-science-questions-emissions-data-usda>

Harvey, David. 2003. The New Imperialism, Oxford, Oxford University Press

Horna, Pierre. 2020. Fighting Cross-Border Cartels: The Perspective of the Young and Small Competition Authorities. Hart Series in Competition Law Volume 25, Bloomsbury Publishing

Incauca S.A.S. 2017. Letter to Centre for Business and Human Rights. June 1, 2017.

Incauca S.A.S. 2018. Reporte de Sostenibilidad Incauca 2016-2017. Available at: <https://www.incauca.com/wp-content/uploads/2018/04/Informe-Sostenibilidad-Incauca-2016-2017.pdf>

Justicia y Paz Colombia. 2019. Masacre del Nilo. December 16, 2019. <https://www.justiciaypazcolombia.com/masacre-del-nilo-2/>

Juzgado 10 Especializado Penal del Distrito de Bogotá. 2010. Sentencia condenatoria contra Ramiro Rengifo Rodríguez por desplazamiento forzado y concierto para delinquir. Radicado 11001-31-07-010-2009-00024. Bogotá, 13 January, 2010.

Lazala, Mauricio y Romero, Amanda. 2017. Hacer negocios en un país en conflicto armado: Análisis de la

relación reciente entre empresas y Derechos Humanos en Colombia. **En Derechos Humanos y Empresas: Reflexiones desde América Latina**, pp. 193-212 Instituto Interamericano de Derechos Humanos, San José, Costa Rica

Loiseau, Jenna. 2017. Plant Records: The ever thirsty sugarcane. Botany One. Available at: <https://www.botany.one/2017/12/plant-records-ever-thirsty-sugarcane/>

Machado-Mosquera, Marilyn; Mina Rojas, Charo; Botero Gómez, Patricia y Escobar, Arturo. 2018. *Ubuntu: hacia el buen vivir afro*. Clacso y Centro de estudios independientes y editorial Colortierra, en colaboración con la Universidad de la tierra, la Universidad de Manizales y el GT Pensamiento Crítico y prácticas emancipatorias y el Proceso de Comunidades Negras, PCN. https://www.clacso.org.ar/libreria-latinoamericana/libro_detalle.php?id_libro=1505&pageNum_rs_libros=0&totalRows_rs_libros=1394&orden=nro_orden

Machado-Mosquera, Marilyn, López Matta, David; Campo, María Mercedes; Escobar, Arturo y Weitzner, Viviane. 2017. "Weaving hope in ancestral black territories in Colombia: the reach and limitations of free, prior, and informed consultation and consent." *Third World Quarterly*, 38, 5, páginas 1075-1091

Mina, Ismael Juanillo. 2008. *Salvajina: Oro y Pobreza*, Colombia. Cali: Artes Gráficas del Valle Ltda.

Mina, Mateo. 1975. **Esclavitud y libertad en el Valle del Río Cauca**. Bogotá: Publicaciones de la Rosca.

Ministerio de Ambiente y Desarrollo Sostenible. 2019. "Cadenas de carne y leche firman acuerdos de cero deforestación que protegerán bosques y páramos en Colombia", Date last consulted: 1st March 2021. <https://www.minambiente.gov.co/index.php/noticias/4292-cadenas-de-carne-y-leche-firman-acuerdos-de-cero-deforestacion-que-protegeran-bosques-y-paramos-en-colombia>

Ministerio de Ambiente y Desarrollo Sostenible. 2019. US\$20 millones para promover el desarrollo sostenible y bajo uso del carbono de la Orinoquía colombiana, Date last consulted: 1st March 2021. <https://www.minambiente.gov.co/index.php/noticias/4293-us-20-millones-para-promover-el-desarrollo-sostenible-y-bajo-uso-del-carbono-de-la-orinoquia-colombiana>

Mondragón, Héctor. 2007. The sugarcane industry in Colombia. Dialogues, proposals, stories for global citizenship. Available at: <http://base.d-p-h.info/en/fiches/dph/fiche-dph-7797.html>

Mondragón, Héctor. 2007. El ingenio voraz y los indígenas. El negocio del agroetanol. Revista Semillas, 34/35. February 4, 2007. <https://www.semillas.org.co/es/el-ingenio-voraz-y-los-indigenas-el-negocio-del-agroetanol>

Moreno, José; Escobar, David. 2019. Las irregularidades de Bioenergy, la planta de Ecopetrol en Puerto López, Meta. El Espectador. July 3, 2019. Available at: <https://www.elespectador.com/noticias/judicial/las-irregularidades-de-bioenergy-la-planta-de-ecopetrol-en-puerto-lopez-meta/>

Muñoz Díaz, Juan Carlos; Polo Crispino, Víctor Hugo; Marín Grajales, J. E. 2019. Norma ISO 14001:2015:2015 en el sector azucarero del Valle del Cauca: Impacto de la quema de caña de azúcar. Cali: Universidad Santiago de Cali. Available at: <https://repository.usc.edu.co/handle/20.500.12421/1309>

