Colombian State failing the Wayuu children of La Guajira

Despite this Caribbean region’s natural wealth, Wayuu children in La Guajira are dying of hunger and thirst. Exploitation by multinationals, a lack of rainfall and the contamination of their wells only add to historical injustices. Today nearly 40% of the population of La Guajira does not enjoy optimal nutrition, 433 Indigenous children under the age of five are malnourished and since the beginning of 2021, 17 Wayuu children have died from malnutrition. For the most vulnerable, the reality only continues to worsen and Wayuu children continue to die from preventable causes.

By Joanna Barney - 1st September 2021

Most of the population of La Guajira department are Indigenous people who have survived for centuries in a hostile environment. In recent years, plundering by multinationals, who exploit their resources in exchange for low-quality jobs, and pollution have only added to these historical debts. Despite abundance of natural wealth, children are literally dying of hunger and thirst on the shores of the Caribbean Sea in the 21st century.

There are currently opportunities for negotiation and dialogue in which to propose public policies on access to education define environmental policies. Demands are also being made to address historical injustices suffered by the Wayuu and to ensure their basic needs are met: health, own economy, compliance with Ruling T-302 (the 2017 Constitutional Court ruling that ordered the State to take measures to stop Wayuu children dying from preventable diseases), basic sanitation, decent housing for Indigenous and Afro-descendant peoples, and access to drinking water. The most basic of basics.
The Wayuu and the problem of water

The Wayuu are the predominant ethnic group in La Guajira. Divided by the border between Colombia and Venezuela, they are estimated to number at least 400,000 in all, 40% of whom were under 14 years of age in 2018. Although they are more nomadic than sedentary, this has been changing to adapt to their new realities: they have traditionally lived goat and cattle herding and by fishing. In the lower Guajira the landscape is different, and its climate and rainfall make it possible to grow crops.

The Wayuu people are divided into castes each represented by a totemic animal that distinguishes them one from the other. The women continue to wear their traditional manta and the men still wear their espadrilles and traditional hats. La Guajira is blessed with many natural riches: coal, gas, salt, sun and wind. The only ones benefiting from this wealth are the Colombian State and a few multinationals.

However, in this rich, arid and hot region, one vital resource is lacking: water. With no freshwater streams and low rainfall, the region has also been affected by the El Niño phenomenon and relies on underground aquifers. The Indigenous people blame more than 30 years of coal mining for contaminating their reservoirs. As if that were not enough, the mining companies have obtained licences to divert rivers and exploit the riverbeds. As a result, the wells that the Indigenous people used to rely on to get through the summer have dried up.

In addition to cultural changes, the Wayuu are now cultivating less. They no longer using the seeds that their grandparents sowed according to the stars, they do not read the weather as before and their livestock numbers are declining year on year due to the scarcity of food. They are increasingly dependent on the arijuna, i.e., non-indigenous people. But the arijuna offer them a pittance for large transactions, buy their mochilas (woven bags) only if they are cheap, and pressure the Wayuu women to change their traditional techniques and materials for cheaper ones. Companies entering the territory promise only insecure jobs: if they are lucky, they may become service employees or project guards.
Despite all this, their territory is highly valued by the State and is protected by the 1991 Constitution as an “unseizable, inalienable and imprescriptible territory”, as well as by the free, prior and informed consultation established in ILO Convention 169. The State, however, has declared the extractive industries to be of “national interest”, condemning communities to involuntary resettlement and displacement, swelling the belts of misery that surround Colombian cities. Indigenous children eating out of rubbish bins that are so often seen in the media are the result of these displacements.

This same State has not resolved an issue as vital as water and has simply resorted to temporary measures, to the detriment of the communities. In addition to all of the above, there is a strong wave of migration coming from Venezuela. The returnees, as the Wayuu themselves call those born in Colombia and raised in Venezuela, have returned because of the crisis in that country. Although many have completed their studies, the supply of formal jobs in La Guajira is very limited.

**Measures to address historical problems**

As with any community that is losing its sources of livelihood and access to water, the humanitarian situation has become concerning. In addition to unreliable access to health care, migration and a gradual abandonment of their cultural environment, poverty rates are beginning to rise and can be seen most starkly in the most vulnerable: the Wayuu children. The Constitutional Court ruling T-302 of 2017 included figures on infant mortality and malnutrition that make for difficult reading.

