

**PROFITING FROM RECESSION:
CANADIAN INVESTMENT IN AND
TRADE WITH COLOMBIA**

Third Edition

Asad Ismi

April 2012

**Commissioned by
The Canadian Union of Postal Workers**

Asad Ismi is an award-winning writer on international politics specializing in the impact of U.S. and Canadian imperialism on the Global South. He is international affairs correspondent for *The Canadian Centre for Policy Alternatives Monitor*, Canada's biggest left-wing magazine (by circulation). Asad is the author of more than a hundred articles, nine reports, five radio documentaries and two books. His latest radio documentary "The Latin American Revolution" has been aired on 40 radio stations reaching an audience of 33 million people in Canada, the U.S. and Europe. Asad has written for 21 progressive Canadian unions and non-governmental organizations.

The groundbreaking three editions of *Profiting from Repression: Canadian Investment in and Trade with Colombia* (2000, 2006, 2012) constitute the most comprehensive and indepth account of this subject presently in existence. For Asad's publications, visit www.asadismi.ws.

ISBN 978-0-9731900-1-4

REVIEWS

1. Asad Ismi's research is an extraordinary tool for us in the struggle to defend the natural resources of humanity and to construct a nation with social justice.

---Francisco Ramirez Cuellar, Former President of the Colombian Mineworkers Union.

2. The definitive account of corporate-driven Canadian neocolonialism in Colombia and the most comprehensive book on the subject. A superb analysis of how Canada's corporations and government benefit from and exacerbate Colombia's decades-old social and armed conflict. Unencumbered by academic jargon, this book presents a clear and damning portrait of the corporate pillage of Colombia and the resulting violence, impoverishment and mass displacement impacting its people as well as their courageous resistance. Must reading for activists, unionists and all those concerned about social and economic justice in Latin America.

---Ilian Burbano, Colombia Action Solidarity Alliance (CASA), Toronto.

3. This report is a gold mine of information! Thank you, really thank you for doing this research. I think it will be very useful for our new campaign "Targeting Canadian Profiteers of the War in Colombia", because we are focusing on some of the companies you're talking about in this report. This is really the kind of work we need and never have the time to do. I also think it is very relevant to highlight the role of the Canadian International Development Agency (CIDA) in Colombia and how the Canadian government supports the companies. I think it's also very good to put relations between Canada and Colombia in a global context of colonialism and imperialism.

---Mélissa Leblanc, Projet Accompagnement Solidarité Colombie (PASC), Montreal.

4. Most Canadians are unaware that some of this country's largest corporations are profiting from the Colombian government's brutal repression of dissent and democracy. Asad Ismi's shocking exposé of this corporate collaboration with Colombia's ruthless dictatorship is recommended reading for everyone concerned about social and economic justice.

---Ed Finn, General Editor, Canadian Centre for Policy Alternatives, Ottawa.

ACKNOWLEDGEMENTS

Many thanks to the Canadian Union of Postal Workers (CUPW) and especially to Brothers Denis Lemelin (National President) and Mark Evard (National Director—Central) for commissioning this report. The author is very grateful to the following friends for translation: Rick Castro, Susy Alvarez, Jennifer Moore, Guillermo Ramirez and Francisco Vidal.

This document is classified as both a book and a report.

Research for this report was completed on January 14, 2012 (except for the epilogue). The report was submitted to the CUPW on February 2 and the union released it on May 3.

The information presented in bold type in this report is new information; that presented in normal type is from the 2006 edition of the report which is still relevant. About 80% of the information is new.

**Published by Canadian Union of Postal Workers
Ottawa, April 2012**

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**DEDICATED TO
THE COLOMBIANS WHO STRUGGLE FOR SOCIAL JUSTICE**

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INTRODUCTION

From time immemorial, the Colombian state has attempted to base its economy on the most obsequious service to multinational capital. It has extended a hand to the instrument of paramilitarism in order to crush all social expressions whose economic logic is opposed to the interests of foreign capital.

--Father Javier Giraldo¹

The great countries are the owners of our future. Our country is negotiating with the pharaohs. The great countries want to buy what is not theirs to buy. They know how to exploit our land. I want my land back so I can feed my children.

--Maria Luz Nely Serna, Internally Displaced Colombian.²

Under the governments of Alvaro Uribe Velez (2002—August 2010) and Juan Manuel Santos (August 2010—present, he was Defence Minister under Uribe), the multinational corporate exploitation of Colombia has intensified to an unprecedented degree characterized by the virtual give-away of precious national resources to foreign companies. This means more poverty and unemployment for an already dispossessed population. Canada's corporations and its government have played an important role in promoting the corporate takeover of these critical resources in Colombia's important oil and mining sectors. Multinational dominance in Colombia is brutally enforced by the **country's military and its affiliated paramilitaries.** Several Canadian companies are linked to this extremely repressive security structure. In these ways, Canada's role in Colombia has increased the enormous suffering of its people; the Canadian government and companies have expanded their penetration of the Colombian economy by exacerbating the poverty and inequality that are the main causes of the country's civil war.

This report links ten Canadian companies in Colombia to the genocide of indigenous Colombians, to complicity in eight murders and one attempted murder, to other significant military/paramilitary repression, to large-scale

¹ Francisco Ramirez Cuellar, *The Profits of Extermination: How U.S. Corporate Power is Destroying Colombia*, (Prologue to the Spanish edition written by Javier Giraldo) Monroe, Maine, Common Courage Press, 2005, p. 28.

² Quoted in Leslie Wirpsa, "Economics Fuels Return of La Violencia", *National Catholic Reporter*, October 24, 1997, p. 13.

displacement, and to environmental destruction on a massive scale as well as to labour union busting, strike-breaking, and worker exploitation. These corporations are the four oil companies Talisman, Gran Tierra, Pacific Rubiales, and Petrominerales, and the six mining companies Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources, B2Gold, Midasco Capital and Antioquia Gold. Never before have Canadian companies in Colombia been so destructive. This opens up these corporations to the criminal charges of genocide, murder, complicity in murder, environmental damage, displacement and the violation of labour rights. The 2006 edition of this report found four Canadian corporations to be linked to military/paramilitary repression in Colombia.

The destructive practices of these Canadian companies (as detailed later in this report) have elicited outrage and vehement opposition from Colombians. Between September 30 and October 4, 2011, 11,500 delegates from all over Colombia met in the city of Cali for “The Land, Territories and Sovereignities Conference”. The delegates included farmers, workers, indigenous peoples, Afro-Colombians, “victims of the capitalist developments and state crimes”. In their own words they came “to defend life and Mother Earth. We confirm that that the only option is not the consumerism, the oil addiction, the destruction of nature and the economy driven by war... our social movement is the indignant answer of the people in the face of the destruction of nature, the territorial invasion by pillaging multinational companies [and] the plunder of our natural resources...”³

The conference adopted seven mandates, the second of which (reproduced here) explicitly condemns four Canadian oil and mining companies (Pacific Rubiales, Gran Colombia Gold, Eco Oro Minerals and Cosigo Resources) and calls for their expulsion from Colombia: “The Second General Mandate is to guard Mother Earth and acknowledge her rights. The one who do not respect Mother Earth, do not deserve her. And those who do not deserve her are the ones that destroy water sources to exploit for gold and oil. This Congress, prohibits by mandate, the multinationals’ exploitation and the outrageous oil exploration. By consequence, this Congress has declared illegal and *non-grata* the presence in our territory of Anglo Ashanti, BHP Biliton, Xtrata, Pacific Rubiales, Cosigo Resources, Smurfitt Kappa, Cemex, Medoro Resources [now Gran Colombia Gold], Greystar,(now Eco Oro Minerals) and Fenosa Union

³ Declaration from “The Land, Territories and Sovereignities Conference”, Cali, Colombia, October 2011.

because of their direct participation in aggression against local communities and territories, and their systematic attempt to undermine the country's sovereignty. We notify them that by appealing to our ancestral Afro- descendants and indigenous rights of peoples and Mother Earth to the right to life and peace, and the right to constitutional rules, and according to international law and human rights conventions, we will take the necessary measures to impede their presence , to expel them from the country and seek the appropriate sanctions.” ⁴

Colombia is the Western Hemisphere's worst human rights disaster and the massive political violence of the Colombian state is driven by economic imperatives; the U.S.-backed Colombian ruling elite is determined to control national economic resources (land, oil, coal and gold amongst others) and deny them to the majority of the population. The poverty and inequality generated by this policy has led to a four decade-long civil war with guerrillas and a “dirty war” waged on civilians. Three percent of Colombians own over 70% of arable land while 57% of the poorest farmers survive on less than 3%. The richest 20% of Colombians get about 62% of the Gross Domestic Product (GDP) while the poorest 20% are left with only 2.7%. Colombia is the third most unequal country in Latin America and one of the most unequal globally. Sixty-five percent of Colombians live below the poverty line and this figure is 82% for the rural population. ⁵

The elite's refusal to redistribute land led to civil war in 1966 when the peasant-based left-wing guerrilla group Revolutionary Armed Forces of Colombia (FARC) arose to fight for land rights. FARC's formation was preceded by that of the National Liberation Army (ELN) which commenced operations in 1965. ⁶ This

⁴ **Ibid.**

⁵ Javier Giraldo S.J., *Colombia: The Genocidal Democracy*, Monroe, Maine, Common Courage Press, 1996, p. 14; “Colombia: The Pipeline War,” Public Broadcasting System (U.S.), November 2002, <http://www.pbs.org/frontlineworld/stories/colombia/facts.html> ; Ramirez Cuellar, *The Profits of Extermination*, op.cit., p. 82; Kathryn Wolford, “A New Plan for Colombia: Negotiated Peace Should be the Goal,” http://www.lawg.org/countries/colombia/rethinking_lwr_article.htm; Adam Isaacson, “Did Plan Colombia Work? A look at the Numbers”, January 18, 2006, http://www.democracyarsenal.org/2006/01/did_plan_colomb.html ; Mario Novelli, “SINTRAEMCALI and Social Movement Unionism: A Case Study of Bottom-up Globalization in Colombia”, (Academic Paper), University of Bristol (England), <http://www.genie-tn.net/papernov.htm>

⁶ Nazih Richani, “The Political Economy of Violence: The War System in Colombia,” *Journal of Interamerican Studies and World Affairs*, Summer 1997, pp. 40-1, 44; Human Rights Watch, *Colombia's Killer Networks: The Military-Paramilitary Partnership and the United States*, (Report) New York, 1996, p. 10.

civil war followed another known as *La Violencia* (The Violence—1948-1966) which also stemmed from conflicts over land distribution and led to the killing of 200,000 peasants and the displacement of two million. Colombia has had a series of civil wars starting in 1840. As of 2010, the FARC had about **18,000 members** and the ELN **about 3,000**. After 1965, the Colombian state targeted not only the guerrillas but also those civilians it labelled their supporters, that is anyone calling for economic and social justice. This U.S.-inspired strategy is known as “removing the water from the fish.”⁷

As a result, since 1985, more than 70,000 Colombians (3,000- 4,000 a year) have been killed in a horrific escalation of political violence. The Colombian military and its paramilitary allies have been responsible for the overwhelming majority of these killings. Many paramilitary death squads have been created by the Colombian military. **About four million Colombians** (approximately 650 people a day) have been internally displaced by the violence; this is the second highest displacement rate in the world after Sudan. **More than 280,000 Colombians were forcibly displaced in 2010 while the figure for 2009 was 286,000. Massacres increased by 40% in Colombia in 2010 as compared to 2009, according to the United Nations, driven by paramilitary killings of human rights activists and civilians; 179 people were massacred in 38 incidents in 2010 while 139 people suffered that fate in 2009 in 27 massacres.** Tens of thousands of Colombians have been tortured, kidnapped and “disappeared”. The primary targets of state death squads are poor peasant farmers, trade unionists, community leaders, political and social activists and human rights defenders. Colombia is the third largest recipient of U.S. military aid in the world

⁷ “Revolutionary Armed Forces of Colombia”, Wikipedia, http://en.wikipedia.org/wiki/Revolutionary_Armed_Forces_of_Colombia ; Stephanie Hanson, “FARC, ELN, Colombia’s Left-Wing Guerrillas,” Backgrounder, Council on Foreign Relations, August 19, 2009, <http://www.cfr.org/colombia/farc-eln-colombias-left-wing-guerrillas/p9272> ; Washington Office on Latin America (WOLA), “Colombia Cracks Down”, *Colombia Monitor*, July 2002, http://www.wola.org/Colombia/monitor_july02.pdf.; Amnesty International, *Colombia: Political Violence: Myth and Reality*, (Report) New York, 1994, p. 36; *Colombia A Laboratory of War: Repression and Violence in Arauca*, (Report), AMR 23/004/2004, April 20, 2004, <http://web.amnesty.org/library/Index/ENGAMR230042004?open&of=ENG-COL> ; Ruth Larson, “Women, Peace and Justice in Colombia”, *ZNet InterActive*, April 16, 2002, http://www.zmag.org/content/Colombia/larson_women-colombia.cfm ; Tad Szulc, “The Ghost of Vietnam Haunts ‘Plan Colombia’”, *Los Angeles Times*, August 20, 2000, <http://www.commondreams.org/views/082000-103.htm> ;

after Israel and Egypt. According to *The Washington Post*, “For more than a decade under three administrations, Colombia has been Washington’s closest friend in Latin America and the biggest recipient of military and economic assistance — \$6 billion during Uribe’s 2002-10 presidency. The annual total has fallen only slightly during the Obama administration, to just over a half-billion dollars in combined aid this year [2011]”.⁸ Thus, the Colombian state is a U.S.-supported criminal entity responsible for killing tens of thousands of its citizens and displacing millions of them with impunity.

The Colombian government and the U.S. call the FARC "terrorist" and accuse it of drug trafficking. However in 2006, Colombia’s Attorney-General’s Office “recognised that the origins of the rebel group lay in conflicts over land that date back to the mid-20th century.” The FARC and ELN are not terrorist but political groups committed to bringing about genuine progressive social change. Given the Colombian state’s atrocious record of killing civilians, it has certainly been terrorizing an entire nation for more than 60 years. Concerning drug trafficking, the FARC’s position is that it taxes all economic activities in the area it controls which includes the commerce in cocaine paste.⁹ Also, in 1985, a section of the FARC laid down its arms and reorganized itself as a political party called the Patriotic Union (UP) which took part in elections. For their peaceful intentions and impressive electoral success, more than 3,000 to 5,000 UP members were slaughtered by government and paramilitary forces. The party was physically wiped out. After this, the FARC has been left no choice but to continue the

⁸ Constanza Vieira, “Colombia: Death Cannot Defeat Life in War-Torn Guaviare,” Inter Press Service, June 4, 2008, <http://ipsnews.net/news.asp?idnews=42659> ; Amnesty International, *Annual Report: Colombia 2011*, <http://www.amnestyusa.org/research/reports/annual-report-colombia-2011-0> ; “Colombia Crime Gangs Spur More Massacres in 2010: U.N.,” *Reuters*, http://www.dialogo-americas.com/en_GB/articles/rmisa/features/regional_news/2011/02/28/feature-ex-1932; Karen DeYoung and Claudia J. Duque, “U.S. Aid Implicated in Abuses of Power in Colombia”, *The Washington Post*, August 20, 2011, http://www.washingtonpost.com/national/national-security/us-aid-implicated-in-abuses-of-power-in-colombia/2011/06/21/gIQABrZpSJ_story.html; Amnesty International, *Colombia: The Paramilitaries in Medellin: Demobilization or Legalization?* (Report), AMR 23/019/2005, September 1, 2005, <http://web.amnesty.org/library/Index/ENGAMR230192005?open&of=ENG-COL> ; Human Rights Watch, *The Ties that Bind: Colombia and Military-Paramilitary Links*, (Report), February 2000; *The "Sixth Division" Military-Paramilitary Ties and U.S. Policy in Colombia*, (Report), October 2001; *Colombia: Displaced and Discarded: The Plight of Internally Displaced Persons in Bogota and Cartagena*, (Report), October 2005, <http://hrw.org/reports/2005/colombia1005/>; *Colombia's Killer Networks*, op.cit., p. 5; Robin Kirk, “Colombia and the ‘War’ on Terror: Rhetoric and Reality,” March 2004, www.hrw.org; Amnesty International, *Report 2003; Colombia A Laboratory of War*, op.cit.

⁹ Viera, Inter Press Service, op.cit.

armed struggle. This shows the vicious, fraudulent and farcical nature of the Colombian political system which is obviously not democratic at all and very much a dictatorship that tolerates no real political opposition (see parapolitics section below for more on this topic). Those who wish to bring about genuine social change in Colombia have only the option of attempting this through armed struggle and such opposition to a clearly genocidal state is fully justified. Given the dire fate of the UP, the FARC and the ELN would be committing suicide were they to lay down their arms.¹⁰

As we shall see below, many members of the Colombian government including ex-President Uribe have been linked to drug trafficking. According to the Colombian government itself, the paramilitaries which Human Rights Watch called “the Sixth Division” of the Colombian army, control 40% of drug trafficking while the FARC only controls 2.5%. The so-called demobilization of the paramilitaries is a sham with several narco-paramilitary organizations merely replacing the supposedly dismantled main paramilitary group and continuing its drug trafficking and killing of civilians (see below). Colombia's largest exports are probably cocaine and heroin; it has been estimated that up to \$7 billion in drug trafficking profits return to Colombia every year.¹¹

Paramilitarization and the Attack on Unions

The state of human rights in Colombia degenerated under the Uribe government which promoted the paramilitarization of Colombian society. This process reveals the true context for the activities of Canadian corporations in

¹⁰ Fundacion Manuel Cepeda Vargas para la Paz, la Justicia Social y la Cultura, “The Genocide Perpetrated Against the Union Patriótica”, May 29, 2004, <http://manuelcepeda.atarraya.org/spip.php?article25> ; Travis Mannon, “Ex-Paramilitary Sentenced for Union Patriótica Murders”, September 15, 2011, *Colombia Reports*, <http://colombiareports.com/colombia-news/news/19010-ex-paramilitary-sentenced-for-union-patriotica-murders.html>; “Patriotic Union (Colombia)”, *Wikipedia*, http://en.wikipedia.org/wiki/Patriotic_Union_%28Colombia%29

¹¹ <http://www1.american.edu/TED/coldefor.htm> - Case study from American University's Trade and Environment Database (TED). <http://www1.american.edu/TED/coldefor.htm>; Human Rights Watch, *The "Sixth Division" Military-Paramilitary Ties and U.S. Policy in Colombia*, (Report), October 2001; *Wikipedia*, “Paramilitarism in Colombia”, http://en.wikipedia.org/wiki/Paramilitarism_in_Colombia; BBC, “New Armed Drug-Trafficking Groups Menace Colombia”, September 12, 2010, ”<http://www.bbc.co.uk/news/world-latin-america-11274221>

Colombia. Amnesty International (AI) identified “a marked deterioration of the human rights crisis” under Uribe and pointed out that “human rights conditions ... worsened in several conflict zones” during his tenure **and that “collusion between the armed forces and illegal paramilitary groups continues. Human rights defenders, women, farmers, unionists, indigenous and Afro-Colombian communities among others face constant threats to their security.”** According to AI “cases of torture and ‘disappearances’ [in Colombia]...increased, as have reports of extra-judicial executions carried out by the security forces.” **Similarly,** the United Nations maintained that “the state’s direct role in... human rights violations...escalated under Uribe” and that arbitrary detentions and mass arrests increased.¹²

Uribe’s appalling human rights record was best illustrated by the shocking “false positives” scandal which highlighted the extremely violent, criminal and corrupt nature of both the Uribe and Santos regimes and generated national and international outrage. The scandal which broke in 2008, involves the macabre killing of 2,650 civilians (usually peasants or poor, unemployed young men) by army personnel who then dressed the victims up to look like guerillas. Uribe and Santos were both responsible for these killings as the former was president at the time and the latter was his defence minister. The incentive to kill civilians was provided by Uribe and the army who rewarded higher body counts with cash, promotions and holidays. Eleven hundred soldiers are being investigated for the killings of whom 315 have been convicted. In July, 2011, Colonel Luis Fernando Borja admitted that his unit murdered 57 civilians and then dressed them up as guerrillas.

