

Executive Summary

WHO PAYS THE COST? IMPACTS OF THE INTERNATIONAL ECONOMY IN COLOMBIA

**The Case of Buenaventura: Risks for the
Defense of Human Rights relative to
Spanish Corporate Interests**



PBI, which has had a presence in Colombia for over 30 years, accompanies various organizations and collective initiatives that defend human rights in Buenaventura. These collectives emphasize the importance of analyzing the systematic human rights violations related to economic interests in the region. In response to these voices, PBI has prepared this report, which seeks to contribute to an identification of the interests – specifically those of Spanish companies – and an understanding of the territorial context and risks associated with the defense of human rights, social and environmental justice. Using a methodology that combined a documentary analysis, interviews, and an in situ visit, we seek to not only document the facts, but to also give voice to local initiatives that address the structural causes of human rights violations. Participant confidentiality is maintained to safeguard their safety.

Buenaventura is located on the Pacific coast in Valle del Cauca, Colombia

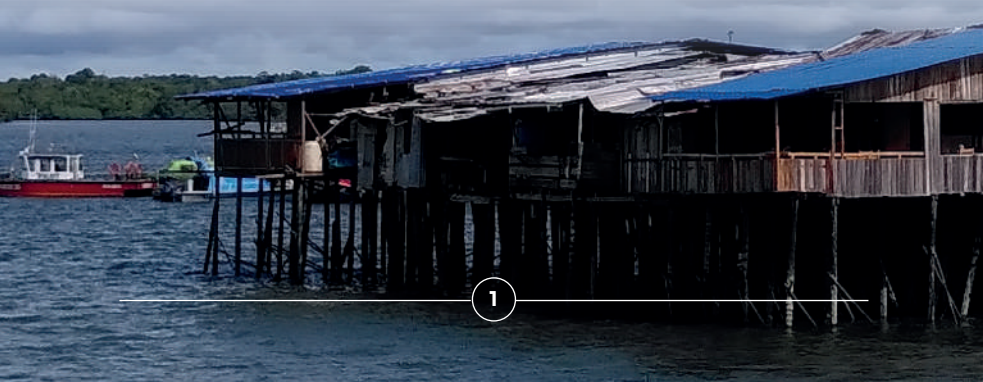


Is the department's largest municipality | with an area of **6.078 km²**

 The municipality has a wealth of ecosystems, including mangroves and tropical rainforests, as well as abundant natural resources such as coal and gold.

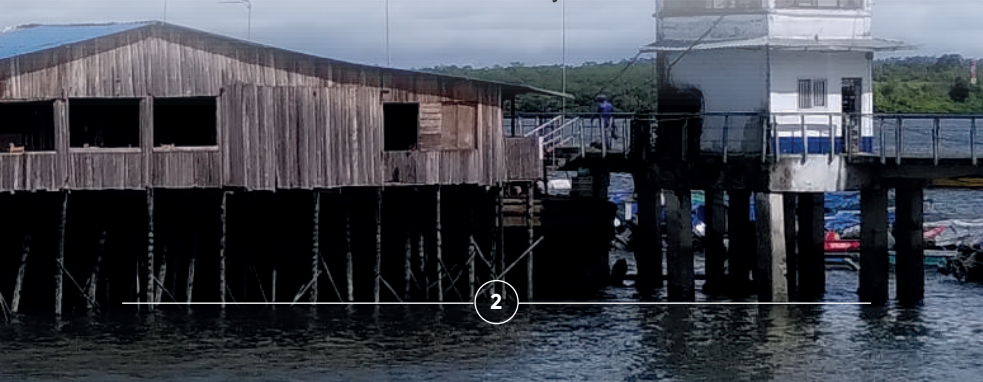
It is bordered to the north by the department of Chocó and is 115 km from the city of Cali.

The Afro-descendant population constitutes approximately 87% of the 256,921 inhabitants recorded in the 2018 census, although 2024 projections indicated 324,130 inhabitants. There are discrepancies regarding the population statistics, with some figures suggesting that the actual population could be as high as 500,000, reflecting the constant mobility of its inhabitants.



To understand the reality of Buenaventura, a **historical overview** is required. Founded in 1540 as a river port on the San Juan River, Buenaventura was the scene of conflicts between Spanish colonizers and Indigenous peoples. Initially, it was considered a strategic port for the development of Cali but its relevance increased with the arrival of mining and agriculture in the sixteenth century, which attracted the Afro-descendant population. In 1827 it evolved into a seaport, which led to an economic boom thanks to the export of coffee and tobacco. Despite infrastructural advances, such as the construction of a dock in 1923 and a highway to Cali in 1944, Buenaventura faced disadvantages compared to other ports and persistent racism towards its inhabitants. In the 40s and 50s it consolidated its position as the country's main port, although a large part of the revenues were not reinvested, generating local discontent. Development was characterized by an extractivist economy that ignored community needs, creating a "**port without a community**" model. Although Buenaventura is home for its inhabitants, it has historically been perceived by the elites as a simple commercial point.