Navarette, Maria Alejandra y Alonso, Laura 2020. Overview of Violence Against Social Leaders in Colombia. Insight Crime. February 18. Available at: <https://www.insightcrime.org/news/analysis/overview-violence-social-leaders-colombia/>

OECD/FAO (2016), OECD-FAO Guidance for Responsible Agricultural Supply Chains, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264251052-en>

OECD/FAO (2017), Guía OCDE-FAO para las cadenas de suministro responsable en el sector agrícola, OECD Publishing, Paris, <https://doi.org/10.1787/9789264261358-es>

Olarte, Rubén. 2009. "La francachela con el dinero de los colombianos", Date last consulted: 1st March 2021, <http://files.rubenolarte.com/200000016-e8c4be9be7/Lista%20de%20Beneficiarios%20del%20PROGRAMA-AGRO-INGRESO-SEGURO.pdf>

OXFAM. 2013. Nothing Sweet About It: How sugar fuels land grabs. Available at: <https://s3.amazonaws.com/OXFAM-us/www/static/media/files/nothing-sweet-about-it-media-brief-OXFAM.pdf>

OXFAM. 2017. *Radiografía de la desigualdad. Lo que nos dice el último censo agropecuario sobre la distribución de la tierra en Colombia*. Available at: https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/radiografia_de_la_desigualdad.pdf

OXFAM. 2019. *Women defenders of agricultural, territorial and environmental rights in Colombia. Risking their lives for peace*. 2 October 2019. Available at: <https://www.oxfam.org/en/research/women-defenders-agricultural-territorial-and-environmental-rights-colombia>

Pluralidad Z. 2020. Agro Ingreso Seguro 2.0 advierte la Contraloría de Colombia. April 19, 2020. Available at: <https://pluralidadz.com/agro-ingreso-seguro-2-0-advierte-la-contraloria-de-colombia>

Proceso de Comunidades Negras de Colombia. 2018. "Carta: Reglamentación integral y completa Ley 70 de 1993", Date last consulted: 1st March 2021, <https://renacientes.net/blog/2018/05/03/carta-al-presidente-de-la-republica-juan-manuel-santos-reglamentacion-integral-y-completa-ley-70-de-1993/>

Proceso de liberación de la Madre Tierra. 2017. "Desde el aire Incauca ataca el proceso de liberación", Date last consulted: 1st March 2021, <https://liberaciondelamadretierra.org/en/desde-el-aire-incauca-ataca-el-proceso-de-liberacion/>

Pueblos en Camino. 2018. Colombia: El sector azucarero no beneficia a los vallecaucanos, Biodiversidad LA, Date last consulted: 1st March 2021, http://www.biodiversidadla.org/Documentos/Colombia_EL_sector_azucarero_no_beneficia_a_los_vallecaucanos

Rojas, Tatiana. 2020. "Empresarios piden simplificar la licencia ambiental y consulta previa", El tiempo. com, Date last consulted: 1st March 2021, <https://www.eltiempo.com/vida/medio-ambiente/cuarentena-empresarios-piden-simplificar-licencia-ambiental-y-consulta-previa-482604>

Sandoval, P. 2009, julio 21. (Karin Banguero, entrevistador)

Semana 2013. ¿Hay cartel del azúcar en el país? March 16, 2013. Available at: <https://www.semana.com/economia/articulo/hay-cartel-del-azucar-pais/337010-3>

Semana. 2019. El amargo debate sobre la industria azucarera. June 17, 2019. Available at: <https://www.semana.com/nacion/articulo/el-debate-sobre-el-azucar-y-gustavo-petro/620012>

Semana. 2020. Carteles mexicanos, la ley del monte en Colombia. April 10, 2010. Available at: <https://www.semana.com/nacion/articulo/presencia-de-los-carteles-mexicanos-del-narcotrafico-en-colombia/662527>

Somo. 2020. Mind the Gap: Corporate strategies to avoid responsibility for human rights abuses. Netherlands. <https://www.somo.nl/five-strategies-corporations-use-to-avoid-responsibility-for-human-rights-abuses/>

Somo. 2015. Bittersweet: Sustainability Issues in the Sugarcane Supply Chain. Netherlands. <https://www.somo.nl/wp-content/uploads/2015/12/Bittersweet.pdf>

Somo e Indepaz. 2019. Land ownership in Colombia: The case of Bioenergy. May, 2019.

Sugarcane.org. 2020. "Policies in the United States." <https://sugarcane.org/ethanol-policy-in-united-states/>. Consulted on 23 April 2020.

Superintendencia de Industria y Comercio (Ministerio de Comercio, Industria y Turismo) (SIC). 2012. Resolución Número 5347 de 2012, Por la cual se da apertura de una investigación. February 13, 2012.