¹² Amnesty International, “Colombia: Human Rights”, <http://www.amnestyusa.org/our-work/countries/americas/colombia>; Amnesty International, *Colombia: Security at What Cost? The Government’s Failure to Confront the Human Rights Crisis*, Report, AMR 23/132/2002, December 10, 2002, <http://web.amnesty.org/library/Index/ENGAMR231322002?open&of=ENG-COL>; Nina Englander, “Colombia and Human Rights”, *The Nation*, November 6, 2003, <http://www.thenation.com/doc/20031124/englander>; Amnesty International USA, “Colombia: Human Rights Concerns”, <http://www.amnestyusa.org/countries/colombia/index.do>; Amnesty International, “Colombia: International Community Must Demand Action on Human Rights”, Press Release, February 1, 2005, <http://web.amnesty.org/library/Index/ENGAMR230022005?open&of=ENG-COL>; Garry Leech, “The Successes and Failures of President Uribe”, *Colombia Journal Online*, November 28, 2005, , <http://www.colombiajournal.org/colombia222.htm>

Fernando was sentenced to 21 years imprisonment and is the senior most officer convicted so far.¹³

As *Al Jazeera*, the Arabic TV channel, described it, ``most of those killed were poor young men and women, desperate to find work, so they did not hesitate when an opportunity came up.`` The channel spoke to Luz Edilia Palacio Bustamante in the town of Soacha near Bogota where the scandal first broke. She explained that ``men were recruiting young men to work outside their hometowns.`` "My son was about to have a baby," she said. "So he needed money to take care of it. He saw a chance to make some money so he left." These men and women were later found dead in mass graves. "My son was not a guerrilla," Palacio added, "These recruiters were paid by the military to find possible victims so that they could kill them later on. Each victim was worth for the recruiters about \$300." *Al Jazeera* points out that Colombian opposition politicians say that the current President Santos ``benefitted from this directive as the amount of killings sharply increased while he was minister of defense``. The channel quotes Colombian journalist Felipe Lleras Zuleta, as being ``one of the many Colombians who would like to see Santos go before the International Criminal Court`` (to be tried for crimes against humanity).¹⁴

Under Uribe and Santos, Colombia remains the most dangerous country for trade unionists and the place where more are killed (mostly by paramilitaries) than in the rest of the world combined. During 1999-2009, 63% of unionists` murders globally, occurred in Colombia. Fifty-one Colombian labour activists were murdered in 2010, up from the 47 unionists killed in 2009; 2,850 union members have been killed since 1986. The rate of impunity for these killing is 98%. While the number of union murders has been halved since 2003, this is not because of improvement in the state of the human rights as the false positives scandal shows. Rather, as Jeff Crosby, a

¹³ ``Colombia: New Charges in False Positives Scandal`` *Latin America News Dispatch*, <http://ww4report.com/node/9349> ; Chris Kraul, ``Colombia Civilians Caught in War Against Insurgents``, *Los Angeles Times*, March 21, 2008, <http://articles.latimes.com/2008/mar/21/world/fg-colombia21>; ``Colombian Colonel Sentenced for Faking Civilian Murders``, *BBC*, July 14, 2011, <http://www.bbc.co.uk/news/world-latin-america-14149676>; ``Colombian Gets 40 Years for Luring Civilians to Their Deaths in False Positives Scandal``, *Herald Sun* (Australia), September 2, 2011, <http://www.heraldsun.com.au/news/breaking-news/colombian-gets-40-years-for-luring-civilians-to-their-deaths-in-false-positives-scandal/story-e6frf7jx-1226127930207>

¹⁴ Teresa Bo, ``Colombia`s Deadly False Positives``, *Al Jazeera*, April 28, 2010, <http://blogs.aljazeera.net/americas/2010/04/28/colombias-deadly-false-positives>

U.S. labour leader who has gone to Colombia six times, observed, “the decades of extreme violence have vastly reduced union numbers. Workers under a collective bargaining agreement now make up less than one percent of the workforce. Eight out of nine workers are misclassified as independent contractors, lacking the individual legal rights of employees. Company unions set up by management are making gains. Finding someone working under a legitimate union contract in Colombia is as rare these days as finding a General Electric (GE) subsidiary paying taxes”. (Crosby is President of a union local at a Boston GE factory).¹⁵

During Uribe’s term, 565 Colombian unionists were killed, 96 survived assassination attempts and 36 were disappeared. Uribe told U.S. reporters in 2007 that “there are no assassinations of workers in Colombia”. The President blamed the violence against unionists on their “alleged links to guerrilla forces” thus “delegitimizing unionization and legitimizing violence against the labour movement.” Colombia’s intelligence agency known as the Department of Administrative Security (DAS) which comes under the President’s authority, “was exposed for providing paramilitaries a hit list of 23 trade unionists and other human rights defenders in 2006. The majority of the individuals on the list have since been killed or displaced.” DAS was also investigated for “illegal interception of communication, organizing break-ins at trade union offices, employing DAS agents responsible for the protection of trade unionists to gather information and use it to harass the people they were assigned to protect, and even to generate false evidence, and directly threaten or harass trade union leaders.”¹⁶

¹⁵ “Colombian Militia Chief Sentenced in Killings of Unionists”, *Latin American Herald Tribune*, September 6, 2011, <http://www.laht.com/article.asp?ArticleId=354613&CategoryId=12393> ; Mischa Gaus, “Trade Rep’s Plan Won’t Stop Murders of Colombia Unionists” *Labor Notes* (U.S.), April 8, 2011, <http://labornotes.org/blogs/2011/04/trade-reps-plan-wont-stop-colombia-union-murders> ; National Labour School (Colombia) and the Colombian Commission of Jurists, *Impunity and the Violation of the Human Rights of Trade Unionists in Colombia, 2009-2010 and 2002-2010*, (Report) http://www.usleap.org/files/Summary_ENS%20Report%20English.pdf

¹⁶ U.S. Labor Education in the Americas Project (USLEAP), “Alvaro Uribe: Violence and Impunity Against Trade Unionists, 2002-2010”, December 2010, http://www.usleap.org/files/Alvaro%20Uribe_Talking%20Points_Dec2010.pdf ; National Labour School (Colombia) and the Colombian Commission of Jurists, *Impunity and the Violation of the Human Rights of Trade Unionists in Colombia, 2009-2010 and 2002-2010*, (Report) http://www.usleap.org/files/Summary_ENS%20Report%20English.pdf

Uribe claimed to have demobilized the paramilitaries by 2006 but this is a sham; as a Human Rights Watch (HRW) report released in February 2010, documents, the paramilitaries have merely reconstituted themselves with different names and practice the same violence against civilians. Between 2003 and 2006, the Uribe government supposedly demobilized 37 armed groups (consisting of 30,000 men) that made up “the brutal, mafia-like, paramilitary coalition known as the AUC (the *Autodefensas Unidas de Colombia*, or United Self-Defense Forces of Colombia).” As HRW explains, “almost immediately after the demobilization process had ended, new groups cropped up all over the country, taking the reins of the criminal operations that the AUC leadership previously ran. Today, these successor groups are...having a dramatic effect on the human rights and humanitarian situation in Colombia. Of particular concern, as documented extensively in this report, the successor groups are engaging in widespread and serious abuses against civilians, including massacres, killings, rapes, threats, and extortion. They have repeatedly targeted human rights defenders, trade unionists, displaced persons including Afro-Colombians who seek to recover their land, victims of the AUC who are seeking justice, and community members who do not follow their orders. The rise of the groups has coincided with a significant increase in the rates of internal displacement around the country from 2004 through at least 2007. And in some regions, like the city of Medellín, where the homicide rate has nearly doubled in the past year, the groups’ operations have resulted in a large increase in violence. To many civilians, the AUC’s demobilization has done little to change the conditions of fear and violence in which they live.”¹⁷

The HRW report points out that the successor paramilitaries have been estimated to number 10,200 and as of July 2009 were present in 173 municipalities in 24 of Colombia’s 32 departments. There are nine main groups known as the Urabeños, the Rastrojos, ERPAC, the Paisas, the Machos, New Generation, the group from the Magdalena Medio, Renacer and Black Eagles. As HRW emphasizes, “A serious cause for concern is the fact that many eyewitnesses with whom we spoke reported that members of the security forces were tolerating successor groups’ activities in various regions.”¹⁸ According to HRW, 17 massacres, “resulting in 76 deaths, were

¹⁷ Human Rights Watch, *Paramilitaries’ Heirs: The New Face of Violence in Colombia*, [Report], February 3, 2010, p. 5, <http://www.hrw.org/node/88058/section/4>

¹⁸ Ibid.

reported between January and May,” [2011], and “Successor groups...contributed to a 34% increase in massacres in 2010, the highest annual total since 2005.”¹⁹

Not only do paramilitaries continue to proliferate, the “parapolitics scandal” shows the massive paramilitarization of the Colombian political system and state itself and therefore its utterly criminal nature and total illegitimacy. This scandal has rocked Uribe and Santos administrations since 2006 and reveals that far from being a democracy, Colombia is a vicious dictatorship where there is little distinction between politicians and terrorists guilty of killing tens of thousands of civilians. Of Colombia’s 2006-2010 Congress, 128 former representatives (out of a total of 268) were accused of having paramilitary ties. Almost the entire government had ties to these terrorist groups and the Uribe government tried to obstruct criminal investigations into those links.²⁰ More than 150 members of Congress—most of them belonging to President Uribe's coalition--have been investigated and about 70 former and current politicians are serving sentences “for conspiring or collaborating with the paramilitaries”. In March 2011, the Colombian Supreme Court ordered investigations to be opened against 60 soldiers, policemen, politicians and prosecutors after testimony by Juan Carlos "El Tuso" Sierra, a drug trafficker (extradited to the U.S.), implicated them in the parapolitics scandal. Among the many officials incriminated in El Tuso's testimony is General Mario Montoya, the former army commander, and General Luis Alberto Moore Perea, the former director of the transit police. El Tuso’s testimony links Montoya with AUC paramilitaries.²¹

The parapolitics scandal goes up to former President Uribe and has ensnared his closest political allies. Uribe is being investigated by a special legislative commission for alleged offenses including illegal spying by the

¹⁹ John Glaser, “Supporting Atrocities in Colombia”, July 28, 2011, *Antiwar.com*, <http://www.antiwar.com/blog/2011/07/28/supporting-atrocities-in-columbia/>

²⁰ June S. Beittel, *Colombia: Issues for Congress*, , Congressional Research Service (CRS) Report for Congress, March 18, 2011, p. 15, <http://www.fas.org/sgp/crs/row/RL32250.pdf> ; Human Rights Watch, *World Report 2011: Colombia*, <http://www.hrw.org/world-report-2011/world-report-2011-colombia>; Glaser, “Supporting Atrocities in Colombia”, op.cit.

²¹ Human Rights Watch, *World Report 2011: Colombia*, op.cit. ; “Cousin of Colombian ex-President Uribe Jailed,” *BBC*, February 21, 2011, <http://www.bbc.co.uk/news/world-latin-america-12532826>; Hannah Aronowitz, “ ‘El Tuso’ Incriminates 60 Officials in Parapolitics Scandal”, *Colombia Reports*, March 16, 2011, <http://colombiareports.com/colombia-news/news/14928-el-tuso-incriminates-60-officials-in-parapolitics-scandal.html>

Department of Administrative Security (DAS—Colombia’s intelligence agency--see above) which was under his command as president. Four of Uribe’s most senior aides are under investigation and two of his closest associates have been imprisoned pending trial: Bernardo Moreno, his former chief of staff, accused of ordering the DAS to spy on judges, journalists and political foes, and his former agriculture minister, charged with corruption concerning subsidies given to wealthy political allies. Most of the judges spied on by DAS were members of the Supreme Court, which at the time was investigating several dozen close Uribe allies for allegedly colluding with paramilitaries.²²

On September 8, 2011, video testimony was released in which a jailed paramilitary boss claims to have run a death squad from President Uribe's family ranch in the 1990s with his complicity. Uribe denies the claim. It would be "very difficult for former President Uribe not to end up at some point on trial. I think it's just a matter of time," says Ivan Cepeda, a left-wing Congressman, who got the testimony and has been gathering evidence against Uribe.²³

In September 2011, Jorge Noguera, President Uribe’s “hand-picked” head of the Department of Administrative Security was jailed for 25 years in for colluding with paramilitaries and for murder. According to prosecutors, Noguera provided "hit lists" of leftist activists to paramilitaries and was directly responsible for the killing of a well-known sociologist who was helping displaced people. Noguera was also charged with giving paramilitaries the names of unionists some of whom were subsequently murdered by these death squads. Six former high-ranking DAS intelligence officials have confessed to crimes, and more than 12 other agency operatives are on trial. In 2010, “prosecutors accused another former DAS director of having helped plan the

²² Vivian Sequera and Libardo Cardona, “Alvaro Uribe, Former Colombian President Stays Involved in Politics”, *Associated Press*, September 17, 2011, http://www.huffingtonpost.com/2011/09/18/alvaro-uribe-colombia-politics_n_968896.html; Beittel, CRS Report, op.cit., p. 15; Karen DeYoung and Claudia J. Duque, “U.S. Aid Implicated in Abuses of Power in Colombia”, *The Washington Post*, August 20, 2011, op.cit.

²³ Vivian Sequera and Libardo Cardona, “Alvaro Uribe...”, op.cit.

1989 assassination of front-running presidential candidate, Luis Carlos Galan”.²⁴

According to *The Washington Post*, “Interviews with former U.S. officials and evidence surfacing in the DAS investigation show that the agency has for years committed serious crimes, a propensity for illegal actions not unknown to [U.S.] embassy officials.” Myles Frechette, the U.S. ambassador to Colombia during 1994--1997, stated that “even in his tenure American officials believed that DAS units were tainted by corruption and linked to [drug] traffickers...adding that he thinks the DAS has some of the hallmarks of a criminal enterprise.” Such criminality has been supported by the U.S. government as *The Washington Post* makes clear in article dated August 20, 2011, which states: “new revelations in long-running political scandals under former president Alvaro Uribe a close U.S. ally throughout his eight-year tenure, have implicated American aid, and possibly U.S. officials, in egregious abuses of power and illegal actions by the Colombian government...American cash, equipment and training, supplied to elite units of the Colombian intelligence service over the past decade...were used to carry out spying operations and smear campaigns against Supreme Court justices, Uribe’s political opponents and civil society groups, according to law enforcement documents obtained by *The Washington Post* and interviews with prosecutors and former Colombian intelligence officials”.²⁵

As *The Post* puts it: “Some of those charged or under investigation have described the importance of U.S. intelligence resources and guidance, and say they regularly briefed embassy ‘liaison’ officials on their intelligence-gathering activities. ‘We were organized through the American Embassy,’ said William Romero, who ran the DAS’s network of informants and oversaw infiltration of the Supreme Court. Like many of the top DAS officials in jail or facing charges, he received CIA training...Another unit that operated for

²⁴ Vivian Sequera and Libardo Cardona, “Alvaro Uribe, Former Colombian President Stays Involved in Politics”, *Associated Press*, September 17, 2011, http://www.huffingtonpost.com/2011/09/18/alvaro-uribe-colombia-politics_n_968896.html; Beittel, CRS Report, op.cit., p. 15. ; Karen DeYoung and Claudia J. Duque, “U.S. Aid Implicated in Abuses of Power in Colombia”, *The Washington Post*, August 20, 2011, op.cit.

²⁵ Karen DeYoung and Claudia J. Duque, “U.S. Aid Implicated in Abuses of Power in Colombia”, *The Washington Post*, August 20, 2011, op.cit.

eight months in 2005, the Group to Analyze Terrorist Organization Media, assembled dossiers on labour leaders, broke into their offices and videotaped union activists. The United States provided equipment and tens of thousands of dollars, according to an internal DAS report, and the unit's members regularly met with an embassy official they remembered as 'Chris Sullivan.' 'When we were advancing on certain activities, he would go to see how we were advancing,' Jose Gabriel Jimenez, a former analyst in the unit, said during a court hearing."²⁶

In April 2008, Mario Uribe, a former senator and President Alvaro Uribe's cousin, close political ally and former head of the Colombian Congress was arrested for colluding with paramilitaries. In February 2011, Mario was convicted of "aggravated conspiracy to commit a crime" and sentenced to seven and six months in prison. According to prosecutors, in 2002, Mario met Salvatore Mancuso, the AUC paramilitary commander, to talk about how the AUC could support his political campaign. The Colombian Supreme Court stated that the paramilitaries had created a plan to "forge ties with politicians by financing their campaigns so they would gain allies in Congress". A paramilitary known as "Pitirri" who was the prosecution's main witness, said the AUC had also helped Uribe buy land at a reduced price. Paramilitaries have regularly forced farmers to sell their land at low prices by threatening them or have driven them off their land.²⁷

Maria Consuelo Araujo, foreign minister under Uribe, was forced to resign due to the investigation into her father's and brother's (who was a senator) links to paramilitaries (see Medoro Resources in mining section) and their involvement in the kidnapping of Senator Alvaro Araujo's electoral rival for a senate seat. In November 2006, three congressmen were arrested for allegedly creating paramilitary groups in Sucre department.²⁸

Colombia's political system and state are thus thoroughly criminalized, illegitimate and run by terrorists and their collaborators who have killed tens of thousands of innocent civilians, physically eliminated any genuine political opposition, hold fraudulent elections and have stolen the country's economic resources. The massive political power of the paramilitaries has been seen

²⁶ Ibid.

²⁷ Beittel, CRS Report, op.cit., p. 15; "Cousin of Colombian...", *BBC*, op.cit.

²⁸ Beittel, CRS Report, op.cit., p. 15.

above, confirming Human Rights Watch's statement that "Increasingly, paramilitaries...exert control over who holds political office. By threatening and even killing candidates they do not like, paramilitaries are able to make sure that their favorites run unopposed." **The Colombian economy too is similarly criminalized by paramilitarization.** As Amnesty International puts it "Paramilitary groups have a political, economic and social stranglehold over many parts of the country." Drug traffickers and paramilitaries own almost 50% of Colombia's cultivable land (according to the government comptroller's office), obtained by the massacres and massive displacement of farmers.²⁹

Economically, paramilitaries are "mafia-like businesses" that control not just massive tracts of land but also most drug trafficking and "entire sectors of local economies". According to Amnesty, "In many areas of the country, the paramilitaries can claim to control...the health and education system, public contracts, business cooperatives...private security firms...extortion, the illegal trade in gasoline, prostitution, and gambling rackets." Human Rights Watch adds contraband smuggling and loan sharking to this list. In Bogota, paramilitaries control the main wholesale food distribution center, legal commerce in several neighbourhoods and private security companies; they also control the slums of Medellin and most organized crime in that city, cable TV franchises in Cali and Antioquia department, and the transportation sector in Valledupar. In Norte del Santander department, paramilitaries "control much everyday business" and they have "absolute control" in much of Cordoba department. Public health funds have been diverted to paramilitaries in La Guajira department. In areas of mining and oil investment that paramilitaries dominate or influence, "royalties have in several recent cases vanished through their investment in irregular contracts." This has occurred in the town of la Jagua de Ibirico, in Cesar department (much of which is controlled by paramilitaries). The same has happened to royalties from oil and gas in the towns of Sucre, Casanare, and Arauca (The Canadian oil company Talisman and Occidental Oil operate in the last two). The United Self-Defense Forces of Colombia (AUC) got \$60 million a year from gas pipeline royalties and undisclosed amounts from subcontracts it has through front companies, with oil and coal multinationals. The paramilitary group also got protection rents and subcontracts from Ecopetrol, the state oil company. Royalties from gold production have also been diverted to paramilitaries in town of Montelibano,

²⁹ Isaacson, "Did Plan Colombia Work?...", op.cit.; Human Rights Watch, *Smoke and Mirrors*, op.cit.; Amnesty International, "Colombia: Justice and Peace Law Will Guarantee Impunity for Human Rights Abusers", Press Release, AMR 23/012/2005, April 26, 2005.

(Cordoba department). Now that supposedly demobilized paramilitaries can run for political office, they will be able to accumulate even more wealth. Thus paramilitarism in Colombia is a major economic and political force not just a military one; by legitimizing paramilitarism through sham demobilization, the state is increasing its own criminalization and that of the economy. It is this context that Canadian corporations function in and not surprisingly the number of them linked to paramilitaries and the military has gone from two in 2000 to five in 2006.³⁰

Uribe's Criminal Background

It is not surprising that Uribe would legitimize the paramilitaries through a sham demobilization. He himself is a prime example of the criminalization that his policies are increasing. Uribe has been closely linked to drug traffickers and death squads; in the case of the former, from birth: his father was a narco-trafficker. In 1982, Uribe was removed as mayor of Medellin after only three months “by a central government embarrassed by his public ties to the drug mafia.” At the time the most powerful man in Medellin was the notorious drug trafficker Pablo Escobar, the head of the Medellin Cartel. According to the U.S. Defence Intelligence Agency (DIA), Uribe was a “close personal friend of Pablo Escobar” who was “dedicated to collaboration with the Medellín [drug] cartel at high government levels.” He “was linked to a business involved in narcotics activities in the United States” and “has worked for the Medellín cartel” and on “Escobar's parliamentary campaign”. After being removed as Mayor, Uribe was appointed Director of Civil Aviation and proceeded to give pilots' licenses to Escobar's aircraft fleet which regularly flew cocaine to the U.S.³¹

³⁰ Center for International Policy, *Rethinking Plan Colombia*; Human Rights Watch, *Smoke and Mirrors*, op.cit.; Amnesty International, *Colombia: The Paramilitaries in Medellin: Demobilization or Legalization?*, op.cit.; “Some of Amnesty International's Concerns with Respect to Colombia in Relation to the Human Rights Consultations with the Canadian Department of Foreign Affairs and Canadian NGOs in Ottawa in February 2006”, February 8, 2006; Ramirez Cuellar, op.cit., pp. 71-2.; Nazih Richani, “Multinational Corporations, Rentier Capitalism, and the War System in Colombia”, *Latin American Politics and Society*, Fall 2005, p.130.

³¹ Tom Feiling, “President Uribe's Hidden Past”, *Colombia Journal Online*, May 24, 2004, <http://www.colombiajournal.org/colombia185.htm> ; The National Security Archive, “U.S. Intelligence Listed Colombian President Uribe Among Important Colombian Narco-Traffickers in 1991”, August 2, 2004, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB166/> ; Al Giordano, “Uribe's Rise from Medellin: Precursor to a Narco-State”, March 19, 2002, *The Narco News Bulletin*, <http://www.narconews.com/narcocandidate1.html> ; Peter Dale Scott, *Drugs, Oil and War: The United States in Afghanistan, Colombia, and Indochina*, New York, Rowman and Littlefield, 2003, p. 80.