In a **more recent times (1990 - 2010)** it is essential to highlight significant events such as the adoption of a new constitution in 1991 and in 1993 the privatization of the port management system and a recognition of Afro-descendant communities' territorial rights. This period was also characterized by increased activities from armed groups, especially the arrival of paramilitary groups seeking to establish control over the region, as was noted in the testimonies, due to Buenaventura's strategic location and economic interests in the port. Privatization gave rise to the *Sociedad Portuaria Regional de Buenaventura*, which led to a drastic reduction in employment opportunities and precarious working conditions, breaking the historical ties that existed between the local community and the port. Despite the enactment of Law 70 of 1993, which formalized the collective rights of Afro-descendant communities, these rights were threatened by acts of violence and dispossession that led to displacement and massacres such as the Naya massacre in 2001 and





the Punta del Este massacre in 2005. These are mere examples of the systematic violence perpetrated against the civilian population, driven by economic interests and with the complicity of local elites. Despite the official demobilization of the "Bloque Calima" paramilitary group in 2004, violence persisted, revealing a climate of control and terror that undermines civil society's prospects in the region.

The current situation in Buenaventura is defined by **structural discrimination, violence, and racism** despite some advances in dialogues between the government and illegal armed groups present in the city and surrounding territories. Although there was a decrease in the homicide rate between 2021 and 2022, a new increase was observed in 2023, making it one of the most violent cities in Colombia.

Widespread impunity perpetuates a distrust in state institutions, and the presence of illegal armed actors further complicates a scenario where reports of extortion and the recruitment of youth are frequent. The Afro-descendant population, particularly women, face serious challenges regarding their ancestral practices, due to industrial projects that threaten their livelihoods. Gender violence is another critical element, with high levels of sexual violence perpetrated by members of armed groups. Likewise, the situation of the LGBTIAQ+ community is alarming and it is difficult to capture the true scope due to an underreporting of aggressions against this group.

The local economy, which is dependent on the port, faces a **social crisis expressed through the high rates of poverty, childhood malnutrition, and significant unemployment**. The economic benefits of port development do not reach the local population, which suffers the impacts of structural racism. Port expansion has caused the forced displacement of communities, increasing their vulnerability and reflecting a profound crisis that contrasts with the region's wealth of resources.

In this context, the Buenaventura region is attracting **growing international economic interests**, including that of Spanish companies, due to its strategic location and remarkable growth potential. This study notes a Spanish economic presence manifested through several companies linked to the port economy:



Companies that provide port services through cargo loading and unloading terminals, as is the case of the *Ership Grupo*, active since 2004 with participation in *Compas S.A.* (which has a terminal at the *Sociedad Puerto Industrial Aguadulce (SPIA)* and another at the port of *Sociedad Portuaria Regional de Buenaventura (SPR-BUN)* on Cascajal Island).



Freight logistics companies, such as TIBA, which established its presence in Buenaventura in 2020 after acquiring the Colombian company *Bemel*.



•Companies dedicated to concessions and infrastructure development, such as *Grupo Sacyr*, which through its Colombian subsidiary *Unión Vial Camino del Pacífico* received the concession for the Buenaventura-Loboguerrero-Buga road project in 2022.

In the realm of port activity, although it is no longer considered a Spanish company after being acquired by APM Terminals, the report mentions the multiple investigations carried out regarding the arrival and presence of the TCBUEN project, formerly part of *Grup Maritim TCB* of Catalunya. The inquiries have highlighted the negative impacts on nearby communities and note the need to question what happens to the responsibility for impacts when the 'nationality' of a company changes.

In another section, the case of *Unión Fenosa* (currently Naturgy) and the Anchicayá dam is analyzed. In 2001, while Unión Fenosa was managing the dam and after several years of poor maintenance and sediment accumulation, the company decided to open the gates, dumping all the sludge into the Anchicayá River downstream, which according to several reports, affected the community and continues to cause negative impacts.

In the face of these economic interests, it is imperative to consider the **significant risks associated with human rights violations**, governance, and democracy in Buenaventura.

There is a notable need for companies to comply with existing international standards, such as the UN Guiding Principles on Business and Human Rights and the new EU directive on corporate due diligence, which went into effect in July 2024. But, above all, the situation highlights the need to prioritize progress towards solid regulatory frameworks that guarantee the protection of human rights defenders, organizations, and communities, prevent human rights violations, establish responsibilities and concrete sanctions, and guarantee participation, access to justice, and reparations for affected individuals and communities.



There are multiple risks and it is essential that companies, as well as the governments of Spain and the autonomous communities, take them into account.

These risks include:

Illegal and criminal actions

exercised to control the territory and limit community use of the territory.

Impacts on the environment, and the populations' spaces and resources.

Risks of being involved in activities related to the trafficking of illegal substances.

