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Analysis on Land Restitution Processes in Colombia

COLOMBIAN MILITARY AND A LOCAL BUSINESSMAN AGREE TO BUILD A BASE ON STOLEN LAND

The Colombian army is building a base in Llano Rico, one of Curvaradó's 23 communities. The government is supposed to consult the members of the community before doing so in order to take into account the impacts of the base's construction on the collective territory of Curvaradó.¹ Instead of consulting the rightful owners of the territory—the black community of Curvaradó—the military consulted Darío Montoya, a businessman that illegally occupies the territory. Mr. Montoya willfully consented to the construction of the military base on a plot of land that belongs to the Afro-Colombian community.

The community's complaints to government officials fell on deaf ears, and construction continues. Members of the community are not necessarily opposed to the military's presence, but they do want the military to respect Colombia's Constitution. The communities wonder why the government is building a military base while it is supposedly promoting peace. Concerns of ties between the military and paramilitaries are still valid. The community demands

protection around its perimeter, but that does not require the construction of a base that will increase the impacts of the armed conflict in its territory. A free, prior, and informed consultation is the proper way to discuss these concerns, but it never happened.

History is a clear indicator that neither the government nor business interests are interested in consulting the communities. The government feels more comfortable negotiating with political and economic elites that are more amenable to their plans for "progress" and "development" (hence the conspicuous deal with Mr. Montoya).

¹ ILO Convention 169, Law 70 of 1993, etc. etc.