In a precursor to his legalization of paramilitaries, Uribe sponsored peasant associations called Convivirs after he became governor of Antioquia in 1995; these were “special private security and vigilance services, designed to group the civilian population alongside the Armed Forces.” Convivirs launched a terror campaign in Antioquia murdering, ‘disappearing’ and displacing thousands of people. As *Business Week* described it in 2002, “Uribe Velez claims that if elected President, he will take a firmer line with the rebels. That’s just what he did between 1995 and 1997, when he was governor of Antioquia...There Uribe Velez promoted the creation of the controversial Convivirs...armed militias...It wasn’t long before some of the local militias which numbered 67 in Antioquia...morphed into deadly paramilitary squads that targeted not only guerrillas but also suspected civilian sympathizers. That led the Colombian government to strip the Convivirs of most of their power in 1997.” *Business Week* predicted that Uribe’s attempt to carry out such policies nationally, “could well drag Colombia deeper into a conflict that has claimed 30,000 lives in the past decade.”³²

The Foreign Factor

In Colombia, millions of people have been driven off their land by death squads who work for a national elite determined to control the country's resources in concert with foreign capital and U.S. policy. The foreign factor is paramount in Colombia since without it the state cannot carry out repression or exploit resources. The U.S. government finances, arms and trains a Colombian military which has the worst human rights record in Latin America, while multinational corporations dominate Colombia's most important economic sector, oil, and play leading roles in the key areas of mining, telecommunications, manufacturing, services, natural gas distribution and electricity generation. With such foreign support, the ruling elite is able to exploit and benefit from these resources without sharing them with the majority of Colombians. U.S. intervention in Colombia increased dramatically in 2000 with the implementation of Plan Colombia (detailed in the oil section). The Colombian Mine Workers Union (SINTRAMINERCOL—now defunct) has produced a detailed map showing how areas of mineral deposits, forced displacements, massacres, and paramilitary operations coincide. As Colombian human rights activist Cecilia Zarate-Laun put it “[the country’s] oil and mineral wealth have attracted the interest of important global economic players and its

³² Feiling, *Colombia Journal Online*, op.cit.; Scott, op.cit., pp. 71-2.

government, army and paramilitary forces are allied with and kill in the interest of those important players.”³³

The U.S. government and certain multinationals have also been responsible for creating and supporting paramilitaries. In 1962, a U.S. Army Special Warfare team led by General William P. Yarborough visited Colombia bringing counterinsurgency techniques being applied by Washington in Vietnam at the time. The Kennedy Administration in the U.S. was afraid of the spread of the Cuban Revolution. The Yarborough team recommended “development of a civil and military structure...to perform counter-agent and counter-propaganda functions and as necessary execute paramilitary, sabotage, and/or terrorist activities against known communist proponents. It should be backed by the United States”. The team emphasized that armed civilians (known as “self-defence” or “civil defence”) had to “work directly with troops”. Significantly, these recommendations preceded the formation of the FARC and ELN; they “were implemented enthusiastically” by the Colombian army through *Plan Lazo*, (its counterinsurgency plan) approved on July 1, 1962.³⁴ The military-paramilitary alliance that emerged was joined by Colombia’s major drug traffickers in 1981 when all three groups set up a death squad training school. As Amnesty International puts it, “The armed forces could now count on significant economic support and human resources for the creation and promotion of paramilitary armies.” Traffickers including Pablo Escobar, financed the school and the army brought in U.S., Israeli and British mercenaries as instructors. “A leading graduate” was Carlos Castano, founder of the United Self-Defense Forces of Colombia (AUC), the biggest paramilitary organization in Colombia. Drug trafficking became the main source of funding for paramilitaries and remains so to this day.³⁵

³³ Edward S. Herman and Cecilia Zarate-Laun, “Globalization and Instability: The Case of Colombia,” *Z Magazine*, September 1999, p. 32; Ramirez Cuellar, op.cit., Map 2.

³⁴ Peter Dale Scott, *Drugs, Oil and War: The United States in Afghanistan, Colombia and Indochina*, New York, Rowman and Littlefield, 2003, p. 76; Human Rights Watch, *Colombia’s Killer Networks*, p. 12, op.cit.; Sean Donahue, “Plan Colombia Aid and the Paramilitaries”, May 6, 2005, *The Narcosphere*, <http://narcosphere.narconews.com/story/2005/5/6/1636/09285>

³⁵ Scott, op.cit. pp. 74, 77; Human Rights Watch, *Colombia’s Killer Networks*, op.cit., pp. 17, 21; Amnesty International, *Colombia: Political Violence...* op.cit., p. 56; Steven Dudley, "U.S. Interests Stoke the Violence in Colombia", *The Progressive*, February 1997, p. 27; Peter Dale Scott, "Colombia: Washington's Dirtiest 'War on Drugs'", *Tikkun*, May-June 1997, p. 29; Frank Smyth, “Cold War Bias in Colombia”, October 7, 1999, <http://www.colombiasupport.net/199910/icsmyth1007.html> ; Amnesty International, *Colombia: The Paramilitaries in Medellin: Demobilization or Legalization?*, op.cit.

Corporate involvement in the creation of paramilitary groups also emerged in the early 1980s. Former paramilitary members have testified that representatives of Texaco took part in meetings in the Middle Magdalena region in 1982 that established a paramilitary unit. Captain Oscar de Jesus Echandia (military mayor of Puerto Boyaca) called the meetings which were attended by businessmen, ranchers and local Conservative and Liberal party leaders. By the end of the 1980s, “Colombia had more paramilitaries than ever.”³⁶ The 2000 edition of this report documented links between Colombian military-paramilitary operations and British Petroleum Amoco as well as the Canadian companies Enbridge and TransCanada Pipelines. The 2006 edition documented similar links in the case of the four Canadian companies, Enbridge, Petrobank, Greystar and Rio Verde. **This edition will document such links in the case of the ten Canadian companies Talisman, Gran Tierra, Pacific Rubiales, Petrominerales, Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources, B2Gold, Midasco Capital and Antioquia Gold.** Such ties make it clear that death squads are the ultimate guarantors of foreign investment in Colombia.

In 1991, the U.S. further expanded the paramilitary system. According to Human Rights Watch, the Colombian military drew up a military-intelligence reorganization plan in 1991 in collaboration with the U.S. Department of Defense and the CIA. This plan, known as Order 200-05/91, authorized the creation of 41 “killer networks” that murdered civilians “suspected of supporting guerrillas.”³⁷ Just one of these networks killed about 100 civilians including unionists, human rights activists and community leaders in the city of Barrancabermeja. According to Leslie Wirpsa, a journalist for the *National Catholic Reporter*, “the paramilitary massacres and political killings that have occurred in the wake of this intelligence ‘reorganization’ dwarf the actions committed by the death squads during the 1980s.”³⁸

After 1990, as paramilitary violence increased, so did foreign capital's penetration of Colombia. The “Apertura” (economic opening) policy of the Gaviria government (1990-1994) liberalized trade and investment in 1990 and increased privatization. Over the next seven years, foreign investment increased fivefold from 1% to 5% of GDP. In 1997, foreign investment flows exceeded

³⁶ Human Rights Watch, *Colombia's Killer Networks*, op.cit., pp. 17, 25.

³⁷ Ibid, p. 3.

³⁸ Wirpsa, *National Catholic Reporter*, op.cit., p. 16; Amnesty International, *Colombia: The Paramilitaries in Medellin: Demobilization or Legalization?*, op.cit.

U.S.\$5.4 billion (the highest for the 1994-2004 period) and by 2008 this figure had almost doubled to \$10.6 billion before dropping to \$6.8 billion in 2010. In 2010 (January to September), the U.S. was the biggest investor in Colombia, accounting for 31% of foreign investment. In the same year, the largest share of foreign investment went to the mining and petroleum sector (67%) followed by financial establishments (13%) and manufacturing (8%).³⁹

Canadian Companies and Government

Canadian investment in Colombia is close to \$2 billion from 42 corporations (up from 17 in 2006) in the country.⁴⁰ This investment is concentrated in the same economic sectors where state and paramilitary repression of unionism is the greatest—oil and gas, and mining. Two Canadian corporations have been linked to this repressive apparatus in the

³⁹ Government of Colombia (GOCL), Proexport Colombia, *Report on Foreign Direct Investment in Colombia*, May 2011, http://www.investincolombia.com.co/Adjuntos/209_Reporte%20de%20Inversion%20en%20ingles.pdf; GOCL, Proexport Colombia, *Foreign Direct Investment Report*, February 2011, <http://www.investincolombia.com.co/colombia-economy>; GOCL, "Foreign Investment", www.col.presidencia.gov.co/economy/foreign, pp. 1-2; "Economic Report no.33", December 4, 1997, .../economy/inf33, p. 10; GOCL, "Colombia: A South American Secret"(Special Advertising Section), *Time*, June 7, 1999; Coinvertir (Invest in Colombia Corporation), Colombia: *Talking Points on the Economy, First Quarter 2005* (Pamphlet), Fourth Quarter 2005, December 27, 2005, http://www.coinvertir.org/html/i_portals/index.php?p_section=logout

⁴⁰ The government of Canada's Department of Foreign Affairs and International Trade (DFAIT) lists Canadian investment in Colombia as being worth \$824 million as of 2011, (see this web site: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/andean-andin/can-colombia-colombie.aspx?view=d>) but this does not appear to be an accurate figure. The Canadian oil company Talisman Energy's investment in Colombia is in itself close to a billion dollars (see Talisman in oil section of this report); Petrominerales, another Canadian oil company, is investing \$600 million in Colombia in 2011 alone (see this web site: <http://www.reuters.com/article/2011/07/28/colombia-petrominerales-idUSN1E76R1GK20110728>) ; Medoro Resources, the biggest Canadian mining company in Colombia, has invested \$200 million there to buy the Frontino mine (see this web site: <http://www.macleoddixon.com/news/1739.htm>) while Eco Oro Minerals Corp. (formerly Greystar Resources), another Canadian mining company, has invested \$160 million in Colombia (see this web site: <http://www.greystarresources.com/i/pdf/CorporatePresentation.pdf>). All this by itself totals close to \$2 billion and involves counting the investments of only four Canadian companies. That leaves 38 other Canadian companies also investing in Colombia whose figures are not counted here; Marina Jimenez, "Colombia's New Passion: Its Image", *The Globe and Mail*, November 4, 2005; Barbara Tink, (Colombia Desk, Department of Foreign Affairs and Trade --DFAIT, Government of Canada), Interview with Author, November 1, 2005: There is some official confusion about the figure for Canadian investment in Colombia. In a 1999 report, *Colombia: A Guide for Canadian Exporters and Investors* (see footnote no. 20) , the Canadian embassy in Colombia states that this investment is \$5 billion. But according to Barbara Tink who handles Canada-Colombia trade and investment issues for DFAIT, this figure is wrong. Her estimate is \$1 billion.

2000 edition of this report and four in the 2006 edition; the 2012 edition finds ten Canadian companies (named above) to be connected to military/paramilitary repression in Colombia's oil and mining sectors. Canadian corporations are Colombia's biggest private oil producer, run its most important oil pipeline, are its leading gold miner, make up more than half of its mining sector and are prominent in the food services and footwear sectors.

Canadian trade with Colombia is also linked to official repression (see trade section). In 1999, the Canadian Department of National Defence (DND) sold over 40 surplus "Huey" Bell CH-135 helicopters to the U.S. government; 33 of the helicopters were redirected by Washington to the Colombian military to become part of the highly destructive Plan Colombia. In 1994, the Canadian government authorized the sale of twelve helicopters made by Bell Helicopter Textron Canada (BHTC) to the Colombian air force and police; these helicopters could be used in repressive actions by Colombian state agents. In 2001 and 2002, the Canadian government allowed the export of military equipment to Colombia, violating its own policy. Thus Canadian companies were able to sell military items to the Colombian armed forces. In 2001, Macdonald Dettwiler and Associates, a Canadian company, sold satellite maps of Colombia to the U.S. Department of Defence for military use. In the same year, Canada started importing palm oil from Colombia; the plantations of this environmentally destructive crop are controlled by paramilitaries who created them by killing hundreds of farmers and displacing thousands. As well, Colombia is a major source of Canada's coffee and cut flower imports and a significant supplier of bananas. These agricultural export sectors are characterized by paramilitary massacres, other human rights violations and oppressive working conditions that frequently deny workers their labour and health and safety rights.

Investment and trade links with Colombia have been greatly encouraged by the Canadian government especially in the oil and mining sectors. **Foremost in this regard is the Canada-Colombia Free Trade Agreement which went into effect in August 2011 (for detailed discussion of this see trade section).** Ottawa considers Colombia "a very favourable climate for investment"; the Canadian government views Colombia's privatization policy as offering significant opportunities to Canadian companies and has provided funds to advance this trend. As the Department of Foreign Affairs and International Trade (DFAIT) explains: "Foreign investment in key sectors [in Colombia] such as infrastructure and privatization programs has offered new long-term possibilities to entrepreneurial

Canadian investors. Privatization goes hand-in-hand with a firm determination to increase efficiency and productivity, which have created other opportunities for engineering and management consulting. ...All this to say that Canada can increase its market share in Colombia, which is very promising for Canadian manufacturers and producers of a number of goods and services.”⁴¹

A 1997 DFAIT report refers to the freezing of new loans to Colombia by the U.S. government's Export-Import (EXIM) Bank and states: “The Canadian Export Development Corporation [EDC—a crown corporation, now known as Export Development Canada] views this policy measure (by the U.S.) as providing a window of opportunity for new EDC lending in support of Canadian export programs in Colombia.” The report cites Colombia as EDC's largest market for its Foreign Investment Insurance policies with over \$300 million in exposure “particularly in the oil and gas and telecom sectors.”⁴²

Well known for financing destructive projects around the developing world, the EDC has maintained this trend in Colombia; during 2002-2004, the EDC gave \$130 million in total financing for sales by Nortel Networks (**now bankrupt and being liquidated**) of telecommunications equipment to America Movil in Colombia. Mexico-based America Movil is the largest cell phone company in Latin America. While being subsidized by the EDC, Nortel has played a major role in bringing about the liquidation/privatization of TELECOM, Colombia’s main publicly-owned telecommunications company; this has been a disaster for Colombian workers leading to the elimination of 8,000 union jobs and the loss of a valuable national asset (**see 2006 edition of this report for more details**). Additionally, the EDC provided a U.S.\$160 million line of credit to the Colombian government to buy Canadian equipment for the Cerrejon Zona Norte coal mine in Guajira department. This mine has had “a devastating effect” on the lives of the

⁴¹ Government of Canada, Department of Foreign Affairs and International Trade (DFAIT), The Canadian Trade Commissioner Service, “Relations in Trade & Investment - Canada / Colombia,” <http://www.infoexport.gc.ca/ie-en/DisplayDocument.jsp?did=6181&gid=191>; DFAIT, *Colombia: A Guide for Canadian Exporters and Investors*, op.cit., p. 23; CEC, op.cit., p. 8.

⁴² DFAIT, *Colombia: A Guide for Canadian Exporters and Investors*, op.cit., p. 23; CEC, op.cit., p. 8. Government of the United States, Energy Information Administration (U.S. EIA), “Colombia, July 1998,” www.eia.doe.gov/emeu/cabs/colombia : The U.S. government's EXIM bank loans to Colombia were frozen during 1996-1997 and resumed in April 1998.

Wayuu indigenous people who have suffered massive displacement and the loss of their livelihoods and food sources (see **coal in trade section for more details**).⁴³

Similarly, the EDC has given \$18.2 million for the construction of the Urra hydroelectric project on the Sinu river in Cordoba department. The money went to a subsidiary of BFC Construction Corporation based in Mississauga, Ontario. A second Canadian company, Agra-Monenco Quebec, was monitoring the project. The building of this dam has destroyed the fishing areas that are the main source of food for three thousand Embera Katio people, an indigenous community living in Tierralta County. The dam has displaced hundreds of Embera Katio and resulted in “an epidemic of mosquito-borne diseases.” The Embera’s opposition to the dam has been met by paramilitary violence. On June 2, 2001, paramilitaries kidnapped and disappeared Kimy Pernia Domico, an Embera Katio leader, who campaigned internationally against the dam. In 1999, he came to Canada to tell a parliamentary committee about the enormous damage being done by the project. In his words: “Since Canada’s Export Development Corporation has contributed to the Urra Megaproject and thereby the damage it has caused to the Embera people and other non-indigenous inhabitants of the region, we believe the Canadian government shares a responsibility to ensure that we are adequately compensated for this damage.” On September 16, 2000, death squads killed four Embera Katio and abducted 21 other members of the community. The kidnapped were released on October 16 after hundreds of Canadians sent letters to the Colombian government. Fearing “possible annihilation,” the Embera Katio applied to Spain for political asylum in May 1999.⁴⁴

⁴³ For the EDC’s appalling record see NGO Working Group on the Export Development Corporation, *Reckless Lending Volume II: How Canada’s Export Development Corporation Puts People and the Environment at Risk*, Ottawa, May 2001, (Report); Ramirez Cuellar, op.cit., pp. 12-17.

⁴⁴ Rod Giles (EDC), Letter to Pavitra Elliot (Probe International), March 2, 1999; Colombia Human Rights Network, "The Embera Katio People Under Threat by Urra Hydroelectric Project", January 4, 1999, www.igc.org/colhrnet/urgentaction/urra.htm; Steve Dudley, "Paradise Lost", *In These Times*, August 8, 1999, p. 8; Mario Murillo, "Indigenous Communities Caught in the Crossfire", *NACLA*, July/August 1999, pp. 10-11; Paul Knox, "Agency Under Fire over Dam", *The Globe and Mail*, November 16, 1999; Rhoda Metcalfe, "Colombian Indians Battle Dam for Survival," *CBC Newsworld Online*, July 5, 1999; Inter-Church Committee on Human Rights in Latin America (ICCHRLA), "Canadian Churches hold Colombian Government Responsible for Embera Katio Disappeared by Paramilitary and Call for Prompt Intervention to Save their Lives," September 19, 2000; "21 Abducted Embera Katio Released," October 16, 2000; "Indians Ask Spain for Asylum," *The Globe and Mail*, May 1, 1999; NGO Working Group on the EDC, *Reckless Lending Volume II*, op.cit.; Submission of Kimy Pernia Domico to the Canadian Parliamentary Hearings on the Export Development Act Conducted by the Standing Committee on Foreign Affairs and International Trade in Ottawa, November 16, 1999, <http://www.web.net/~icchrla/Colombia/Testimony-KimyPernia-Nov99.htm>; ICCHRLA, "Urgent Action: Please Respond Immediately to Save the Life Of Kimy Pernia Domico", June 4, 2001.

Like DFAIT, EDC has a very favourable view of privatization in Colombia especially in telecommunications and infrastructure. As the Crown Corporation puts it “The elimination of the state telecom monopoly has seen private investment rush in to meet the popular appeal of new cellular services...Privatizing operations are also being considered in the telecommunications sector, where foreign investment in the form of joint ventures and partnerships is encouraged. Equipment supply is also required and Canadian companies have been actively involved in expanding Colombia’s fixed-line telecommunications and cellular networks...Plans are proceeding for the privatization of up to 40% of the national highways, leading to additional procurement in road, bridge and surface enhancement and rehabilitation. Automated toll collection systems are just one of the niches where Canadians have been active. Previous sales of Canadian aircraft and helicopters also bode well for future sales to regional air transport sectors.”⁴⁵

David Goldfield, the EDC’s regional manager for Andean/Caribbean countries, stated in a presentation to the Canadian Council for the Americas (CCA—a Calgary-based business group focused on Latin America and the Caribbean) on November 5, 2002, that “Major EDC-supported [Canadian] exporters” to Colombia were: “Enbridge, Sandwell, Dessau Soprin, International Grain Trade, Maple Leaf Foods, Abitibi, Nortel, Bell Canada International.” The previous edition of this report documented Enbridge’s transfer of military equipment to the Colombian army’s 14th Brigade which has “an atrocious record of human rights violations.” (see Enbridge in oil section).⁴⁶

Like the EDC, the Canadian International Development Agency (CIDA) has done considerable damage in Colombia. Through millions of dollars in grants, CIDA has encouraged the liberalization and privatization of the telecommunications, mining, and oil and gas sectors. As seen, these processes have led to the loss of Colombia’s most valuable national resources and thousands of jobs. By helping foment such social disaster, Canadian policy has significantly worsened the suffering of the Colombian people; Ottawa has created opportunities for Canadian companies in the above sectors by exacerbating the poverty and inequality that are the main causes of the civil war in Colombia.

⁴⁵ Export Development Canada, “Exporting to the Andes: Rising Above the Obstacles: Colombia: Building Confidence”, Fall 2005, http://www.edc.ca/corpinfo/pubs/exportwise/fall05/p18_e.htm ; Peter Brake and David Goldfield, “Colombia: New Government Promises Fresh Approach”, Winter 2003, http://www.edc.ca/corpinfo/pubs/exportwise/winter03/p22_e.htm ;

⁴⁶ “EDC Active in Latin America”, *Que Pasa*, Winter 2002, Vol. 10, no. 4, (The Quarterly Publication of the Canadian Council for the Americas—Alberta: A Forum for Canadian Business in Latin America and the Caribbean), http://www.cca-alberta.com/que_pasa/pdfs/QP%20V10-N4.pdf.

In 1995, CIDA approved a grant of \$4 million to “contribute to the liberalization process of the telecommunications sector in Colombia.” The money was for financing training seminars, workshops and advisors. The “executing agency” was Destrier Management Consultants (Ottawa). CIDA also provided \$11.3 million in 1996, to the Colombian Ministry of Mines and Energy, the Ministry of the Environment, and the Canadian Energy Research Institute (CERI) (Calgary, Alberta) to “improve the institutional capacity” of these ministries to regulate the hydrocarbon, mining and energy sectors. Part of this “improvement” involved assisting “in the implementation of institutional reforms” in these sectors. “Deregulation and restructuring” are the reforms mentioned by CIDA in its project description. CERI analyzes “energy economics”; its members comprise Canadian government departments, the University of Calgary and about 100 “energy-related” private companies including Enbridge, Petrobank Energy and Nexen (**all three formerly or now in Colombia**). Also in 1995, CIDA approved \$241,861 in training and technical assistance funds for the Colombian government's Pacific Plan. The money was to go to Radarsat International Inc. (Ottawa) which until December 1, 1998, had received \$171,248.⁴⁷

The CIDA grant for liberalizing the telecommunications sector was spent between August 1996 and December 2003. The grant for the mining and energy sectors was spent between 1997 and 2002. In the latter case, according to CIDA, “the project constituted an appropriate blend of Canadian technical assistance, consulting services and training in Colombia and Canada to implement changes to institutional and regulatory frameworks for the hydrocarbon and mining sectors.” For the hydrocarbon or oil sector, CIDA explains that “The work on new approaches to incremental production of marginal fields, hydrocarbon reserves estimation and royalties will improve Colombia's prospects for attracting foreign investment. The oil and gas model has increased Government of Colombia evaluation capacity on the subject of petroleum contracting and fiscal and royalty policies to overcome existing investment barriers.”⁴⁸ This makes clear that CIDA and Canadian oil companies (through CERI) have been involved in the development of the Colombian government's new oil policy which, as seen below, virtually gives away the country's most important national resource to foreign oil

⁴⁷ Government of Canada, Canadian International Development Agency (CIDA), Project Summaries, December 1, 1998: “Sector Reform in Telecommunications-Colombia”; “Energy, Mining and Environment”; “Plan Pacifico-Training and Technical Assistance.”; Canadian Energy Research Institute (CERI), “About CERI”, <http://www.ceri.ca/Institute/institute=private.asp> ; Ramirez Cuellar, op.cit., pp. 38-41.