Taking advantage of (directly or indirectly) or participating (directly or indirectly) in the phenomenon of corruption in Buenaventura

Risks of strengthening/financing, in one way or another, the non state armed groups present in Buenaventura.

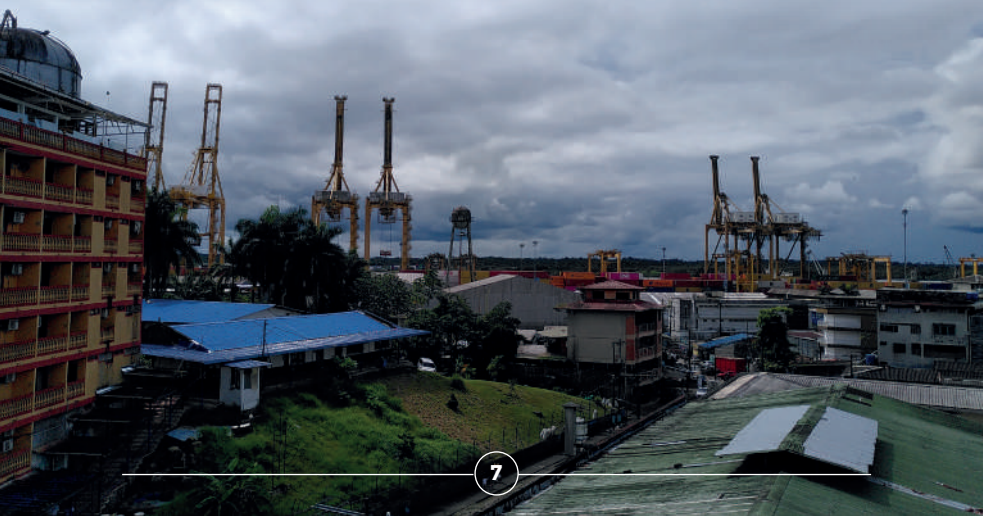
The aim of this research is not to establish direct ties between the aforementioned companies and human rights violations, but rather to point to the existence of significant and concrete risks that demonstrate the need for a timely implementation of international business and human rights norms.

In the face of human rights violations and social and racial discrimination, it is essential to highlight and support the determined **resistance of the community of Buenaventura**. There are many examples: the Puente Nayero Humanitarian Space, created in 2014 with support from the Inter-Church Commission for Justice and Peace (CIJP), has managed to achieve an impressive record of zero murders over nine years in one of the city's most violent neighborhoods; the organized communities which are a part of the Black Communities Process (PCN) persist in their collective defense of the territory and the

promotion of self-governance; the Interorganizational Committee for the Defense of the Territories fights to safeguard urban areas against the systematic dispossession caused by port expansion.

All these collective initiatives are a reflection of community resistance and solidarity in the face of violence. The community of Buenaventura has demonstrated an admirable ability to unite, organizing important protests for peace and social development, most notably the Civic Strike that lasted for over 20 days between May and June 2017.

Likewise, the San Antonio Estuary has become emblematic in the fight against enforced disappearance, providing legal protections and recognition for women searching for their loved ones. In June 2024, the Special Jurisdiction for Peace (JEP) recognized the site as a "place of memory" allowing for the promotion of initiatives to recover the remains of disappeared persons and highlighting the role of women in their efforts to recover memory and building peace. Regardless of the multiple challenges to achieve its advancement, Law 2364 of 2024 or the Law on Women Searchers for Victims of Enforced Disappearance was passed by congress in 2024. Yanette Bautista, of the Nydia Erika Bautista Foundation, an organization of relatives of disappeared persons and promoter of this law, highlighted that it is the result of the collective efforts of women searchers and represents a due recognition of their plight as well as a tool for future vindications of rights. The general context puts a spotlight on the persistent resistance and activism of affected communities.



In the global context, and specifically in Buenaventura, the existence of economic sectors in areas affected by systemic violence, corruption, and other problems represents a significant challenge. The United Nations Working Group on Business and Human Rights, following a visit to Colombia, expressed significant concerns regarding the safeguarding of human rights in the context of business projects, with an emphasis on the marginalization of Indigenous, Afro-descendant, and peasant communities, which is aggravated by resource extraction and the armed conflict.

Due to all of the above reasons, and to foster guarantees for the defense of human rights, the report presents **recommendations** before the Spanish State:



Take steps to achieve State legislation on business and human rights that offers solid guarantees for the protection of human rights defenders, organizations, and communities, guarantees their effective participation, and includes effective mechanisms for justice and reparation.



Take an active role in promoting the proposed United Nations Binding Treaty for Transnational Corporations on Human Rights.



Support the creation of State and regional observatories on human rights and business, such as the Catalan Center for Business and Human Rights and other similar initiatives that can be promoted by civil society.

The central aim of these recommendations is to promote structural and social transformations, placing citizens' rights at the core of policies and business relations, rather than prioritizing business interests. Only in this way will we be able to envision the creation of an environment that is conducive to achieving genuine and sustainable peace, the peace that we all desire.



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