Superintendencia de Industria y Comercio (Ministerio de Comercio, Industria y Turismo) (SIC). 2015. Resolución Número 10365 de 2015, Por medio de la cual se deciden unos recursos de reposición. December 30, 2015.

Taussig, Michael. 1980. The Devil and Commodity Fetishism in South America. Chapel Hill: The University of North Carolina Press.

Telesur. 2016. Coca-Cola Accused of Funding Colombian Death Squad. September 1, 2016. Available at: <https://www.telesurenglish.net/news/Colombia-Coca-Cola-Accused-of-Funding-Terrorist-Paramilitaries-20160901-0005.html>

Telesur. 2020. "Asesinado otro líder social en el departamento Cauca, Colombia", Date last consulted: 1st March 2021, <https://www.telesurtv.net/news/asesinado-otro-lider-social-departamento-cauca-colombia-20200310-0026.html>

Tribunal Superior del Distrito de Bogotá, Sala de Justicia y Paz. 2012. Sentencia por homicidio y otros delitos contra Gian Carlo Gutiérrez Suárez. Magistrada Ponente: Léster María González Romero. Radicado 110016000253200880786. Bogotá, September 4, 2012.

Tribunal Superior del Distrito de Medellín, Sala de Justicia y Paz. 2014. Sentencia por concierto para delinquir y otros delitos contra Jesús Ignacio Roldán Pérez. Magistrado Ponente: Rubén Darío Pinilla Cogollo. Radicado 110016000253-2006-82611. Medellín, December 9, 2014.

Trigeros, Adolfo. 2018. Intervención en Foro Internacional de la Caña. <http://www.rel-uita.org/azucar/si-nos-unificamos-en-grandes-gremios-el-sindicalismo-desaparece/>

Universidad del Valle. 2017. Estudio de Impacto Ambiental del Cultivo de Caña de Azúcar, en las Veredas Lomitas Arriba y Lomitas Abajo, Municipio de Santander de Quilichao, Departamento del Cauca. Volumen VII: Componente Socioeconómico. Convenio Interadministrativo No 501 de 2016 Corporación Autónoma Regional del Cauca – Universidad del Valle.

Universidad Javeriana. 2020. Base de datos sobre las empresas colombianas y extranjeras que han sido mencionadas en las sentencias de Justicia y Paz como presuntas colaboradoras de los grupos paramilitares. Grupo de investigación "Estado, conflictos y paz", Facultad de Ciencias Políticas y Relaciones Internacionales.

USDA Foreign Agricultural Service. 2019. Global Agricultural Information Network Report (Number 1904). Colombia Sugar Annual. 4/12/2019.

Varela, Ramiro. 2020. "*Ridículo nacional hizo Asocaña*", Cali escribe Edición No. 513. 2020. Date last consulted: 1st March 2021. <https://caliescribe.com/es/30052020-2317/economia/19196-economia/ridiculo-nacional-hizo-asocana>.

Vega, Renán y Gutiérrez, José. 2019. ***Siempre de Pie, Nunca Rendidos. Los Corteros de Caña de Azúcar en el Valle del Cauca, Presencia y Luchas (1860-2015)***. Bogotá: Ediciones Teoría& Praxis.

Vélez-Torres, Irene. 2012. "Water Grabbing in the Cauca Basin: The Capitalist Exploitation of Water and Dispossession of Afro-Descendant Communities."

Vélez-Torres, Irene, Varela, Daniel, y Olavarría, Margot. 2014. "Between the Paternalistic and the Neoliberal State: Dispossession and Resistance in Afro-descendant Communities in Upper Cauca, Colombia." ***Latin American Perspectives***. Volume 41, No. 6, pages 9-26.

Verdad Abierta. 2009. *HH contó cómo fue la entrada al Valle y El Cauca*. January 22, 2009. Available at: <https://verdadabierta.com/hh-o-carepollo/>

Verdad Abierta. 2015. *Las verdades inconclusas de HH*. October 28, 2015. Available at: <https://verdadabierta.com/las-verdades-inconclusas-de-hh/>

Weitzner, Viviane. 2012. ***Holding Extractive Companies to Account in Colombia: An evaluation of CSR instruments through the lens of Indigenous and Afro-Descendent Rights, Ottawa***, Resguardo Indígena Cañamomo Lomapieta, Proceso de Comunidades Negras, The North-South Institute.

WOLA. 2011. "Workers without Rights." January 21, 2011.

Workman, Daniel. 2020. "Importaciones de azúcar por país." Worldstopexports. Date last consulted: 1st March 2021. <http://www.worldstopexports.com/sugar-imports-by-country/>

World Bank Group, "Estrategia de País del Grupo BID con Colombia 2019-2022", Date last consulted: 1st March 2021, <http://documents1.worldbank.org/curated/en/940691468184792587/pdf/101552-CPF-P155964-R2016-0053-IFC-R2016-0054-MIGA-R2016-0014-Box394872B-OUO-9.pdf>.

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