⁴⁸ Clement Belanger, Media Relations Officer, Canadian International Development Agency (CIDA), Email to Author, January 30, 2006.

companies including Canadian ones. This does enormous harm to Colombia and presents the scandalous spectacle of Canadian companies being involved in creating Colombian policy that benefits them and the Canadian government subsidizing this process. It is hard to find a more egregious example of Canadian economic neocolonialism.

CIDA and CERI have played a similarly negative role in the mining sector. As the Ottawa-based NGO, the North-South Institute (NSI) explains, “CIDA has been instrumental in catalyzing—and providing technical and financial support for—the new revision of Colombia’s mining code enacted in 2001 (Law 685/01)” through the \$11.3 million grant. NSI points out that “Our project partners and participants in Colombia [meaning indigenous groups] regard CIDA as having played a large role in supporting and promoting a ‘regressive’ mining code: a code that has weakened—rather than strengthened—democratic procedures and indigenous rights in favour of creating an investment environment conducive to large-scale mining development.”⁴⁹ Francisco Ramirez Cuellar, the former president of SINTRAMINERCOL, the now-defunct state mining union, calls the 2001 mining code “a law that consolidates looting.” Under the code, the royalty tax on mining for private companies drops to 0.4% from 10% to 15% (in the case of coal for instance). This incredible reduction means that Colombia will get almost nothing from mining projects. “Only the legal and paramilitary force of the multinationals could have brought about such an injustice,” remarks Ramirez. Also, the code extends the time period of a mining concession to 30 years with two possible extensions. According to Ramirez, this change and the one in the royalty “all but eliminate any Colombian state control of mining and its profits.”⁵⁰

CIDA continues to promote Canadian economic neocolonialism in Colombia most recently by explicitly allying itself with Canadian mining companies there. Currently, a main focus of CIDA in Colombia is “natural resource governance.” Given CIDA’s destructive record in Colombia, this can only mean more ways the Agency can invent to keep natural resources out of public hands and ensure their control by Canadian multinational corporations. This time CIDA is carrying out this objective by employing the rhetoric of sustainable development and poverty reduction. Canadian mining

⁴⁹ Viviane Weitzner, *Through Indigenous Eyes: Towards Appropriate Decision-Making Processes Regarding Mining on or Near Ancestral Lands*, (Report), North-South Institute, September 2002, pp. 72-3.

⁵⁰ Ramirez Cuellar, op.cit., pp. 58-9, 63.

companies are, of course, well known for their unsustainable and poverty-increasing impact all over the world.⁵¹

On September 29, 2011, Beverly Oda, Canada's Minister of International Cooperation who is in charge of CIDA, "announced four new projects [including one in Colombia] that will help developing countries in Africa and South America manage their natural resources to ensure they are the source of long-term sustainable benefits to their people. The Canadian extractive industries — particularly mining industries — are the largest in the world, working in many developing countries that have an abundance of natural resources. Working in partnership with the private sector, these resources can contribute to poverty reduction in many of these countries and improve the standard of living for their populations," said Minister Oda. "CIDA is supporting Canada's Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector with initiatives that will contribute to sustainable economic growth, create jobs and long-term poverty reduction."⁵²

"CIDA's announcement also included the implementation of the Andean Regional Initiative (ARI) for Promoting Effective Corporate Social Responsibility. This initiative in Colombia, Peru, and Bolivia will strengthen local governments' and communities' capacity to implement sustainable development projects for the well-being of people living near extractive operations, and will improve dialogue between communities and the private sector. In developing countries, sustainable economic growth and long-term development strategies are key components for ensuring that men and women have opportunities for a future out of poverty," Minister Oda said. "As more and more developing countries see foreign investment as the means to economic growth and our Canadian extractive sector represents a major part in that growth, CIDA can play an important role to help countries achieve their aspirations. Encouraging partnership with the private sector and civil society organizations provides an opportunity for our government to help

⁵¹ CIDA public relations representative, Interview with Author, September 30, 2011; See mining section of this report and Asad Ismi and Kristin Schwartz, *Path of Destruction: Canadian Mining Companies Around the World* [A Radio Documentary], November 2008, www.asadismi.ws

⁵² CIDA News Release, "Minister Oda announces initiatives to increase the benefits of natural resource management for people in Africa and South America", September 29, 2011, <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/CAR-929105317-KGD>

companies fulfill their corporate social responsibilities and benefit those in need." ⁵³

This CIDA announcement is laughable not only because it ignores the Agency's own damaging record in Colombia and that of Canadian mining companies worldwide but also because it implies that these companies are some sort of charity interested in benefiting people in developing countries. The repeated function of these companies has been to create a profit for themselves by exploiting poor people and destroying their environment. As seen, CIDA has helped such companies carry out these functions in the past in Colombia and from the above announcement it appears that now to continue this help the Agency is entering into explicit partnership with these corporations. The government of Canada's role in Colombia just keeps getting more and more neocolonial.

OIL AND WAR

Before examining the role of Canadian companies in Colombia's oil and gas sector, the context for their operations needs to be established. Oil is Colombia's most important commodity and has been its leading export since 1996; it provides almost one-third of state revenues. **In 2010, 67% of the \$6.8 billion in foreign investment in Colombia went to the oil and gas and mining sectors. From 2002 to 2010, foreign investment in these areas increased almost ten times from U.S. \$466 million to U.S.\$4.5 billion. This massive increase is mainly due to high oil and mineral prices and the generous terms offered to multinational corporations in both sectors by the Colombian government (see below). Colombia is Latin America's third-largest exporter and producer of oil (after Brazil and Venezuela) and among the leading ten suppliers to the U.S. The country produced 982,000 barrels of oil a day (b/d) in 2011(the highest output in the last 12 years) compared to 800,000 in 2010, 680,000 in 2009 and 830,000 in 1999. Colombian oil production has increased significantly after declining to a low of 530,000 b/d in 2004. Colombia exports half of its oil production most of this going to the U.S. Colombia's proven crude oil reserves have declined by close to a stunning 50% since 1999 from 2.6 billion**

⁵³ Ibid.

barrels then to 1.36 billion barrels in 2009, the fifth largest in South America. In comparison, Venezuela, South America's leading crude oil exporter, has 211 billion barrels of proven crude oil reserves. Thus, on the international level, Colombia is "a minor oil player" with less than one percent of total global proven reserves.⁵⁴

Under contracts with Ecopetrol, the state oil company, multinational corporations extract almost all of Colombian oil. Seventy international oil companies are active in Colombia. The leading foreign oil producer in Colombia is Canada's Pacific Rubiales which operates the country's biggest oil field. Canada's Talisman Energy (see below) partially owns Colombia's largest oil pipeline and operates the important Cusiana-Cupiagua oilfields. Talisman along with Ecopetrol bought out the Colombian investments of U.K.-based British Petroleum Amoco (BPA) in August 2010. These included the Cusiana-Cupiagua oilfields located in Casanare department, 250 miles east of Bogota. Another prominent oil field is the Cano Limon in Arauca department (adjoining Casanare), near the Venezuelan border; this is operated by Occidental Petroleum based in the U.S.⁵⁵

⁵⁴ Government of the United States, Energy Information Administration (EIA), "Colombia: Country Analysis Briefs" June 2011, <http://www.eia.gov/countries/cab.cfm?fips=CO>, March 2010, <http://www.eia.doe.gov/cabs/Colombia/pdf.pdf>, "Colombia: Country Analysis Briefs", July 2005, <http://www.eia.doe.gov/emeu/cabs/Colombia/Background.html>, "Colombia, March 2000" and "Colombia, June 1999", <http://www.eia.doe.gov/>; Toni Peters, "Ecopetrol Did Not Meet 2011 Oil Production Target", *Colombia Reports*, January 4, 2012, <http://colombiareports.com/colombia-news/economy/21349-ecopetrol-did-not-meet-2011-oil-production-target.html>; "World Looks to Colombia for Oil Supply", (No Author), *Energy Editor*, April 4, 2011, <http://energyeditor.ca/2011/04/world-looks-to-colombia-for-oil-supply/>; "Venezuela Ups Proven Oil Reserves by 23 percent", Agence France Press, <http://www.france24.com/en/20100318-venezuela-ups-proven-oil-reserves-23-percent>; Government of Colombia, Proexport Colombia, "Report on Foreign Direct Investment in Colombia," April 2011, http://www.investincolombia.com.co/Adjuntos/209_Report%20on%20Foreign%20Direct%20Investment%20in%20Colombia.pdf; Susan Abad, "Colombia: Deepening Dependency on Mining", *Latinamerica Press*, March 21, 2011, <http://www.eurasiareview.com/colombia-deepening-dependency-on-mining-21032011/>; Government of Colombia, Ministry of Trade, Industry and Tourism, "Colombia: Exports by Products, 2001-2004"; Juan Forero, "Colombia Seeks Help to Boost Output", *The Journal Record* (Oklahoma City), November 12, 2001; Forero, "Safeguarding Colombia's Oil", *New York Times*, October 22, 2004.

⁵⁵ Talisman Energy Press Release, "Talisman Energy and Ecopetrol Agree to Acquire BP Exploration Company (Colombia) Limited", August 3, 2010, http://www.thepressreleasewire.com/client/talisman_energy/release.jsp?actionFor=1299068&year=2010&releaseSeq=10, EIA, "Colombia Country Analysis Brief", July 2005, op.cit.; Steven Dudley and Mario Murillo, "Oil in a Time of War", *NACLA Report on the Americas*, March/April 1998, p. 43.

In November 2007, the Uribe government privatized 10.1% of Ecopetrol by selling \$2.8 billion of stock to Colombians. This was the biggest sell-off in Colombian history. In 2006, the Colombian Congress approved the sale of 20% of Ecopetrol and the current Santos government plans to sell even more than this percentage of the company. Also, as mentioned above, the Uribe government split Ecopetrol into three companies which while technically not a privatization has the same effect. Ecopetrol itself is an oil producer and refiner, the National Hydrocarbon Agency (NHA) negotiates oil contracts and the Colombian Energy Promotion Association performs promotional duties. Another part of Ecopetrol that has been actually privatized is Ecogas. In February 2005, the Colombian government announced that it will sell Ecogas, a subsidiary of Ecopetrol, as part of its privatization program. Ecogas operates the most extensive network of natural gas transmission in Colombia. The company owns 1,829 kilometers of pipelines and operates another 1,815 kilometers through Build-Operate-Maintain-Transfer (BOMT) contracts.⁵⁶

Changes brought about in 2001 and by Uribe (which were funded by CIDA and involved Canadian corporations as noted above) mean that foreign companies can negotiate contracts with the NHA without partnering with Ecopetrol, and retain up to 100% of the oil produced (before 50% had to be given to Ecopetrol). Also, the royalty rate for oil produced has been reduced from 20% to only 8% and the time limit on production has been removed. These steps, as stated, signify a massive loss for Colombia and the virtual giving away of its biggest export earner and most valuable national resource. The Uribe government considered these changes necessary for encouraging foreign investment which it hopes will boost declining production and maintain Colombia's position as an oil exporter. But as journalist-academic Garry Leech, who specializes in Colombia, explains, the government has used "the misleading concept of maintaining oil self-sufficiency" to justify a handover of the resource to multinationals. He points out that "while Colombian oil production will likely increase in the coming years, it will be primarily produced by foreign companies and Colombia will purchase much of this oil at the same global market prices it would pay for overseas crude." So even if

⁵⁶ "Colombia's Ecopetrol Sells Shares for \$2.8 Billion", *Reuters*, November 15, 2007, <http://www.reuters.com/article/idUSN1528306420071115>; "Finance Minister: Colombia Could Sell Ecopetrol Stake Beyond Approved 20%," *Colombia Reports*, November 26, 2010, <http://colombiareports.com/colombia-news/economy/13139-finance-mincolombia-could-sell-ecopetrol-stake-beyond-approved-20.html> Garry Leech, *Canadian Dimension*, op.cit.; Government of Colombia, *Colombia Trade Report*, op.cit.

Colombia technically remains an oil exporter, this position will become increasingly meaningless and rather expensive.⁵⁷

The armed conflict in Colombia predates the development of oil as the country's leading export. However, given its economic importance, the oil industry has exacerbated the violence and foreign oil companies have been linked to major human rights violations. **Eighty percent of human rights violations in Colombia during the last ten years (2001-2011) were committed in oil and mining areas and 87% of the country's displaced people come from these regions.** British Petroleum Amoco (BPA) and Occidental, the two largest oil companies in Colombia (**until August 2010 when BPA sold its interests**) have both been linked to official violence. As noted in the introduction, representatives of Texaco took part in meetings that set up a paramilitary unit. **As discussed below, the Canadian companies Gran Tierra, Petrominerales, Talisman, Pacific Rubiales, Enbridge and TransCanada Pipelines have been connected to military/paramilitary operations and human rights violations.** Two-thirds of the Colombian army is devoted to protecting oil pipelines which are frequently blown up by guerrillas. The FARC and ELN oppose foreign oil investment and since 1986, have bombed oil pipelines more than a thousand times. Occidental's Cano Limon pipeline is the one most frequently blown up.⁵⁸ Pipeline protection involves major human rights violations by the army and paramilitaries. The government has militarized oil producing areas and terrorized the local population which it assumes to be guerrilla supporters.

British Petroleum Amoco has faced repeated allegations of complicity in murder, torture and intimidation. According to the Petroleum Workers Union (USO), "BP[A] is the most aggressive oil company in Colombia. Workers have no right to organize...There are disgraceful human rights violations." British

⁵⁷ Ibid.

⁵⁸ Scott Pearce, *Fueling War: The Impact of Canadian Oil Investment on the Conflict in Colombia*, Centre for Research on Latin America and the Caribbean (CERLAC—York University), Working Paper Series, November, 2002, p. 16; www.yorku.ca/cerlac/pearce.pdf ; **Peace Brigades International Colombia, *Mining in Colombia: At What Cost?*, Newsletter No. 18, November 2011, p. 3, http://www.pbi-colombia.org/fileadmin/user_files/projects/colombia/files/colomPBla/111203_mining_in_colombia_web.pdf** ; Washington Office on Latin America (WOLA), "Protecting the Pipeline: The U.S. Military Mission Expands," *Colombia Monitor*, May 2003, p. 8, www.wola.org/Colombia/monitor_may03_oil.pdf ; Thad Dunning and Leslie Wirpsa, "Oil Rigged in Colombia", *Americas.org*, (posted at <http://www.ran.org/news/newsitem.php?id=450>)

television reported in June 1997 that BPA contracted former soldiers from Britain's elite Special Air Service (SAS) in 1992 through a British company called Defense Systems Limited (DSL) and its Colombian subsidiary Defense Systems Colombia (DSC) to provide lethal counterinsurgency training to a Colombian police unit charged with guarding BPA staff and installations in Casanare. Given the abysmal human rights record of Colombian security forces, Amnesty International called this action of BPA, "a dangerous policy which could lead to serious human rights violations against the local community."⁵⁹ Six members of the El Morro Association, a group of activists from Casanare, were killed in 1996 after they publicly criticized BPA's security and environmental practices. Gabriel Narvarez, an adviser to the El Morro Association, says the murders were the work of paramilitary forces contracted by BPA.⁶⁰

Richard Howitt, a member of the European Parliament from the British Labour Party, has accused BPA of supplying the Colombian army with photographs and videotapes of peasants, workers and environmental campaigners. These charges were supported by the British magazine, *The Observer*, in October 1996, when it revealed an unpublished Colombian government report according to which BPA collaborated with soldiers involved in torture, murder and kidnapping. The company was passing intelligence (including photos and videotapes) about protesters to the army's 16th Brigade that works with paramilitary death squads. The Brigade subsequently arrested or kidnapped protestors as "subversives." The report quotes the commander of the Brigade's intelligence wing as saying that he found oil companies' information "very useful." Beginning in November 1995, BPA paid the 16th Brigade U.S.\$5.6 million over three years to guard its personnel

⁵⁹ Amnesty International, "Colombia: British Petroleum Risks Fuelling Human Rights Crisis Through Military Training", AMR 23/44/97, June 30, 1997; John Pilger, *Hidden Agendas*, London, Vintage, 1998, p. 86.

⁶⁰ Steven Dudley and Mario Murillo, "Oil in a Time of War", *NACLA Report on the Americas*, March/April 1998, p. 46.

and installations. In 1996, the company signed a U.S.\$5 million contract with the Colombian National Police for similar services.⁶¹

While oil has greatly benefited a group of executives and skilled technicians, it provides only a handful of jobs and scant royalties for rural communities and towns near the oil fields and pipelines. Eighty-five percent of people in Casanare (where BPA was located) live in “absolute poverty.” Schools and hospitals are inadequate and roads are poor. Oil industry jobs are often on short-term contract. “Nothing is shared. The politicians take the royalties and the poor people don't see anything,” says Domingo Villamizar, a former oil worker who lives near the Cano Limon pipeline. Sergio Entrena, governor of the impoverished North Santander region in 1999, says his administration got only a few million dollars a year in royalties which had almost no effect. As another observer put it, “People think that [the oil companies] take away the riches and leave nothing behind.”⁶²

Plan Colombia

It was partly to protect and expand the operations of oil multinationals that the U.S. government authorized Plan Colombia which has only increased violence, displacement and devastation in the country. Under the Plan, **the U.S. has given \$7.3 billion** in largely military aid to Colombia since 2000. The main element of the Plan is aerial fumigation of coca crops and the money has funded 60 Black Hawk and Huey-2 helicopter gunships with U.S. crews, spraying aircraft with U.S. pilots and the creation of three Colombian counternarcotics army battalions. As noted, Plan Colombia has resulted in the massive displacement of peasants, destruction of their legal crops, adverse affects on their health and poisoning of water sources. Colombia supplies about 80% of the U.S.’ cocaine and Plan Colombia aims to cut coca cultivation by 50%. The U.S. claims that in this way Plan Colombia is directed at fighting drug trafficking at its source. However, this is unconvincing because the Plan is focused on the southern departments of the country especially Putumayo, the FARC’s main base. Most drug trafficking operations in Colombia are run by paramilitaries based in the north and these are

⁶¹ David Harrison, “The Oilmen’s ‘Colombian Kiss’”, *The Observer*, November 3, 1996; “BP at War: Colombia”, *The Economist*, July 19, 1997, p. 32; Pratap Chatterjee, “Mercenary Armies and Mineral Wealth”, *Covert Action Quarterly*, Fall 1997, pp. 28, 37.

⁶² Harrison, *The Observer*, op.cit; John Otis, “Oil and Poverty Just Don't Mix”, *Insight on the News*, February 24, 1997, p. 45.

untouched by Plan Colombia. According to the Colombian government, paramilitaries control 40% of the drug trade, while the FARC only controls 2.5%.
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A more likely explanation for Plan Colombia is opening up oil-rich areas like Putumayo for exploration by petroleum multinationals; this requires targeting and significantly weakening the FARC since the department's vast oil reserves are located mostly in the guerrilla group's territory; a second requirement is protecting oil companies from guerrilla attacks. Hence, in 2002, the Bush Administration expanded the scope of Plan Colombia beyond counternarcotics operations to counterinsurgency in order to combat "illegal armed groups as part of the global war on terror." Thus U.S. military aid is now being used directly against the FARC which attacks the facilities of foreign oil companies.

In 2004, the Colombian government launched the Patriot Plan, a new part of Plan Colombia which involves a military offensive of 18,000 soldiers (financed with \$100 million in US military aid) to eject the guerrillas from oil areas. The government has also created two army battalions specifically to guard oil installations. Anne Patterson, the U.S. Ambassador to Colombia (at the time), made clear soon after September 11, 2001, "the importance of finding alternative sources of oil in the context of the war on terror." She stated that Colombia, "has the potential to export more oil to the United States, and now more than ever, it's important for us to diversify our sources of oil." As the *The New York Times* puts it, an objective of Plan Colombia is "to make potentially oil-rich regions safe for exploration by private companies and the government-run oil company. With Colombian oil production falling, and the U.S. government eagerly seeking to diversify American oil imports, Colombia's government has made securing potentially lucrative oil basins and other energy infrastructure a cornerstone of its efforts to pacify this vast country."

Adam Isacson, a Colombia expert at the **Washington Office on Latin America (WOLA)**, a well-known non-governmental organization which is close to the Obama Administration, adds: "Even if the Uribe government has launched offensives in other places, the U.S. assistance has been in places that do

⁶³ ; Joseph Contreras, "Failed 'Plan' ", *Newsweek*, August 29, 2005; Tad Szulc, *Los Angeles Times*, op.cit.; Scott, *Drugs, Oil and War*, op.cit., p. 75; Latin America Working Group (LAWG—U.S.), "Colombian NGOs Request Congress Not to Spray on National Parks but to Support Alternative Programs", June 23, 2005, http://www.lawg.org/countries/colombia/rethinking_col_ngos.htm ; Witness For Peace, *Putumayo 2004: An Evaluation of Four Years of Plan Colombia in Putumayo*, (Report), <http://www.witnessforpeace.org/pdf/putu2004.pdf>

have oil reserves.” According to Stan Goff, a former U.S. Special Forces intelligence sergeant, who trained Colombian anti-narcotics battalions, Plan Colombia’s purpose is “defending the operations of Occidental, British Petroleum and Texas Petroleum and securing control of future Colombian fields; the main interest of the United States is oil.”⁶⁴

The U.S. Geological Survey released a World Petroleum Resource Assessment in April 2000 that estimated there were up to 300 commercially viable but undiscovered oil fields in the area encompassing southern Colombia, northeastern Ecuador and northwestern Peru. The biggest deposits are in Putumayo and across the border in Sucumbios, Ecuador. The fields range from an estimated one million barrels (the minimum for commercial viability) to 750 million. According to Ecopetrol, Putumayo contains an estimated 2.4 billion barrels of undiscovered oil.⁶⁵

BPA, Occidental and other multinationals have spent millions lobbying the U.S. Congress to increase U.S. involvement in and aid to Colombia; oil companies spent \$25 million for these purposes between 1995 and 2000, with BPA and Occidental creating a lobby group called the U.S.-Colombia Business Partnership. Occidental alone spent \$8.7 million on such lobbying while BPA, ExxonMobil, Texaco, Unocal and Phillips Petroleum spent about \$13 million. Lawrence Meriage, Occidental’s Vice President, told a House of Representatives subcommittee holding hearings on Plan Colombia: “the counter-narcotics battle simply cannot be won without a stronger, better equipped and highly disciplined military force.” He urged the committee “to consider support of counter-narcotics operations in the northern regions [where Occidental is based] as well as the south. This will help augment security for oil development operations which as noted earlier are fundamental to the success of Plan Colombia”.⁶⁶

This is exactly what the U.S. government did, making the petroleum basis of the Plan blatantly clear. In 2003, the Bush Administration extended Plan

⁶⁴ Leech, *Canadian Dimension*, op.cit.; Kathryn Wolford, “A New Plan for Colombia: Negotiated Peace Should be the Goal”, LAWG, http://www.lawg.org/countries/colombia/rethinking_lwr_article.htm; Forero, *New York Times*, op.cit.; Dunning and Wirpsa, *Americas.org*, op.cit.; Duroyan Fertl, “Colombia: Washington’s Other Oil War”, Centre for Research on Globalization, June 24, 2005, <http://www.globalpolicy.org/empire/economy/2005/0624colombia.htm>

⁶⁵ Peter Gorman, “Scorched Earth Policy”, *The Fort Worth Weekly*, March 13, 2003, <http://www.fwweekly.com/issues/2003-03-13/feature.html/page1.html>

⁶⁶ Nazih Richani, “Multinational Corporations, Rentier Capitalism, and the War System in Colombia”, *Latin American Politics and Society*, Fall 2005, pp. 131-2; Scott, op.cit., p. 100; Amnesty International, *Colombia A Laboratory of War*, op.cit.