The Constitutional Court took into account the figures referred to by the Inter-American Court of Human Rights when it reported 4,770 deaths of children due to malnutrition or associated diseases over an eight-year period. According to the statistical analysis, these deaths were related to a lack of access to improved water sources, unmet basic needs and barriers to health services in early childhood. For 2013, the mortality rate associated with malnutrition in children under 5 years of age in La Guajira was 32.54 per 1,000 children, while the national average was 6.76.
In 2020, four years after the ruling was issued, several organizations took stock of the indicators: most of them remained in the red. Of the more than 50 indicators proposed for possible follow-up, not even half had been constructed. Battered by COVID-19, the situation is far from improving. The National Administrative Department of Statistics (DANE) ranks La Guajira as the department with the highest rates of extreme poverty. This position is always disputed between Guajira and Choco, two departments rich in resources but poor in quality of life. The Ombudsman, Carlos Ernesto Camargo, has confirmed that problems of food, health and drinking water persist to such a degree that 17 Wayuu children have already died from malnutrition or related diseases in 2021 so far.

To raise the profile of the above, DANE has developed an index called the “Rate of extreme monetary poverty”, which is distinct from monetary poverty. To this end, it has collected information on the consumption habits of these households and prepared a basic food basket that guarantees 2,100 calories per day for subsistence needs. According to the indicator, 39.7% of the population of La Guajira does not enjoy an optimal diet. In addition, the SIVIGILA (National Public Health Surveillance System) indicator, created by the same Ruling T-302, shows that - of the universe of extreme poor - 433 Indigenous children under the age of five are already suffering from malnutrition in 2021.

**Fighting hunger and corruption**

For their part, Human Rights Watch and the Johns Hopkins Center for Humanitarian Health have produced a follow-up report on T-302 urging Iván Duque’s government to take concrete steps to guarantee the rights of Wayuu children in La Guajira. Their recommendations include the following:

- Urgently increase and focus efforts on providing food, drinking water and hygiene to families in La Guajira who are exposed to a higher risk of malnutrition, particularly while schools are closed due to the pandemic.
• Support the extension of agricultural activities, animal health brigades, agricultural cooperatives and community farms in the short term, and take measures to monitor and mitigate the effects of climate change in the longer run.

• Expedite the Ministry of Housing's “Guajira Azul” project to build public standpipes throughout La Guajira, focusing efforts on communities exposed to greater risk.

• Establish and maintain permanent water systems in the Wayuu communities.

• Conduct a comprehensive census and nutritional survey of the Wayuu communities in the region to determine the number of cases of infant mortality and malnutrition, as well as the extent of Venezuelan migration, in order to establish public policies.

• Increase the number of prosecutors, judges and investigators engaged in criminal, disciplinary and administrative investigations of corruption in La Guajira, and provide them with adequate protection and training to enable them to continue their work.

• Scale up efforts to prevent corruption in La Guajira and guarantee competitive and transparent contracting processes.

While it is true that only limited resources are directed to La Guajira, it is also true that a large proportion of them end up lost. In fact, only a few governors manage to finish their terms before being dismissed for corruption and diversion of resources. Resources destined for health and food programmes are typically syphoned off by the department's corruption mechanisms.

An urgent need to act

All of the above reveals the importance of constantly following up on the rulings and orders of the Colombian Constitutional Court, which has masterfully identified the major problems in La Guajira. This is not enough, however: we must move from words to action.

As in the Final Peace Agreement, the devil is in the detail and it raises its head whenever any effort is made to put what has already been decreed into practice. Over the last eight years, either because ungovernability has limited institutional management, because resources have
been lost, or through sheer negligence, the only certainty has been that the reality for the most vulnerable continues to worsen. Each year the numbers become ever more worrying. And behind these numbers, Wayuu children are continuing to die from preventable causes.

This has also led to an increase in court rulings and legal actions. The solution to the historic abandonment of La Guajira lies in breaking the vicious circle that has formed between the ineffectiveness of the system and the courts. Implement, implement and implement should be the new mantra.

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