Colombia to Arauca department in northern Colombia, another oil-rich area, in order to increase protection for Occidental's Cano Limon pipeline which goes to Covenas on the Caribbean coast. Washington gave Colombia \$99 million for both the notorious 18th Brigade which guards the pipeline and the creation of a new 5th Mobile Brigade to augment this protection. For the 18th Brigade, the money provided helicopters, training, intelligence and equipment. Occidental also funds this Brigade and has given it transport helicopters. In January 2003, the U.S. sent 60 Special Forces troops to train the new brigade; they joined ten trainers already there. The Cano Limon oilfield produces 30% of Colombia's oil and the pipeline, as mentioned, has been attacked more frequently than any other by the FARC and ELN.⁶⁷

Arauca is one of the most militarized and violent departments in Colombia. Increased pipeline protection has been implemented by a bloodbath. Acting in league with paramilitaries, the 18th brigade killed more than 400 civilians in the department during 2001-2003. This included peasants, unionists, journalists, human rights activists, student leaders and children. According to an April 2004 Amnesty International report, the 18th Brigade continues to be "directly involved in killings, torture and 'disappearances'". The report explains that "One of [the paramilitaries'] main aims has been to 'cleanse' the department of any perceived threat to the pipeline and other oil and general economic interests." In February 2002, 10,000 people participated in a general strike in Arauca calling for an end to the slaughter and the withdrawal of U.S. troops. On August 5, 2004, the 18th Brigade assassinated three union leaders as discussed in the introduction. *The Guardian* (U.K.) identified trade unionists as "the prime target of the US-funded 18th Brigade" and stressed that "Teachers, health workers and union activists were being killed in appalling numbers."⁶⁸

⁶⁷ Isabel Hilton, "Colombia's oil pipeline is paid for in blood and dollars", *The Guardian*, August 20, 2004; <http://www.guardian.co.uk/comment/story/0,3604,1287054,00.html> ; Amnesty International, *Colombia A Laboratory of War*, op.cit.;

⁶⁸ Alfredo Castro, "Leading Human Rights Campaigner Detained in Colombia", August 2, 2003, Anncol, <http://www.anncol.org/uk/site/doc.php?id=23> ; Hilton, *The Guardian*, op.cit.; Dan Kovalik, "U.S. Support for War of Terror in Arauca", November 7, 2004, <http://www.anncol.org/uk/site/doc.php?id=184> Amnesty International, *Colombia A Laboratory of War*, op.cit.; "Colombia: Rights Defenders Under Attack," Inter Press Service, September 1, 2003; T. Christian Miller, "Chaos in Colombia: Blood Spills to Keep Oil Wealth Flowing," *Los Angeles Times*, September 15, 2002; "10,000 Protest U.S. Troops in Arauca, Colombia," Anncol, February 21, 2002; "Colombian Army Accused of Bloodbath in Arauca," Anncol, August 6, 2002.

In Putumayo and other southern departments, Plan Colombia created “the hottest conflict area in Colombia” during 2005. In October-November, 2,000 people fled their homes in Putumayo and Narino (an adjoining southern department) to escape an upsurge in fighting between the FARC and security forces and paramilitaries. About 850 of the displaced crossed the border to Ecuador. The United Nations High Commissioner for Refugees (UNHCR) estimates there to be 30,000 Colombian refugees and asylum seekers in Ecuador and another “250,000 Colombians of concern.” In June, 1,200 people belonging to the Aw indigenous group were forced to flee heavy fighting between the FARC and the army in Narino; 3,500 indigenous Nasa people did the same in April from the southwestern province of Cauca. Narino has 50,000 internally displaced people from the department itself and from Putumayo and Caqueta; until August 2005, more than 35,000 people had fled their homes in Narino. **In 2010, the southern departments of Putumayo and Caqueta continue to be “among the areas most severely hit by forced displacement” according to UNHCR.** ⁶⁹

During October 2009, in the municipality of Puerto Leguízamo, in Putumayo, more than 6,000 families occupied the Puerto Piñuña Police Station, as well as four other police stations, for 63 days. The families were from eight indigenous communities living along the Putumayo river. They were protesting displacement, Plan Colombia, the eradication of coca crops and military and paramilitary violence directed against them. The people demanded negotiations with the government and a stop to military and paramilitary repression and coca eradication programs “that are causing thousands of residents to be displaced.” ⁷⁰

⁶⁹ UNHCR, “Country Update: Colombia”, February 2010, http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Colombia/EN/Colombia_country_update_feb2010.pdf, Garry Leech, Interview with Author, December 8, 2005; United Nations High Commissioner for Refugees (UNHCR), Briefing Notes, “Colombia/Ecuador Upsurge in Fighting along Border, Many Hundreds more Displaced”, November 15, 2005; “Humanitarian Crisis Unfolding on Border Between Colombia and Ecuador”, July 1, 2005; “Colombia: Growing Impact of Forced Displacement, April 22, 2005; “Colombia-Ecuador Border: April 2005” (Map); <http://www.unhcr.ch/>; International Organization for Migration, “Colombia: Access to Technology for Families at Risk of Internal Displacement”, <http://www.iom.int/en/news/PBN011105.shtml>

⁷⁰ James Jordan, “Colombians Refuse to be Displaced: Over 5,000 Occupy the Pinuna Negro Police Inspector’s Office in Putumayo”, *Narco News Bulletin*, December 21, 2009, <http://narconews.com/Issue63/article3998.html>; James Jordan, “Indigenous and Rural Communities on the Move in Putumayo and Narino”, *Narco News Bulletin*, March 1, 2010, <http://www.narconews.com/Issue64/article4067.html>

As James Jordan writing about this occupation in *The Narco News Bulletin* in December 2009, expressed it: “With no means to earn a livelihood, rural communities are enduring widespread malnutrition, disease and lack of educational or economic opportunity. The local population has been subjected to rampant abuses by the military, including unprovoked and random armed assaults against civilian populations, the forced procurement of crops and other resources, occupation of homes and farms and a military blockade prohibiting the entry of food and other daily necessities into the area. Paramilitary death squads have operated with impunity, threatening the population and, worse, committing assassinations and other acts of violence.” Forced to negotiate, the government signed a 45 point agreement with the protesting families, pledging more social investment and a crop substitution program. It remains to be seen whether the authorities will carry out the agreement.⁷¹

As Jordan points out, “Plan Colombia has been officially described as both part of the War on Drugs and as a war against Colombian insurgents. However, in each, the plan has been a failure. Cocaine production in Colombia is actually on the rise. Meanwhile, there has been a reconstitution of guerrilla forces and newly announced unity between the two largest such armies, the Revolutionary Armed Forces of Colombia (FARC) and the National Army of Liberation (ELN).” Adam Isacson, the Colombia expert at the Washington Office on Latin America, agrees that Plan Colombia’s “progress against illegal drug supplies has been disappointing” and states in a July 2010 report on the Plan titled “Don’t Call it a Model” that “Colombia’s narco-mafias continue to supply U.S. and European addicts demands as well as ever”. He also confirms that Plan Colombia which was aimed at substantially diminishing the FARC’s power has failed to do so; the guerrilla army remains a potent military force even after the U.S. has spent \$7.3 billion on ten years of coca spraying, three counternarcotics battalions and counterinsurgency operations.⁷²

⁷¹ Ibid.

⁷² James Jordan, “Indigenous and Rural Communities on the Move in Putumayo and Narino”, *Narco News Bulletin*, March 1, 2010, <http://www.narconews.com/Issue64/article4067.html> ; Adam Isacson, “Don’t Call it a Model: On Plan Colombia’s Tenth Anniversary, Claims of Success Don’t Stand Up to Scrutiny”, Report, *Washington Office on Latin America*, July 14, 2010, http://www.wola.org/index.php?option=com_content&task=viewp&id=1134&Itemid=2 ; Rory Carroll, “Hillary Clinton: Mexican Drugs War is Colombia-Style Insurgency”, *The Guardian* (U.K.), September 9, 2010, <http://www.guardian.co.uk/world/2010/sep/09/hillary-clinton-mexican-drug-war-insurgency> ;

According to Isacson “independent security analysts, including Colombia’s Corporacion Nuevo Arco Iris think-tank and the International Committee of the Red Cross (ICRC), found a modest but worrying rise in guerrilla attacks and activity since 2008, the high-water-mark year of the ‘Democratic Security’ strategy.” Isacson quotes Christophe Beney, ICRC Colombia delegation head saying in April 2010, “What we see today, perhaps between the end of 2009 and the beginning of 2010 is that the FARC as a guerrilla group have adapted dynamically and once again have a capability, as we have seen in the last two or three months, to continue being an important actor in the armed conflict.” Isacson adds that at least 9,000 FARC and ELN guerrillas “persist in remote areas, urban slums, and along key strategic corridors.” They carry out daily attacks throughout the country. ⁷³

Meanwhile, the spraying and fighting generated by Plan Colombia have devastated Colombian communities by causing massive displacement as seen above, destroying food crops, contaminating water sources and leading to negative health effects including the death and illness of children. Scientific studies show that glyphosate, the herbicide sprayed, can have “adverse health impacts” on humans. According to a Colombian health and environmental study carried out in Putumayo in 2001, more than 4,000 people “were suffering from acute eye irritation, respiratory problems, heart arrhythmias, skin lesions and rashes, temporary paralysis and temporary blindness, among other health problems. Additionally, thousands of animals had died, and the vast majority of area food crops were destroyed.” ⁷⁴

In a July 2002 letter to the U.S. and Colombian governments, 13 indigenous groups in Putumayo stated: “We hold the Colombian government responsible for the misery, hunger, destruction and violence that fumigation causes in our territories... Fumigation is death. Fumigation is ethnocide. Glyphosate kills. It destroys food crops and pastureland and contaminates the water.” The Colombian government has got 8,000 complaints of damages but the U.S. has paid compensation in only five cases. Fifty thousand people, about 15 % of Putumayo’s population, left the heavily fumigated department in 2002, many to grow coca

⁷³ Isacson, *op.cit.*

⁷⁴ Earth Justice, “New Reports Expose Hidden Failures of US Anti-Drug Policy in Colombia”, February 26, 2004, <http://www.earthjustice.org/news/display.html?ID=791>; LAWG, “Colombian NGOs Request U.S. Congress Not to Spray on National Parks”, *op.cit.*; Peter Gorman, “Scorched Earth Policy”, *The Fort Worth Weekly*, *op.cit.*

elsewhere. The loss of livelihood has also compelled some farmers to join the guerrillas or paramilitaries in order to survive.⁷⁵

Canadian Oil Companies

Canada would be very worried if Canadian companies were proven to be involved in any way in promoting paramilitarism or in any unethical activities of any kind.

--Nicholas Coghlan, Counselor, Canadian Embassy, Colombia, July 6, 1998.⁷⁶

It is better right now that [Canadian oil companies] wait and do not invest, because not only will they make the situation worse, but their companies and their officials could be accused of complicity with war crimes.

--Francisco Ramirez Cuellar, President, Colombian Mine Workers Union, August 8, 2002.⁷⁷

The high price of oil and the Colombian government's generous terms for foreign oil companies outlined above have stimulated a rush of such corporations to Colombia since 2005. The rush includes Canadian oil companies which numbered seven in 2006 and now have more than doubled to fifteen. The following fifteen Canadian corporations are active in exploration, production and transport in Colombia's oil sector: Talisman Energy, Pacific Rubiales, Petrobank Energy, Gran Tierra, Nexen, Canacol Energy, Petroamerica, Alange, Solana, C & C Energy, Loon Energy, Suroco Energy, Bolivar Energy, Petrovista Energy and Parex Resources.⁷⁸ Talisman, and Nexen are large, independent oil and gas corporations, Pacific Rubiales is intermediate-sized while the rest are junior companies. The term independent refers to Canadian oil companies not owned by major multinationals such as

⁷⁵ Ibid.

⁷⁶ Nicholas Coghlan, Letter to Francisco Ramirez Cuellar, (President, Colombian Mine Workers Union), Bogota, Colombia, July 6, 1998.

⁷⁷ Quoted in Scott Pearce, *Fueling War: The Impact of Canadian Oil Investment on the Conflict in Colombia*, Centre for Research on Latin America and the Caribbean (York University), Working Paper Series, November, 2002, p. 26; www.yorku.ca/cerlac/pearce.pdf

⁷⁸ Rafi Khouri and Braden Purkis, "Colombia's Oil and Gas: A South American Success Story" (Report), September 14, 2009, Published by Raymond James Ltd. (A Canadian Investment dealer), http://andrewjohns.ca/assets/sector_calls/Colombia_091409_with_cover.pdf

Exxon or BP Amoco. This section will focus on those Canadian oil and gas companies in Colombia that are known to be linked to human rights violations (including making statements which encourage these) and/or significant environmental degradation (including the threat of this). Four Canadian oil companies in Colombia fall into these categories: Talisman Energy, Gran Tierra Energy, Pacific Rubiales and Petrominerales.

Talisman Energy

With assets of Can.\$23.6 billion,⁷⁹ Calgary-based Talisman Energy Inc. is Canada's second largest independent oil and gas producer (after Encana) and has been in Colombia for ten years. The company also has operations in Colombia, Canada, the U.S., U.K., Norway, Netherlands, Qatar, Algeria, Vietnam, Malaysia, Indonesia, Peru and Trinidad and Tobago.⁸⁰ In August 2010, Talisman became one of the biggest investors in Colombia's oil sector by acquiring the assets of British Petroleum Amoco, in partnership with Ecopetrol. Talisman and Ecopetrol bought all the shares of BP Exploration (Colombia) Limited (BPXC) for \$1.9 billion. Talisman holds a 49% interest in BPXC and Ecopetrol, 51%. Thus, Talisman has close to a billion dollars invested in Colombia's oil sector. BPXC's Colombia assets include the large Cusiana-Cupiagua oil fields located in Casanare department, interests in four other producing fields, interests in four pipelines including Colombia's largest, the OCENSA pipeline, which can carry 525,000 barrels of oil per day and ownership of two offshore exploration blocks. BPXC's net proved reserves are 60 million barrels of oil equivalent (boe) and its production is 25,000 boe a day. All this will be added to Talisman's existing interests in 14 oil blocks in Colombia.⁸¹

⁷⁹ Talisman Energy, *Annual Report 2009*, <http://ar.talisman-energy.com/2009/consolidated-financial-statements-and-notes/consolidated-balance-sheets.html>

⁸⁰ Talisman Energy, "Talisman Energy Reports \$1.2 billion Cash Flow for the Third Quarter Record Production, Record Earnings from Operations" News Release, November 2, 2005, www.talisman-energy.com.; *2004 Annual Report Summary*.

⁸¹ Talisman Energy, "Talisman Energy and Ecopetrol Agree to Acquire BP Exploration Company (Colombia) Limited", Press Release, August 3, 2010, http://www.thepressreleasewire.com/client/talisman_energy/release.jsp?actionFor=1299068&year=2010&releaseSeq=10 ; British Petroleum Amoco, "BP Agrees to Sell Colombian Business to Ecopetrol and Talisman", Press Release, August 3, 2010, <http://www.bp.com/genericarticle.do?categoryId=2012968&contentId=7064149> ; Talisman: *Credentials: 2004 Corporate Responsibility Report* ; Detailed Property Review: Colombia http://www.talisman-energy.com/pdfs/2004Reports/04ar_DetdProp_Other.pdf] ; "Operations: Other International", www.talisman-

Talisman's acquisition of BPXC which is a prominent Canadian investment in Colombia means that one notorious company linked to human rights violations is buying the assets of another notorious company linked to human rights violations. The purchase thus encourages the continuation of such violations. Now that it is in BP's place, Talisman is already linked to some human rights violations that BPXC has been connected to such as those stemming from getting protection from paramilitaries and the Colombian army for the OCENSA pipeline. According to journalist Dawn Paley, "seventeen military bases and more than 1,400 soldiers, airmen and marines are stationed near the 820-kilometre-long pipeline."⁸² As noted above, pipeline protection involves major human rights violations by the army and paramilitaries. Also, as stated, the government has militarized oil producing areas and terrorized the local population which it assumes to be guerrilla supporters. These areas include Casanare, where BPXC was based, and where Talisman now will also be operating from (see OCENSA section below for details about paramilitaries' involvement with OCENSA and their role in Casanare).

In terms of human rights, Talisman like BP, has its own notorious reputation which it got due to its investment in Sudan. The company was forced to divest from that country in 2003 because of public pressure. In February 2000, a Canadian government report found that Talisman's investment in Sudan was exacerbating the country's civil war and "contributing to severe human rights abuses". The 22-year civil war ended in 2005.

Talisman has been sued in the U.S. by the Presbyterian Church of Sudan for aiding genocide there; the lawsuit was filed in 2001 on behalf of residents of southern Sudan and seeks "unspecified damages". The lawsuit charges that Talisman and the Sudanese government "willfully participated in a campaign of ethnic cleansing, including extrajudicial killing, war crimes, forcible displacement, military bombings and assaults on civilian targets, confiscation and destruction of property, kidnapping, rape and enslavement against the non-Muslim, African

energy.com; Joe Livernois "Talisman to Increase Regional Investment - Colombia, Trinidad & Tobago", *The America's Intelligence Wire*, Jan 14, 2004; "Talisman Sets Record Exploration Budget for 2003", December 17, 2002, <http://moneyworld.uk-wire.com/cgi-bin/articles/20021217215848B2490.html>.

⁸² Dawn Paley, "Crude Business in Colombia", *The Dominion*, February 25, 2009, <http://www.dominionpaper.ca/articles/2475>

Sudanese population living in and near the oil concession areas.”⁸³ The question has to be asked: why did Talisman enter Colombia at all after the Sudan disaster given the obvious similarities between the two countries: both have repressive governments using death squads to kill thousands of civilians. Talisman has also been sued in Colombia. According to the company’s *2003 Corporate Responsibility Report* “Talisman...has been named as a defendant in a legal action along with our operating coventurer in the District of Acevedo, Colombia. The legal action seeks remediation for environmental impacts associated with lease and access road construction.”⁸⁴

OCENSA Pipeline: A History of Canadian Corporate Links to Human Rights Violations

Talisman Energy and Ecopetrol’s purchase of BP Colombia gives both companies a 24.8% interest in the OCENSA pipeline. The pipeline’s operation has generated many human rights violations by security forces and paramilitaries and continues to do so, and the Canadian companies Enbridge and TransCanada Pipelines (TCPL) have been complicit in some of these violations. Talisman’s involvement with OCENSA continues such Canadian corporate links to official repression. Although both TransCanada and Enbridge have divested from OCENSA, the latter company only did so in 2009, being an operator of the pipeline for 15 years (from 1994 on) during which time this was the most significant Canadian investment in Colombia. TCPL was an operator of OCENSA for six years from 1994 to 2000. It is important to recount this history here in order to show the long-standing connection of Canadian companies to human rights abuses in Colombia and the significance of their continuing involvement with OCENSA.

Calgary-based Enbridge operates the world's longest crude oil pipeline system (from Canada to the U.S.) and Canada's largest natural gas distribution

⁸³ David Ljungren, “Oil Firms Inflamm Sudan’s War: Probe”, *Toronto Star*, February 12, 2000; Larry Neumeister, “New York Judge Lets Talisman Energy Genocide Case Proceed Despite Warnings from Canada, U.S.”, *Newsday*, August 30, 2005.

⁸⁴ Talisman Energy, *2003 Corporate Responsibility Report*, http://www.talisman-energy.com/cr_online/2003/health/project.html.

company, Enbridge Consumers Gas.⁸⁵ Enbridge used to own 24.7% of the OCENSA (Oleoducto Central, South America) pipeline consortium. The \$2.3 billion, 800 kilometre OCENSA pipeline system is Colombia's largest and can carry more than 500,000 barrels of crude oil a day from the Cusiana and Cupiagua oil fields to the port of Covenas on the Caribbean coast for transport by tanker to the U.S.⁸⁶

Until September 7, 2000, Enbridge operated the pipeline jointly with TransCanada Pipelines (TCPL), another large Canadian corporation also based in Calgary; both companies owned 17.5% each of OCENSA. On that date, TCPL announced that it had sold 10.3% of its share of the pipeline to Ecopetrol (the state oil company which already owned 25%) and 7.2% to Enbridge, as part of its disposition of all international operations. TCPL is the largest pipeline firm in Canada and operates North America's most extensive gas transmission network.⁸⁷ As owner-operator of OCENSA, Enbridge provided management, personnel and technical support for the pipeline's operation and port facilities. The rest of the OCENSA consortium consisted of British Petroleum and Total.⁸⁸

As transporter of close to 60% of Colombian oil production, Enbridge clearly played a critical role in the Colombian economy. Its involvement and that of TCPL has, however, not been limited to economic matters. Amnesty International (AI) has linked OCENSA to state repression. According to an AI bulletin dated October 19/1998, OCENSA contracted Defense Systems Colombia (DSC) for security purposes until 1997. During this time, Enbridge and TCPL were joint owner-operators of OCENSA. AI states: "What is particularly alarming is that OCENSA/DSC has purchased military equipment for the Colombian army's 14th Brigade which has an atrocious record of human rights violations." At the time OCENSA/DSC bought the equipment in 1997 through Silver Shadow, a private Israeli security company, members of the 14th Brigade "were under investigation for complicity in a massacre of 15 unarmed civilians in the town of Segovia in April 1996 and for links with paramilitary organizations responsible for widespread human rights violations, including killings, 'disappearances' and torture

⁸⁵ Enbridge Inc., *Annual Reports 2004, 2002; Interim Report to Shareholders, September 30, 2003*; "About Enbridge," "Enbridge International", <http://www.enbridge.com>

⁸⁶ "Enbridge International", op.cit.

⁸⁷ TransCanada Pipelines (TCPL), News Releases, September 7, 2000 and December 8, 1999; *Annual Report 1999*.

⁸⁸ John Skalski, "Line Extension Part of Colombian Production Surge", *The Oil and Gas Journal*, July 28, 1997, p. 67; TCPL, News Release, September 7, 2000.

against the civilian population in the area of the Brigade's jurisdiction." AI points out that it opposes the transfer of military equipment to units implicated in serious human rights violations "as it is reasonable to assume that such equipment could be used to commit further violations."

AI also questions the use of an Israeli security company to procure military equipment for the 14th Brigade: "The relation with Israeli private security companies is potentially of concern given that in the past such companies have provided mercenaries, of Israeli and British and German nationality, to train paramilitary organizations operating under the control of the 14th Brigade. These same paramilitary organizations have been responsible for widespread atrocities against the civilian population." AI is further concerned that, according to information given to the U.K.-based newspaper, *The Guardian*, by a former OCENSA employee, OCENSA/DSC is carrying out a security strategy that "could indirectly or directly contribute to serious human rights violations against the civilian population." According to AI:

“What is disturbing is that OCENSA/DSC's security strategy reportedly relies heavily on paid informants whose purpose is to covertly gather 'intelligence information' on the activities of the local population in the communities through which the pipeline passes and to identify possible 'subversives' within those communities. What is even more disturbing is that this intelligence information is then reportedly passed by OCENSA to the Colombian military who, together with their paramilitary allies, have frequently targeted those considered subversive for extrajudicial execution and 'disappearance'... The passing of intelligence information to the Colombian military may have contributed to subsequent human rights violations.

“...the role of the Colombian security forces in the implementation of a counterinsurgency strategy characterized by the systematic violation of human rights imposes a special moral obligation on national and international companies to ensure that, however unwittingly, they should not condone or encourage such actions. This is particularly the case given that in Colombia human rights violations are frequently committed to secure or protect powerful economic interests.”⁸⁹

From Amnesty International's account it appears that Enbridge and TCPL, (as members of the OCENSA consortium) have been part of the Colombian government's dirty war against its own people. OCENSA has not only transferred military equipment to known assassins but also given these forces information that identifies potential human targets. According to *The Guardian*, the former OCENSA employee mentioned above, described his own role as being “the eyes of the state security forces.” The newspaper adds that there was a secret agreement between OCENSA and the Colombian Defense Ministry under which the latter's counterinsurgency brigades would protect the pipeline. This agreement made the transfer of military equipment to the 14th Brigade "unavoidable," according to John O'Reilly, spokesman for British Petroleum. *The Guardian* described the 14th brigade as having “one of the worst human rights records in Colombia's dirty war. Lawyers have proved the involvement of a brigade commander and officers in one of Colombia's worst massacres in Segovia in 1988 when more than 90 men, women and children were attacked and 43 of them killed.”⁹⁰ This massacre happened eight years before the one that Amnesty links the 14th brigade to, above.

⁸⁹ Amnesty International, "Amnesty International Renews Calls to Oil Companies Operating in Colombia to Respect Human Rights", AMR 23/79/98, October 19, 1998.

⁹⁰ Michael Gillard, Ignacio Gomez and Melissa Jones, “BP Hands ‘Tarred in Pipeline Dirty War,’ ” *The Guardian*, October 17, 1998; "The Dirty War of the Pipeline", *Colombia Bulletin*, Spring 1999, pp. 11-13; Cecilia Zarate-Laun, Colombia Support Network, Interview with Author, July 15, 1999.

Jake Epp, Senior Vice President of TransCanada Pipelines, said on June 1, 1999, that OCENSA was no longer using Defence Systems Colombia. He made the remark at a seminar for Colombian and Canadian government and business representatives held in Toronto. In January 2000, the Colombian government awarded Epp the National Order of Merit, one of Colombia's highest official honours.⁹¹

When questioned about the Amnesty bulletin in May 2001, Jim Rennie, Enbridge's manager of public affairs, responded that OCENSA ended the contract it had with the employee who was behind the plan to sell arms to the Colombian military as soon as it became aware of it. But according to testimony before the British Parliament, this employee was transferred to "another operation in Venezuela." Rennie added that Enbridge's relations with communities along the pipeline "have always been positive" and that "OCENSA is confident in the professionalism of those soldiers assigned to the lawful protection of the pipeline."⁹²

These perennially "positive" community relations did not include 1,000 farmers who sued BP and OCENSA in Britain's High Court for 15 million pounds in July 2005. The farmers accused BP "of benefiting from a regime of terror carried out by Colombian government paramilitaries to protect a 450-mile pipeline [OCENSA]. Many of the 1,000 farmers and their family members who worked on 52 farms affected by the development, say they have been since been forced to live in destitution in the surrounding towns. They alleged that BP benefited from harassment and intimidation meted out by Colombian paramilitaries employed by the government to guard the pipeline." According to the farmers "the paramilitaries intimidated the local population, obstructed farming and suppressed legitimate opposition to the pipeline."⁹³

⁹¹ TCPL, News Release, February 4, 2000.

⁹² Enzo Di Matteo, "Hey It's Just Business: Canucks Kiss Up to Colombia's Paramilitaries," *Now*, May 3-9, 2001.

⁹³ Robert Verkaik, "BP Pays Out Millions to Colombian Farmers," *The Independent* (U.K.), July 22, 2006, <http://www.independent.co.uk/news/world/americas/bp-pays-out-millions-to-colombian-farmers-408816.html>; Business and Human Rights Resource Centre, "Case Profile: BP Lawsuit (re Colombia)," <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/BPlawsuitreColombia>

The farmers also claimed that the pipeline’s construction had destroyed their lands by drying up natural springs that locals had relied on for hundreds of years, as well as by causing flooding. “Crops failed, fishponds became unsustainable and livestock perished in the fields.” Colombian lawyers attempting to aid the farmers claimed that they were being intimidated by paramilitaries. Marta Hinestroza, one of the the farmers’ lawyer travelled to London (England) in April 2002 to raise the issue at British Petroleum’s Annual General Meeting. On her return to Colombia, she and the farmers received death threats from paramilitaries that forced Hinestroza to leave the country and seek asylum in England which she was granted. Juan Carlos Garcia, the local OCENSA manager in Antioquia, was allegedly in contact with the paramilitaries at this time.⁹⁴ Enbridge reacted to this situation by writing to the Colombian government about its “alarm” over the death threats to Hinestroza.⁹⁵ According to the Washington Office on Latin America (WOLA), “Some lawyers who sought compensation from British Petroleum for environmental damage due to the construction of the OCENSA pipeline in the 1990s have been assassinated.”⁹⁶

As Hinestroza put it, “With their construction of the country’s two most important pipelines, (ODC and OCENSA), BP’s subsidiaries in Colombia have left a desolate human and ecological drama, still unresolved after 10 years [ODC is the pipeline that used to carry BP’s oil before OCENSA was built]. Three hundred and fifty small-holding peasants from Zaragosa and Segovia lost their livelihoods with the large-scale disturbance of the land, which contaminated water supplies and eroded the soil on their farms, making it infertile...Today the peasants are in extreme poverty, going hungry, without land to cultivate, without education and without basic public services.”⁹⁷ Farmers claim that in Zaragosa alone, the construction of the OCENSA pipeline destroyed hundreds of water sources and caused landslides that ruined local peasants. Hinestroza adds that she was offered £7,000 by an OCENSA employee to drop her cases.⁹⁸

⁹⁴ **Ibid**; Grace Livingston, Colombia Solidarity Campaign (U.K.), Email to Andy Higginbottom, May 25, 2002.

⁹⁵ Toby A.A. Heaps and Michael H. Rea, “The Culture of Rosy Reporting: Looking at the operations of Nexen, Enbridge, EnCana and Talisman in Colombia and Ecuador,” http://www.corporateknights.ca/stories/colombia_rosy.asp

⁹⁶ WOLA, op.cit., p. 8.

⁹⁷ Marta Hinestroza and Carlos Sanchez, “Beyond Petroleum,” Letters, *The Guardian*, May 5, 2001.

⁹⁸ Jeremy Lennard, 'What Use Am I to Anyone Dead?' *The Guardian*, December 18, 2002.

BP settled the Colombian farmers' lawsuit in July 2006 by agreeing to give them an undisclosed sum which was lower than the 15 million pounds they demanded but still a substantial multimillion pound amount. The corporation accepted no liability and avoided a potentially embarrassing lawsuit. In December 2008, a second group of Colombian farmers sued BP claiming environmental damage to their land as a result of the OCENSA pipeline's construction. The case is ongoing.⁹⁹

Also, according to an article by Colombia specialist and political scientist Professor Nazih Richani, published in Fall 2005: ["BP's] oil fields and pipelines [which include OCENSA] are in areas of conflict extending from Casanare through the Middle Magdalena to Covenas. The paramilitaries of Victor Carranza and Carlos Castano, the United Self-Defense Forces of Colombia (AUC), control an important sector through which the pipelines pass. For the last few years, the prime objective of both Carranza and Castano's forces has been to establish and consolidate a buffer zone that could diminish the guerrillas' influence in the area surrounding the pipelines. The most obvious goal of this strategy is to push the guerrillas from villages located along the pipeline areas and deny the guerrillas the extraction of protection rent they obtain from oil companies."¹⁰⁰ Thus in 2005, Enbridge's OCENSA pipeline was protected by not one but two death squads. Castano and Carranza at the time were the biggest death squad leaders and drug traffickers in Colombia. Castano's AUC also controlled much of Casanare where BP's oil was based which OCENSA carried; the AUC terrorized the population and carried out many massacres.¹⁰¹

Enbridge maintains that OCENSA has invested in community projects but the company is unable to provide details. A report released by eight NGOs including Environmental Defense and Friends of the Earth in the U.S. called OCENSA "an environmental and social disaster," which shows that "projects lacking attention to social and environmental concerns result in severe political and economic risk." The report points out that in May 1998, USO, the Colombian oil workers union, launched a strike to protest the murder of 11 people and the kidnapping of more than 40 others by "army-supported right wing death squads allegedly involved in protecting the pipeline against guerillas." All pumping operations in the pipeline were halted by the strike. The report adds that OCENSA

⁹⁹ Verkaik, *The Independent*, op.cit.; Business and Human Rights Resource Centre, "Case Profile: BP Lawsuit...", op.cit.

¹⁰⁰ Nazih Richani, "Multinational Corporations, Rentier Capitalism, and the War System in Colombia", *Latin American Politics and Society*, Fall 2005, pp. 128-9.

¹⁰¹ Jenny Pearce, "Policy Failure and Petroleum Predation: The Economics of Civil War Debate Viewed 'From the War Zone' ", *Government and Opposition*, Spring 2005, p. 176.

did not comply with Colombian environmental laws “resulting in oil spills and forest degradation” during the pipeline’s construction.¹⁰²

Gran Tierra Energy

With assets of \$308 million, Gran Tierra Energy Inc. is a junior oil and gas company headquartered in Calgary, also incorporated and traded in the U.S., and operating in Colombia, Argentina, Peru and Brazil. The company has interests in oil producing and prospective properties in these four countries.¹⁰³ Gran Tierra Energy has been in Colombia since 2006 and its net oil production there has grown from 700 barrels of oil per day in that year to 13,067 barrels of oil per day (b/d) at the end of September 2010. According to the company, it is “the largest producer, the largest reserve holder and the largest exploration landholder” in the Putumayo Basin of southern Colombia, a key oil producing area. This is partly due to Gran Tierra’s discovery of the Costayaco field, one of the largest oil discoveries in Colombia since 2000. The company holds an interest in 12 blocks in Colombia all of which it is operating and three of which are producing oil.

As detailed above, Plan Colombia has brought violence, displacement and devastation to the people of Putumayo precisely to expand and protect oil production, and certain Canadian oil companies operating in the department appear to have become complicit in this violence. Gran Tierra and Petrobank (see section below) are two such companies. Gran Tierra has been accused by the indigenous Inga people of Putumayo of being responsible for the killing of Edilberto Imbachi Mutumbajoy, one of their prominent leaders, while he was involved in talks with the company concerning its operations in Inga-populated areas. This was made clear in a public statement issued by the

¹⁰² Leah Purdy, Senior Communications Adviser, Public Affairs, Enbridge, Interview with Author, March 9, 2004; Environmental Defense, et. al, “A Race to the Bottom: Creating Risk, Generating Debt and Guaranteeing Environmental Destruction: A Compilation of Export Credit & Investment Insurance Agency Case Studies,” March 1999, www.environmentaldefense.org

¹⁰³ Gran Tierra Energy Inc., “Gran Tierra Announces U.S. \$299 Million Capital Program for 2011” December 20, 2010, <http://www.grantierra.com/news-archive.html?wnid=158&PHPSESSID=6832ed2390628cc7f36db161c5f7758a> ; “Gran Tierra Energy Inc. Announces Third Quarter 2010 Results”, November 4, 2010, <http://www.grantierra.com/upload/editor/File/Q3%202010%20GTE%20Press%20Release%20FINAL.pdf> ; Gran Tierra Energy, Description of Company, Company website, front page, www.grantierra.com

community on August 21, 2009 in the town of Puerto Guzman in Putumayo, which is reproduced in full below:

Puerto Guzman, Colombia, August 21, 2009.

**Statement by the Inga Indigenous People of Puerto Guzman
In Response to the Violent Death of Our Leader and Coordinator of the Inga
of Puerto Guzman Permanent Commission and Active Member of the
Inga Villa Catalina-La Torre Indigenous Community Council**

**Edilberto Imbachi Mutumbajoy
Pueblo Inga Permanent Commission Coordinator of Puerto Guzman
Murdered August 2, 2009 by order of the
Gran Tierra Energy Colombia Company**

In the memory of our indigenous peoples remain the indelible image of the remarkable guidance and tireless work carried out by our leader in defence of our territories and Indigenous rights. Therefore it is unacceptable to remain silent in the face of these actions because:

- **For three years, during the “prior consultation” process, we have requested the presence of the Attorney-General, the National Ombudsperson, the Minister of the Interior and Justice, but the Gran Tierra Energy Colombia Company has not invited them.**
- **On numerous occasions we requested access to official documents held at the Public Ministry, but the Gran Tierra Energy Colombia Company and the Ministry of the Interior and Justice failed to provide these documents.**
- **As part of the “prior consultation” process, one of the key issues was (the safety) and security of our community and its leaders. However, neither the company nor the Ministry of the Interior and Justice paid attention and ignored our repeated requests in this regard.**
- **We directly expressed our concern to the representative of the National Hydrocarbons Agency (ANH in Spanish) that our leaders were in danger and that the Gran Tierra Colombia Energy Company had at its disposal**

paramilitaries, guerrillas, criminals and members of state security forces to remove us from the scene, but the ANH chose instead to defend the company.

- **Taking into consideration that the Gran Tierra Colombia Energy Company has attempted on numerous occasions to interfere in the internal processes of our community by trying to change the coordinator who had been unanimously selected by the seven villages that make up the Inga People. Their aim was to change our community process in order to meet their interests and in this way they have violated our right to self-determination as Indigenous peoples.**
- **Taking into consideration that our leader and coordinator of the Permanent Commission of the Indigenous Inga People of Puerto Guzman had already made the company responsible for any violent action against his life because of its negative comments and actions that aimed at removing him from his position.**

On August 21, 2009 at 10:30 a.m. a meeting scheduled by the Inga community took place at the *Salon del Instituto Amazonico* in Puerto Guzman in order to make decisions regarding this incident (the murder of Edilberto Imbachi Mutumbajoy) that has saddened our people. The following unanimous decisions were taken by community members who attended:

- 1. A definite end to dialogue with the Gran Tierra Colombia Energy Company and an end to its petroleum activity in our territory.**
- 2. To end any discussions related to hydrocarbon exploration and exploitation activities with any corporation, until the intellectual (Gran Tierra Colombia Energy Company) and material authors responsible for the murder of respected Putumayo Inga leader, Edilberto Imbachi Mutumbajoy, are condemned**
- 3. We reject the militarization of our territories for the purpose of exploration and exploitation of hydrocarbons, which ignore our fundamental right to a “previous consultation”.**
- 4. Issue a public statement to the national and international community and judicial and human rights group regarding the crime committed against the respected leader and coordinator of**

**the Permanent Commission of the Pueblo Inga of Puerto Guzman,
Putumayo, Colombia.**

**Members of the Permanent Commission of the Pueblo Inga of Puerto
Guzman:**

--Beatriz Becerra

Villa Catalina-La Torre Indigenous Reserve Governor

--Oscar Agreda: Huasi Panga Indegenous Reserve Governor

--Serafin Jamioy: Playa Rica Indigenous Community Council Governor

--Saul Iles: Alto Mango Indigenous Community Council Governor -----

--Cristina Jamioy: Alpa Manga Indigenous Reserve Governor -----

--Manuel Ramos: Permanent Commission Advisor ---

--Juan Carlos Linares: Environmental Advisor -----

**--Edelmiro Imbachi Mutumbajoy: Pueblo Inga Permanent Commission Legal
Advisor -----**

**--Damaris Valderrama Torres: Pueblo Inga De Puerto Guzman Permanent
Commission Secretary**

--Filomna Muchavisoy: Nucanchipa Alpa Governor ¹⁰⁴

End of Document

It is highly alarming that an indigenous people in Colombia are accusing a Canadian company of killing one of their prominent leaders. This is a new and deadly low point for Canadian companies in Colombia which appear to be increasingly vicious in their pursuit of the country's mineral wealth. The key passage to note in the Inga public statement above is "We directly expressed our concern to the representative of the National Hydrocarbons Agency (ANH in Spanish) that our leaders were in danger and that the Gran Tierra Colombia Energy Company had at its disposal paramilitaries, guerrillas, criminals and members of state security forces to remove us from the scene..."

Not only is Gran Tierra accused by the Inga of killing Edilberto Imbachi but also of forcing the displacement of his brother Edelmiro Imbachi

¹⁰⁴ "Statement by the Inga Indigenous People of Puerto Guzman", August 21, 2009; Provided to the author by Pablo Rodriguez, Inga leader now living in exile in Canada.

Mutumbajoy, another Inga leader, whose name appears on the list above. As it states above, Edelmiro was the Pueblo Inga Permanent Commission Legal Advisor. According to Pablo Rodriguez, an Inga leader, who is now in exile in Canada and continues to work with the Indigenous nation, “Gran Tierra is responsible for forcing Edelmiro to leave Putumayo. The company paid either paramilitaries, the army or guerrillas to threaten Edelmiro so he had to run. Edelmiro told me ‘My life is in danger, I have to leave’”.¹⁰⁵

Pablo Rodriguez explains that Gran Tierra has never engaged in meaningful negotiations with the Inga concerning drilling for oil on their land. “Negotiations are difficult”, says Rodriguez, “because the company only wants to give us a few pennies to explore for oil on our land. In this sense they are engaged in land grabbing. Edilberto Imbachi wanted to discuss a 35-year plan of compensation for the Inga with Gran Tierra because that is the time the company says it wants to stay in Colombia. But Gran Tierra refused to discuss a fair, comprehensive settlement with Edilberto.”¹⁰⁶

According to Rodriguez, aside from killing, threatening and displacing their leaders, Gran Tierra has degraded living conditions for the Inga through environmental pollution, labour exploitation, corruption and bringing the negative social effects of the oil rush: “There are many problems that oil operations cause the Inga that the company refuses to adequately address such as environmental pollution with oil and associated waste contaminating fields and rivers including the Putumayo and Caqueta Rivers. These rivers go into the Amazon River and so does the waste. Thousands of people depend on these rivers for food and water and other needs.”¹⁰⁷

“The company only hires contract labour at a low rate of pay and it usually hires people who are from outside of Putumayo department. Due to the oil rush, thousands of outsiders have come into Putumayo which has caused a significant increase in prostitution, gambling, drug trafficking and alcoholism. There is also the problem of official corruption with municipal governments getting money from Gran Tierra so they are unlikely to oppose its operations”.¹⁰⁸

¹⁰⁵ Pablo Rodriguez, Interview with Author, January 6, 2011.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

Given this dire situation, an organization arose at the end of 2009 to fight for Inga and labour rights. In December 2009, SINTRAPETROPUTUMAYO (STPP), a labour union, was formed, made up of oil workers from Putumayo as well as Inga and other community members. Pablo Rodriguez works with STPP in Canada. STPP describes itself as being “born in opposition to the savage economic development by multinational corporations based in the municipality of Villagarzon, which has engendered the following issues: discrimination against local labour, skilled and unskilled, unfair wages, labour persecution, poor planning of corporate social responsibility and environmental contamination, which has been a constant in the process of oil exploration conducted to date.¹⁰⁹ In its own words, STPP is an “environmental, social justice and labour rights union [which]...originates from the people and aims to serve the people. Our objectives are to protect, defend, benefit and support the labour, economic, social, environmental and civic interests of our members and communities. It is also our aim to assist in the improvement of our quality of life as well as support in the development of the mechanisms needed to stimulate the economy, development and overall progress of our territory with a specific focus on the exploitation of natural non renewable resources found in the municipality of Villargazón and in the department of El Putumayo.”¹¹⁰

Since Gran Tierra and the Colombian authorities would not negotiate with STPP in a meaningful manner as they had not with the Inga, the union held demonstrations and mobilizations against the company which, not suprisingly, were repressed by the state. In a letter dated May 18, 2010, addressed to Dr. Moises Abenzur, solicitor and legal counsel for the municipality of Villargazon, Yesid Calvache, the President of STPP wrote:

“We would also like to inform you of the abuses, violations and discriminations committed by the Gran Tierra, a multinational corporation from Canada which has operations in our municipality. Gran Tierra has violated our labour rights and has gone about their operations completely ignoring the 10 fundamental principles of the UN’s Global Compact (Pacto Global, introduced in Davos in 1999) which are as follows:

“Principle No 1. Businesses should support and respect the protection

¹⁰⁹ SINTRAPETROPUTUMAYO, “Letter to Pablo Rodriguez”, December 29, 2009.

¹¹⁰ Yesid Calvache, President of SINTRAPETROPUTUMAYO, “Letter to Dr. Moises Abenzur, Solicitor and Legal Counsel for the Municipality of Villargarzon ”, May 18, 2010.

of internationally proclaimed human rights.

Principle No 2. Make sure that they are not complicit in human rights abuses,

Principle No 3. Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.

Principle No 4. Eliminate all forms of forced and compulsory labour.

Principle No 5. Work towards the effective abolition of child labour.

Principle No 6. Eliminate discrimination in respect of employment and occupation.

Principle No 7. Businesses should support a precautionary approach to environmental challenges.

Principle No 8. Undertake initiatives to promote greater environmental responsibility.

Principle No 9. Encourage the development and diffusion of environmentally friendly technologies.

Principle No 10. Businesses should work against corruption in all its forms, including extortion and bribery.

“Moreover, Gran Tierra has carried out a finger pointing campaign that aims to shed a negative light on our organization and its members. They have labelled our peaceful, legal and legitimate mobilizations and demonstrations as illegal blockades. They have also claimed that our organization has no ties to their activities or does not represent anyone working at their sites. This is untrue as they are aware that a few of our members and peers have been employed by them and who we have not involved in our public struggles in order to ensure their personal and working safety as well as in fear of retaliation, intimidation and/or labour repression against them by Gran Tierra.

“Following a month of peaceful actions, it is important that we condemn as well the National Police which on May 20, 2010 in the afternoon exerted excessive, abusive and repressive force which resulted in the injury and detainment of two of our members, RIGOBERTO ROSERO and IRMA URBANO, who were taken arbitrarily by police agents who claimed they were following orders issued by the Municipality. This was a clear violation of our human rights and our property rights. We have in our possession a video that clearly confirms these violations on the part of the public safety officials and the riot police agents from ESMAD [riot police] and SIJIN [police intelligence] whose attack justified our response in

defense of our personal safety. We are including this video proof in the contents of this package.”¹¹¹

What STPP calls Gran Tierra’s “finger pointing campaign” against the union’s members is particularly dangerous given that people singled out in such a manner by foreign companies in Colombia are, according to Pablo Rodriguez, very likely to be killed by security forces. Gran Tierra did similar finger pointing in the case of Edilberto Imbachi according to the Inga public statement denouncing his murder, reproduced above.

On October 16, 2010, the Inga community again demonstrated against Gran Tierra and was once again subjected to police repression. Two indigenous leaders were seriously injured: Rubiela Mojomboy, a traditional authority of the Nukanchipa Atunkunapa Alpa Council; and sheriff Orlando Imbachi, who was injured more severely.¹¹²

From the above account of Gran Tierra’s activities we can see that firstly the corporation refuses to negotiate with the native people, kills, threatens and displaces their leaders (as the Inga see it), pollutes their environment, increases their social problems and exploits labour. When the Inga and oil workers then form a union and demonstrate for their economic rights they are repressed by state police aided by the company’s finger pointing campaign and encouraged by its declaration that such demonstrations are illegal. It is clear that those objecting to exploitation by Canadian oil multinationals in Putumayo will very likely be killed, displaced or injured by the state and that the operations of companies such as Gran Tierra lead to such murders, injuries and displacement. The people negatively affected by the company’s operations have no legal way of counteracting these as the state is clearly on Gran Tierra’s side and refuses to negotiate sincerely with the Inga.

According to Carlos Jimenez, a deputy member of the Putumayo Departmental Assembly, conditions in the department are so bad that as he puts it “Putumayo is currently in a state of complete ungovernability.” He partly blames oil multinationals for the problems afflicting the area and demands that “the people be well compensated with public and social work in

¹¹¹ Ibid.

¹¹² “People Injured and Damages in Villagarzon”, Saturday October 16, 2010, www.socivil.org

repayment for all the wealth that has been exploited and extracted from these lands by the oil companies.”¹¹³

As Yesid Calvache, the President of SINTRAPETROPUTUMAYO, puts it “[I would] like to see a fairer distribution of the wealth generated by the oil industry in this region and that this wealth be used for the benefit of the communities via investments in public works and much needed infrastructure. People need to start thinking about and working towards the nationalization of non-renewable natural resources. Civil society needs to demand a government which is sovereign and is willing to use its authority in defense of and for the protection of its citizens' constitutional rights so as to achieve peace and social justice - not a government that protects the interests of the multinationals. Once and for all, in Colombia, the people must be heard, seen and assisted in their needs as well as respected in their rights in the use of peaceful protest. The members of my union are constantly harassed by the police.”¹¹⁴

The effect of Gran Tierra’s oil operations on the Inga could be far worse than portrayed above; Colombian native leaders stress that such operations along with other factors threaten Indigenous peoples with extinction. According to the National Authority for Indigenous Government (ONIC), the main native organization in Colombia, all of the country’s 102 Indigenous nations “are at risk of disappearing” that is “at risk of physical and cultural extinction” due to “the internal armed conflict, poverty and discrimination, state abandonment and the imposition of an external development model in indigenous territories”. ONIC includes corporate oil projects as part of the external development model and sees these as contributing to the extinction of Indigenous Colombians. In March 2010, ONIC launched an international campaign to alert the world about the dangerous position of native Colombians. ONIC representatives gave public speeches in Ottawa and Toronto in December 2010 as part of the

¹¹³ SINTRAPETROPUTUMAYO, “Minutes to Accord N° 009: Working round-tables focused on consensus-building, labor issues, the environment, ethnicity and human rights to which the Ministry of the Interior and Justice was invited but failed to attend even though it was convened with enough notice. These took place on August 10 and 11 of 2010 and were linked to oil drilling activity in the Municipality of Villarzon. Place: Betania House, Date: August 10, 2010 Time: 10:30 am”.

¹¹⁴ Ibid.

campaign.¹¹⁵ The Colombian Constitutional Court agrees with ONIC and in January 2009 issued Ruling 004 of 2009,7, which stated that the Indigenous peoples of Colombia “are at risk of being physically and culturally exterminated.”¹¹⁶

In a report supporting its campaign which is titled “*Sweet Words, Breath of Life*”: *Campaign for the Survival of Indigenous Peoples at Risk of Extinction in Colombia*, ONIC makes clear that “Indigenous people are currently under greater threat than ever before, because of the voracious nature of the ‘developed’ world, which is thirsty for natural resources and raw materials ... The major priority for the international market is the production of energy through the exploration and exploitation of oil, coal mining, hydroelectric dams and oil palm plantations for the production of biodiesel and agrofuels. Indigenous peoples, located in regions with the greatest diversity and wealth of natural resources in Colombia, will be profoundly affected by the development of these projects within this economic model. Between the years 2000 and 2007, 208 contracts for the investigation and exploration of oil were signed by the Colombian state oil company (ECOPETROL), 100 of which affected indigenous peoples, that is to say a total of 207 indigenous territories inhabited by some 30 different indigenous peoples, which were incorporated into the map of oil exploration in Colombia, affecting 5,884,244.2 hectares of indigenous land which overlap with the oil exploration areas.”¹¹⁷

Pablo Rodriguez, the Inga leader in exile in Canada, shares ONIC’s concerns about the dire effects of oil operations on his people. “The Inga population is only 35,000”, he says, “and they could be all wiped out in ten years if oil companies like Gran Tierra can do whatever they want on our lands.”¹¹⁸

The ONIC report provides valuable insight into the effect of the oil industry on Indigenous peoples from their perspective and how this has been imposed on them without proper consultation which is their constitutional right; the document shows how the consultation process is manipulated by oil companies and the state, and also discusses the murder of Edilberto Imbachi. The report states: “Colonisation associated with oil megaprojects cornered the

¹¹⁵ National Authority for Indigenous Government (ONIC), “*Sweet Words, Breath of Life*”: *Campaign for the Survival of Indigenous Peoples at Risk of Extinction in Colombia* (Report), March 2010, <http://www.onic.org.co/campana/InformeCampanaIngles.pdf>

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Pablo Rodriguez, Interview with Author, January 9, 2011.

indigenous peoples [in the areas of Amazonia and Orinoquia] into reduced lands, further and further from production centres. The oil industry has been a key player in the reduction of indigenous lands, and also in the arrival of armed groups in search of income.” The report adds that “the state has used its army and police force to put pressure on processes of prior consultation [between Indigenous communities, corporations and the Colombian government] by militarising lands to benefit companies and transnational corporations. The Colombian state has granted 80% of all legally-constituted territories...without carrying out adequate prior consultation processes, a right enshrined in the 1991 Constitution. The state has issued laws...imposing extractive economies and tourism which negatively affect the cultural development and survival of indigenous peoples.”¹¹⁹

One hundred and twenty one prior consultation processes were carried out in Colombia between 1994 and 2009, 83 of them with indigenous peoples, according to the ONIC report. ONIC “affirms that there is not one single example of good practice among these 83 processes. On the contrary, consultation has become a constant political and cultural struggle for various peoples and the main cause of arguments and divisions within indigenous organisations. During prior consultations, the ONIC report states: “government representatives have taken advantage of the difficult economic situation which indigenous peoples suffer by using the urgent needs of these peoples to resolve their most immediate problems...ONIC considers that the solutions being offered in consultation processes are not integral solutions, and in the long run they lead to the greater impoverishment of indigenous peoples and of the natural resources surrounding them. Indigenous leaders repeatedly report that during consultation processes companies use strategies of constant harassment and short-term material offers. In reality, in the majority of cases, the approval of communities is simply bought. The companies repair the community sports pitch, they give workshops or fund small roads with the aim of making friends with indigenous people, and then pressure them into signing the consultation document. They distort the general objective of the consultation with money and gifts which they use to try and compensate for environmental damage in a simplistic and superficial manner. In this way, indigenous peoples feel invisible, derided and humiliated during these processes.”¹²⁰

¹¹⁹ ONIC Report, op.cit.

¹²⁰ Ibid.

About the murder of Inga leader Edilberto Imbachi, the ONIC report states: “The internal armed conflict has been used to aid the implementation of large-scale development projects in indigenous territories. Legal and illegal armed groups have been used to sow terror, fear and panic before a project is implemented, thereby completely bypassing adequate prior consultation processes. Examples of this can be seen in the cases of the assassination of indigenous leaders such as...Edilberto Imbachi Mutumbajoy, killed in August 2009: authorities and family members are not ruling out the possibility that he was murdered by hired killers sent by those who did not want him to be present in the region, where the Inga indigenous communities are struggling for a consultation process over possible oil exploration projects in Puerto Rosario...In many regions of Colombia, violence has been used to silence and weaken the defence of indigenous peoples’ rights and many people know that opposing projects by using reason and dialogue can get you killed.”¹²¹

The murder of Indigenous leaders such as Edilberto Imbachi and the threatened extinction of native nations in Colombia was linked by Rodolfo Stavenhagen when he was the United Nations’ Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. Stavenhagen stated about Colombia: “Many indigenous communities report selective killings of their leaders, spokespersons and traditional authorities. Such killings appear to form part of a strategy to decapitate and confuse the indigenous communities, and they certainly hasten their social and cultural disintegration. These are truly acts of genocide and ethnocide against indigenous peoples.”¹²² According to this definition, Gran Tierra Energy through its oil operations in Putumayo that have led to the killing of Edilberto Imbachi, is certainly abetting the genocide of the Inga people.

Pacific Rubiales

With assets of \$3.8 billion and a market capitalization of \$9 billion, Toronto-based Pacific Rubiales Energy (PRE) is a intermediate-sized Canadian oil and gas company with operations in Colombia, Peru and Guatemala. PRE is mainly focused on Colombia and is the leading private oil

¹²¹ Ibid.

¹²² Ibid.

and gas company in the country in terms of production volume. The company's major producing properties are the Rubiales, Piriri and Quifa oil fields in Colombia's Llanos Basin which is located in Meta department in the center of the country. Rubiales is the largest oil field in Colombia. Pacific Rubiales operates Rubiales and Piriri in association with Ecopetrol. PRE has a 50% interest in the Piriri Block with Ecopetrol owning the other half and a 40% interest in the Rubiales Block with Ecopetrol owning 60%. As of May 12, 2011, PRE is producing 207,000 barrels of oil a day (b/d) from the Rubiales, Piriri and Quifa fields making the company the leading private oil producer in Colombia. This amount of oil constitutes 27% of Colombia's total oil production which, as stated, was 760,000 b/d in 2010. PRE also has rights to 28 additional oil exploration blocks, eight of them in the Llanos basin and others in the Putumayo Basin, Cesar Rancheria Basin and the Lower, Upper and Middle Magdalena Valley Basins. An important investment of PRE's is in the Oleoducto de Los Llanos (ODL) pipeline (also known as the Rubiales-Monterrey pipeline). The company has a 35% interest in this with Ecopetrol holding the other 65%. The 235 kilometre, 24-inch pipeline carries oil from Rubiales to the OCENSA pipeline which goes to Colombia's Caribbean port of Covenas.¹²³

In the "Social Responsibility" section of its website, Pacific Rubiales has a paragraph entitled: "Contributing to society by improving the quality of life in communities where we operate". The paragraph states: "We believe that we are progressing well in the fair and decent treatment of indigenous communities...". The next paragraph is entitled "Promoting Respect for Human Rights" and states "In our analysis of materiality, the most relevant issue was our strong stance on promoting human rights. We had the best performance in managing the public and communities impacted by our

¹²³ Peter Koven, "PDAC 2011: Colombia's Time Has Come," *National Post/Financial Post*, March 7, 2011, <http://business.financialpost.com/tag/pacific-rubiales-energy/>; Pacific Rubiales Energy (PRE), *Annual Consolidated Financial Statements*, December 21, 2010 and 2009, http://www.pacificrubiales.com/Archivos/financial_report_1Q_2011/english/PacificRubiales_2011_Financials_AnnualFinancials.pdf ; "Properties-Producing Assets-Rubiales Field," <http://www.pacificrubiales.com/pacific.php?scp=3&sc=18&sct=30> ; "Pacific Rubiales Provides Exploration and Operational Update; Achieves Milestone Daily Production of 225,000 of Barrels of Oil Equivalent (Gross) from All Fields," News Release, <http://www.pacificrubiales.com/pacific.php?scp=4&sc=4&ctn=265>; "Properties-Exploration-Overview," <http://www.pacificrubiales.com/pacific.php?scp=3&sc=19&sct=37> ; "Properties-Pipelines," <http://www.pacificrubiales.com/pacific.php?scp=3&sc=20> ; Government of the United States, Energy Information Administration (EIA), "Colombia: Country Analysis Briefs", March 2010, <http://www.eia.doe.gov/cabs/Colombia/pdf.pdf>

operations.”¹²⁴ It is unlikely that the National Authority for Indigenous Government (ONIC), the main native organization in Colombia, (see above) would agree with these self-congratulatory statements of the company. In its report discussed in the Gran Tierra section above, the native organization states: “ONIC has denounced that the paramilitaries burned down the houses of indigenous people who were opposed to the construction of the Rubiales-Monterrey pipeline; this project is an initiative of ECOPETROL and Pacific Rubiales to be implemented in Puerto Gaitán, in the Meta region.”¹²⁵ It appears from this that Pacific Rubiales is collaborating with paramilitaries in Colombia that are clearing the way for its operations by destroying the houses of native Colombians opposed to them. Obviously, burning down the houses of indigenous people is not a good way of (as the company states) “progressing well in the fair and decent treatment of indigenous communities”, showing “a strong stance on promoting human rights” or of having “the best performance in managing the public and communities impacted by our operations.” Such blatant hypocrisy makes a mockery out of Pacific Rubiales pretensions to social responsibility. More importantly, the company’s operations appear to be destructive to the livelihood of native Colombians and a danger to their lives as paramilitaries have killed many indigenous people.

Pacific Rubiales’ apparent link to paramilitaries is not surprising given the fact that Serafino Iacono is the company’s co-chairman, executive director and co-founder.¹²⁶ Iacono has close relations with the Colombian government and has been accused by a Colombian union of complicity in the attempted murder of one of its leaders by paramilitaries (see Gran Colombia Gold Corp. in the mining section for details). The ultra-right wing and intolerant corporate culture of Pacific Rubiales is also revealed by the backgrounds of its other senior executives: Ronald Pantin, Chief Executive Officer (CEO), and Jose Francisco Arata, President. Before forming Pacific Rubiales along with Iacono, both of these corporate heads used to work for Petroleos de Venezuela (PDVSA), Venezuela’s state oil company, where Pantin held several senior positions. The two men were fired by Venezuelan President Hugo Chavez after the 2002-2003 oil strike¹²⁷ during which senior PDVSA management

¹²⁴ Pacific Rubiales Energy, “Social Responsibility,”

<http://www.pacificrubiales.com/pacific.php?scp=6&sc=48>

¹²⁵ ONIC, “Sweet Words, Breath of Life...” (Report), op.cit.

¹²⁶ Peter Koven, “PDAC 2011: Colombia’s Time Has Come,” *National Post/Financial Post*, March 7, 2011, <http://business.financialpost.com/tag/pacific-rubiales-energy/>; Pacific Rubiales, “Corporate-Board of Directors,” <http://www.pacificrubiales.com/pacific.php?scp=2&sc=14>

¹²⁷ Pacific Rubiales, “Corporate-Officers and Management,”

<http://www.pacificrubiales.com/pacific.php?scp=2&sc=13>; Chris Kraul, “Latin American Oil:

stopped company operations as a way of attempting to overthrow Chavez's democratically elected, socialist and popular government.¹²⁸

Aside from its apparent collaboration with paramilitaries who have burnt down indigenous peoples' homes, Pacific Rubiales is also engaged in strike-breaking and union-busting and in this context has been linked to military repression. Since July 2011, the company has been subject to three labour strikes by the Petroleum Workers Union (USO) which it has dealt with by bringing in a bosses' union to replace USO. According to a letter addressed to the U.S. Congress by the well-known U.S. NGO Washington Office on Latin America (WOLA) which is dated December 7, 2011, "Pacific Rubiales has engaged in union-busting in order to quell labour unrest in Puerto Gaitan [where part of the company's operations are based]. Workers employed by the company went on strike on three separate occasions since July to demand better working conditions. When the strikes started in July, around 5,000 workers belonged to USO. Pacific Rubiales therefore brought the Union de Trabajadores de la Industria Energetica Nacional y de Servicios Publicos Domiciliarios (UTIEN), a questionable union that has been criticized by several labour movements in Colombia and abroad."¹²⁹

"In November [2011] Pacific Rubiales used physical force with the support of the Colombian military and police to physically remove thousands of workers. When the workers finally were allowed to return to work by Pacific Rubiales, they were forced to pass through several checkpoints on the public road leading to the oil field. Pacific Rubiales' private security firm stopped all vehicles entering the worksite to check the status of the workers' union membership. Workers were only allowed to work if they belonged to UTIEN and those that belonged to USO were rejected. The actions of the private security firm were supported by the military and police who would only let approved cars pass. Workers estimate that only 800 workers remain

More than Just Petrobras," *Barron's*, December 4, 2010, http://online.barrons.com/article/SB50001424052970203870804575648592618294832.html?mod=BOL_twm_f

¹²⁸ Jonah Gindin, "Leading Figure of Venezuela's 2002-2003 Oil Industry Shutdown Arrested," March 1, 2005, <http://venezuelanalysis.com/news/975>

¹²⁹ Gimena Sanchez and Anthony Dest, Washington Office On Latin America, "Letter to U.S. Congress", December 7, 2011, <http://www.usleap.org/files/WOLA%20Hill%20Letter%20December%202011.pdf>

of the 5,000 that originally belonged to USO in July. Meanwhile UTIEN's membership has reportedly swelled to 2,000.”¹³⁰

Clearly, according to WOLA's account, Pacific Rubiales has engaged in both strike-breaking, union-busting and supported military repression of workers. The strike-breaking has been done using physical force including that provided by the Colombian military and police. In other words, Pacific Rubiales has broken the strikes and the union of its workers and done this partly by using the Colombian military and police to repress them. In doing so, the company has suppressed the legitimate demands of the workers for better working conditions and wages and stripped them of credible representation leaving them at its mercy in a brutal and blatant display of Canadian corporate power in Colombia. Colombian workers have had their labour and human rights taken away by Pacific Rubiales and to do this the company has used the military might of the Colombian state with which it has considerable clout given the fact that it is the biggest private oil producer in the country.

According to the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), “The grievances aired by staff of oil service subcontractors [to Pacific Rubiales] include poverty wages, sub-standard housing, poor sanitation, poor transport, degrading treatment, all imposed on a workforce precariously employed on fixed-term contracts for two-to-three years. Conditions in workstations in the oilfields around Puerto Gaitán are described as similar to concentration camps...Significantly workers and local communities have been united in protest to great effect, targeting specifically the environmental degradation taking place, high local unemployment with many jobs not filled by area residents, and a lack of social investment in local health and education...Pacific Rubiales is funding a large disinformation campaign labeling USO trade unionists as ‘armed criminals, forcing work stoppages.’ Canada's Communications, Energy, Paperworkers (CEP) Union and USO have formed a united front, adding leverage against the Canadian-based multinationals.”¹³¹

¹³⁰ Ibid.

¹³¹ International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), “Colombian Oil Workers Continue Battle for Rights, Solidarity Caravan, 10-14 October”, October 10, <http://www.pasc.ca/en/article/colombian-oil-workers-continue-battle-rights-solidarity-caravan-10-14-october-0>

“Justice for Colombia”, a British NGO established by the British labour movement, reported on November 1, 2011 that “Workers in Colombia’s largest oil field, the Rubiales field, have gone on strike for the third time this year. The encamped workers report that they are currently surrounded by at least 800 ESMAD riot police as well as army troops and other police. One person from the workers’ coordinating committee has been arrested. Moreover, unions report that the negotiating tables established in the wake of the summer mobilizations have failed to reach agreement and the deadline for them has now expired. The USO oil workers’ union which represents thousands of workers in Rubiales in Meta department, producing 26% of the country’s oil, has stated that the negotiating tables ‘only served to prolong negotiations, but the problems presented by the community remain unresolved.’ Therefore strike action will be taken. Strikes by workers over the summer drew local support, and the actions rapidly became broader social protests. ¹³²

“German Osman, the vice president of USO said that the negotiations had failed because despite the union making some concessions, the Pacific Rubiales Energy company had failed to reciprocate. The USO has rejected the attitude of the Canadian multinational, saying that it has acted dishonestly throughout. On Friday 21st October the government’s Minister of Social Protection (MSP) called the Presidents’ of the CUT federation and the USO to a meeting to force them to reopen negotiations with the company. However, Rodolfo Vecino, the President of the USO has said that this is merely a tactic to try to prolong negotiations without responding to the worker’s petitions. As an example of company and government bad faith the USO points towards the rapid creation of a rival union within the oil field. This union (UTIEN), which has affiliated to the CGT trade union federation, was able to recruit 700 workers in just three days and at the same time reach an agreement with the Colombian government and the Pacific Rubiales Energy company. Some of the points in the agreement with this union mirrored measures proposed by the USO in its original list of demands. The media then trumpeted the resolution of the labour dispute in the Rubiales field. The USO has denounced what it sees as an effort to displace it from the Rubiales field, replacing it with a “bosses union” which will not stand up effectively for workers’ rights, and

¹³² Justice for Colombia, “Rubiales Workers Call for Strike Action”, November 1, 2011, <http://www.justiceforcolombia.org/news/article/1121/rubiales-workers-call-for-strike-action>

has criticised the government for allowing this to happen while the USO is repressed in clear violation of trade union freedoms.¹³³

“At the same time as the CGT organised the UTIEN union, the CUT federation and a variety of Colombian and international social organisations organised a humanitarian caravan to the region to investigate conditions on the ground. This caravan found that conditions in the region were poor. It reported continual displacement of indigenous and peasant communities, and serious environmental damage to the region’s water systems. It also noted the extreme militarization of life in the region, with military bases placed in the midst of civilian towns and villages in violation of international humanitarian law. As well as military installations in the oil fields themselves, and that they rigidly control the freedom of movement of the local population, which is confined to certain areas. They also noted the poor availability of clean drinking water, the lack of cooking gas, poor sanitary conditions, a lack of healthcare and poor housing and education facilities, as well as the ‘overexploitation of labour.’¹³⁴

“These poor conditions contrast with the wealth that Pacific Rubiales and the Colombian government extract from the region. Pacific Rubiales Energy had the highest share price on the Colombian stock exchange in early 2011, and profits from oil extraction amounted to \$957 million in the second half of this year alone [2011]. Furthermore, the local government gets the highest income from oil in all of Colombia, and yet the region continues to suffer from dire social and environmental conditions.”¹³⁵

According to the above account not only is Pacific Rubiales engaged in strike-breaking, union-busting and complicit in military repression of workers but is also partly responsible for the existence of a social nightmare which it is using to generate large profits. The company is making lots of money by exploiting the miserable social conditions of the workers of Meta department which are close to those in a concentration camp. When those workers strike for better conditions and pay, the company breaks their union and strike using the repression of the Colombian army and police. This is Canadian corporate neo-colonialism in Colombia at its worst as far as labour issues are concerned.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

The horrendous social conditions that the workers and people of Meta department are subject to, and Pacific Rubiales' partial responsibility for this are further articulated in a letter from Colombian Senator Jorge Enrique Robledo to Ronald Pantin, the CEO of Pacific Rubiales. Senator Robledo belongs to the opposition Democratic Alternative Pole (PDA by its Spanish initials) political party which is progressive. The letter, dated August 23, 2011, is reproduced below:

“Doctor Ronald Pantin Pacific Rubiales Energy Bogotá’s President.

Reference: The employees that complain cannot be treated as criminals.

The national newspaper adds, that Pacific Rubiales paid for and disqualified me, forced me to reiterate my points of view about the grave social and labour conflict between this company, its employees and the whole Puerto Gaitan community. My sole purpose is to help find democratic and civil solutions to the ongoing contradictions.

It is nonsensical to deny that the workers' complains have a root in their frustration with the labour conditions that they are subjected to and the continuous company refusal to take heed of their complaints.

The past labour strike says a lot about the workers' exasperation that the Canadian petroleum company is deaf to. I do not think it is proper or sensible that Pacific Rubiales deny the monetary and social nature of the petitions, making a police matter out of it, and that in an unacceptable public written declaration, the company makes references of the worst nature about the complaining employees and the union that is supporting them.

I have proof concerning what I stated in the Senate debate about the deplorable labour conditions and practices Pacific Rubiales is responsible for: contractual issues, work shifts, housing, salaries, democratic guarantees, public hygiene, transport and the right to organize. These facts configure undesirable conditions and even violate the laws of Colombia.

It was a grave violation that the company blocked the regional public roads to impede the union leaders from Union Sindical Obrera (USO), from reaching the area, that were on their way to mediate in the conflict you have with your workers, and worst off, that these blockades took place under the presence of and with the inaction of the Armed Forces of Colombia, that was prompt when it came to efficiently suppressing the labour protest. (See debate: <http://www.youtube.com/watch?v=WG6M...>)

Revision of this case only concludes that the root of the conflict is Pacific Rubiales' constant refusal to recognize the workers as its employees, imposing on them different forms of labour through temporary sub-contracting; these are very astute measures that do not make the problem disappear under argued contracting technicalities whose sole objective is to worsen the labour conditions. Pacific Rubiales boasts openly about its oil deposits, crude reserves, market indexes in the Bogota and Toronto Trade Markets, but when it comes to their responsibility for their workers, they are not their employees, but they are the responsibility of third parties in charge of human resources. The precarious conditions that these contractors impose on the workers is only caused by the unfair economic conditions that Pacific Rubiales burdens these entrepreneurs with.

To mention--as Pacific Rubiales does--the Minister for Social Protection's silence, as proof that there are no labour problems at Campo Rubiales, is proof to the contrary. The closest Labour Office to Campo Rubiales is located in Villavicencio, 150 kilometers away from Puerto Gaitan, which in turn is 180 kilometers away from the oil project field. To request labour legal protection, from the state, a worker must travel 660 kilometers both ways. This also highlights the fact that amongst the 12,000 workers at Campo Rubiales, there was not a single worker affiliated to the trade union the day of the strike!, but a few hours after the USO representatives were able to reach the campus, in a matter of a few hours, four thousand workers requested affiliation.

It does not look too encouraging for the Colombian work force that President Juan Manuel Santos decided, after the protest took place, to place an Armed Forces battalion within the confines of the Rubiales Campus. Meanwhile, the state owned company Ecopetrol, which is partners with Pacific Rubiales, did not make a single move to defend the Colombian workers' rights; the government is on the contrary, very active in defending foreign capital. These facts are in blatant contrast to the sweet words from presidents Obama and Santos and the Canadian Government, that the Free Trade Agreement (TLC) will enhance the labour rights of Colombians.

On a different front, there is great discontent with Pacific Rubiales among the communities of Puerto Gaitan and Meta, caused by issues that have been mentioned and that have not received the proper attention. In order to be brief, I only cite one example: the road network that ties all activities from

this agro-cattle growing area, has been destroyed by Pacific Rubiales' heavy loads, and their heavy duty semi trailers .

The evident differences between our parties in this matter, Mr Pantin, I hope can be resolved so that the workers, communities, and Pacific Rubiales come to a satisfactory agreement. I reiterate to you, and to the mining and oil multinationals operating in Colombia that neither this senator nor the "Alternate Democratic Polo" party have a position of being in principle against foreign investments in Colombia in mining and hydrocarbons.

As I have explained on countless occasions, what we demand is that foreign capital respect Colombian interests in terms of sovereignty, royalties, taxes, labour relations, and the environment. We invite the government to honour and guarantee respect for the laws that protect our Colombian workers, as well as honestly promote the modification of internal rules that ignore the pacts that Colombia has signed with the International Labour Organization.

Cordially,

Jorge Enrique Robledo, Senator of the República of Colombia. Bogotá, August 23, 2011.”¹³⁶

Petrominerales

Petrominerales is a junior oil company with assets of Can.\$1.9 billion and operations in Colombia and Peru. It has offices in both Calgary and Bogota. Until December 31, 2010, Petrominerales was the Colombian subsidiary of Calgary-based Petrobank Energy. On that date, Petrobank sold all its shares of Petrominerales to its shareholders thus making Petrominerales, technically a separate company. Petrominerales is currently producing 41,876 barrels of oil per day (bpd) in Colombia mainly in Meta, Putumayo and Casanare departments, making it the fourth largest producer

¹³⁶ Jorge Enrique Robledo, Senator of the República of Colombia, *Letter to Ronald Pantin*, CEO of Pacific Rubiales, Bogota, August 23, 2011.

of oil in the country. The company is one of Colombia's largest exploration landholders controlling 15 exploration blocks in three hydrocarbon basins.¹³⁷

Petrominerales' first two contracts in Colombia with Ecopetrol were the Neiva and Orito Incremental Production Contracts (IPCs). In 2010, Petrominerales' share of production from these two blocks averaged 6,257 bpd and the company has more than 70 drilling locations on these blocks.¹³⁸ Orito is located in southern Colombia's Putumayo Basin and Neiva in the Upper Magdalena Valley. Discovered in 1963, the 43 square kilometres Orito is the largest field in the Putumayo basin and originally contained more than one billion barrels of oil. Up to now, Orito has produced 225 million barrels, about 22% of the total.¹³⁹

The Llanos Basin is an extensive grassland that extends eastward 500 kilometres from the Andes mountains. In the Central Llanos Basin, Petrominerales is producing 5,500 bpd from two wells in its Casimena Block and upto 350 bpd from its Mapache Block. The company is exploring on two more blocks it calls Castor and Casanare Este. In the Deep Llanos Basin, Petrominerales controls six exploration blocks comprising more than 630,000 acres, including the Corcel and Guatiquia blocks.¹⁴⁰

As with Pacific Rubiales which is also in Meta, local community protests against Petrominerales erupted in September 2011. According to a *Reuters* article dated September 8, 2011, "Protesters battled riot police with rocks and homemade bombs on Thursday in a protest against Colombia's fourth-largest oil producer, Petrominerales Ltd, forcing the Canadian firm to suspend output. Burned cars and tires littered a street as police used tear gas to quell demonstrators who threw rocks and small explosives, local TV footage

¹³⁷ Petrominerales, *Q1 2011 Financial Report*, <http://www.petrominerales.com/wp-content/uploads/2011/05/PMG-2011-05-11-Q1final1.pdf>; "Petrominerales Provides Exploration Update," July 4, 2011, <http://www.petrominerales.com/wp-content/uploads/2011/07/PMG-2011-07-04-opupdate1.pdf>; *Petrominerales: Annual Information Form for the Year Ended December 31, 2010*, March 31, 2011, <http://www.petrominerales.com/wp-content/uploads/2011/04/PMG-2010-AIF.pdf>; *Petrobank: Annual Information Form for the Year Ended December 31, 2010*, March 31, 2011, <http://www.petrobank.com/wp-content/uploads/2011/04/PBG-2010-AIF.pdf>

¹³⁸ Petrominerales, "Operations—Central Llanos Basin", <http://www.petrominerales.com/>

¹³⁹ Petrobank, "Petrobank Cashflow Up 94% Over Previous Quarter", News Release, November 14, 2005; "Corporate Profile"; "Operations: Colombia", <http://www.petrobank.com/>; Petrobank, *2004 Annual Report*; "Interview with John Wright, Petrobank President and CEO", *The Wall Street Transcript*, December 15, 2003, <http://www.twst.com/ceos/WAF609.html>

¹⁴⁰ Petrominerales, "Operations—Central Llanos Basin; Llanos Deep Basin", <http://www.petrominerales.com/>

showed. Protesters earlier this week started blocking roads near Petrominerales' Corcel and Guatiquia fields in Meta department, one of Colombia's most important oil regions.¹⁴¹

“...Ruben Cano, vice president of logistics for Petrominerales, said that output at the fields had been stopped since midnight on Wednesday with around 15,000 bpd shut-in...Isnardo Lozano Gomez, secretary general at the USO oil workers union, said local communities were protesting over environmental damage in the area, the need for locals in the firm's labour force, and the lack of social investment. ‘Today this confrontation and manpower in the area ... has increased substantially, and the community at this time is being subject to a brutal aggression by (anti-riot police),’ he told *Reuters* by telephone.” An article dated September 22, 2011, in the *Los Angeles Times*, adds: “Earlier this month, another Canada-based company, Petrominerales, was forced to briefly halt production at two fields...after residents blockaded roads to protest alleged pollution and heavy truck traffic on rural roads.”¹⁴²

Petrominerales' treatment of Colombians living around its facilities has been so abysmal that they are literally rioting against the company with bombs and rocks! While making millions of dollars in oil revenue, the company has apparently given nothing back to these communities especially in terms of jobs and social investment. Instead, Petrominerales' oil operations appear to have substantially damaged the environment thus adversely affecting the lives and livelihoods of community members. And when they protest this injustice, the people of the area are brutally repressed by riot police acting to protect the company's facilities and operations. It certainly looks like Petrominerales is adding significantly to the social disaster that Pacific Rubiales has helped foment in Meta department as described above.

On July 20, 2011, Petrominerales announced that it had bought a 5% interest in the OCENSA pipeline for \$281 million. The company expects this acquisition to lower its transportation costs compared to trucking and will be

¹⁴¹ Jack Kimball and Monica Garcia, “Protests Rock Colombia Oil Area, Firm Halts Output” *Reuters*, September 8, 2011, <http://www.reuters.com/article/2011/09/08/us-colombia-petrominerales-idUSTRE78775720110908>

¹⁴² Ibid; Chris Kraul, “Colombia Seeks Truce in Oil Workers Strike”, *Los Angeles Times*, September 22, 2011, <http://articles.latimes.com/2011/sep/22/business/la-fi-colombia-oil-strike-20110922>

transporting oil through the pipeline starting in September 2011.¹⁴³ **Petrominerales' ownership of 5% of OCENSA links the company to the ongoing human rights violations stemming from the pipeline's operation. As stated above, OCENSA's operation has generated many human rights violations by security forces and paramilitaries and continues to do so (see OCENSA section). As discussed above, Talisman Energy, another Canadian oil company, owns 24.8% of OCENSA.**

Petrominerales has also been linked to repressive Colombian army operations in 2005 (when it was owned by Petrobank) for which it has provided the use of a helicopter. As author Garry Leech describes it, "Petrobank's Putumayo operations are in the middle of the hottest conflict area in Colombia [for 2005]". Two thousand people were driven out of the Orito oil field area as well as from Narino department by increased fighting between the FARC and the army in October-November 2005. In August the FARC brought Putumayo to a standstill and in December it blew up eight oil wells in Orito; it is likely that Petrobank was producing oil from some of these wells. Questions about this to Petrobank in Calgary were not answered. Plan Colombia has brought violence, displacement and devastation to the people of Putumayo precisely to expand and protect oil production and Petrobank has been a clear beneficiary of this horrendous process. As Leech, who has visited Orito, explains "According to the army commander responsible for protecting Putumayo's oil operations, Lt. Col. Francisco Javier Cruz, U.S. drug war aid has made the region safer for conducting oil operations because the army has been able to use 'helicopters, troops and training provided in large part by Plan Colombia.'" ¹⁴⁴

Not only has Petrobank been benefiting from Plan Colombia, it has also contributed to its destructive effects. In 2005, Petrobank's facilities in Putumayo were guarded by the Colombian Army's Ninth Special Battalion, one of two battalions created just to protect oil installations. The company's relations with the battalion were so close that according to Leech, the latter is able to use a Petrobank helicopter for military missions. As Leech describes it "The battalion...has two helicopters—owned by the state oil company Ecopetrol and Canada's Petrobank—at its disposal for transporting troops on counterinsurgency operations." The battalion's mission is offensive not defensive as Leech makes clear: "The special operations group of...the Ninth Special Battalion has advanced weapons and night

¹⁴³ Petrominerales, "Petrominerales Announces Closing of Strategic Acquisition of Interest in Colombia's OCENSA Pipeline," Press Release, July 20, 2011, <http://www.petrominerales.com/wp-content/uploads/2011/07/PMG-2011-07-20.pdf>

¹⁴⁴ Garry Leech Interview, op.cit.; Leech, *Canadian Dimension*, op.cit.

vision equipment that allow it to conduct counterinsurgency operations as part of a strategy to pre-empt future attacks... The battalion sends patrols into villages and communities in search of guerrillas (and their sympathizers) before they attack.” Such pre-emption is of course a recipe for massacre and displacement, and exactly how many atrocities have been carried out by the army across Colombia after it accuses villagers of being guerrillas or their sympathizers. According to Witness for Peace (WFP), a human rights organization with a program in Putumayo, the military “has targeted civilians” in the department and “such targeting coupled with paramilitary-military collusion has created extreme fear and mistrust of military and police officials”. This is confirmed by Camilo Vargas, the head of Asociacion Nacional de Usuarios Campesinos (ANUC), Putumayo’s campesino organization, who said: “An army that kills innocent people and violates human rights is not an army that we want.” WFP points out that with the arrival of increased U.S. military aid in Putumayo, “the human rights situation has worsened”.¹⁴⁵

Lt. Col. Javier Cruz, the Ninth Special Battalion’s commander, states his mission as: “Security is the most important thing to me. Oil companies need to work without worrying and international investors need to feel calm.” According to Cruz, the battalion depends partially on civilian informers (created under President Uribe’s “Democratic Security” policy) to “prevent future guerrilla attacks against the oil infrastructure”; for him, the army needs to “make the people understand that when they collaborate to avoid terrorist attacks, everybody wins.”¹⁴⁶ Such collaboration obviously endangers civilians by dragging them into the conflict. The army’s informers could accuse other civilians of being guerrillas who could then be targeted by the battalion; also, the informers could themselves become targets of the guerrillas.

According to *The New York Times*, “For Petrobank's Colombian subsidiary, Petrominerales, the presence of troops has been reassuring. Steven J. Benedetti, Petrominerales' general manager in Colombia, notes that the company has not gone unscathed: rebels have been attacking its wells since production began in January of 2003. Still, Mr. Benedetti remains optimistic. ‘It's a situation where we have to weigh the risks with the benefits,’ he said, ‘Putumayo is going to be important for a long time to come.’ ” According to Leech, “As Petrobank’s Benedetti makes clear, the company is excited about the new contract rules and does not intend to let the civil conflict interfere with its plans to expand operations throughout Colombia. ‘We believe the benefits outweigh the risks,’ says Benedetti.”

¹⁴⁵ Witness For Peace, *Putumayo 2004*, op.cit.; Leech, *Canadian Dimension*, op.cit.; Leech interview, op.cit.; Juan Forero, “Safeguarding Colombia's Oil”, *New York Times*, October 22, 2004.

¹⁴⁶ Leech, *Canadian Dimension*, op.cit.; Leech interview, op.cit.; Juan Forero, “Safeguarding Colombia's Oil”, *New York Times*, October 22, 2004.

Petrobank's CEO John Wright, said in December 2005: "Colombia is a tough place to operate in but everyone I know is happy with the Uribe government and optimistic about where it's going. The government has done a very smart thing by deciding to promote success in the oil industry." In its *2004 Annual Report*, Petrobank made clear that "We support the government's policies in the areas in which we operate" [and that] "our relations with the government and all its agencies have been excellent."¹⁴⁷

The Colombian government's policy in Putumayo in 2005, in addition to displacing and destroying communities, included handing over control of the town of Orito to the death squads of the United Self-Defense Forces of Colombia (AUC). The AUC is represented in Putumayo by its "drug-ridden" Central Bolivar Bloc whose main activities are attacking civilians and narco-trafficking. According to Leech, the AUC "arrived in Putumayo in the late-1990s and after a series of massacres they successfully seized most of the department's significant towns including Orito...the FARC has recently regained several smaller towns. The paramilitaries' ruthless tactics have helped them retain control of Orito. According to one local, 'They kill innocent campesinos just because they might be guerrillas.' The day I met with Lt. Col. Cruz, paramilitaries assassinated local campesino leader Alirio Silva in Orito."

Thus in 2005, Petrobank's operations were being protected by not only an army with a murderous record that spawns paramilitaries but by the biggest death squad in Colombia itself. In November 2004, paramilitaries massacred 100 unarmed peasants in a Putumayo village near the Ecuadorian border. Survivors who escaped to Ecuador said that those killed were "cut to pieces with chainsaws and machetes while tied hanging from beams." In August 2004, AUC members went through six villages near the town of Valle del Guamuez in Putumayo, torturing and killing nine peasant leaders and displacing several families. The killings of civilians by paramilitaries in the department continued in 2005. According to the former president of the local council in Sibundoy Valley in upper Putumayo (speaking in August 2002), "when the paramilitaries came to lower Putumayo four years ago there was a lot of violence. Everyone in the world knows they are the most violent. When they came to Putumayo there were massacres and massacres and massacres. They would castrate the men and cut the lips and arms off the women. They would cut off the heads of young men and give them to their mothers. The paramilitaries and the army are the same, they work together. The

¹⁴⁷ Forero, *New York Times*, op.cit.; Leech, *Canadian Dimension*, op.cit.; Petrobank, *2004 Annual Report*, op.cit.; John Wright, President and CEO of Petrobank Energy, Interview with Author, December 12, 2005.

army will leave a village so that the paramilitaries can come in and massacre the people.”¹⁴⁸

In addition to being terrorized by the AUC, Orito has not benefited much from oil production especially given the declining royalty rates paid by oil companies. According to Leech, “Orito municipality is Putumayo department’s largest recipient of oil revenue, but the degree of poverty and underdevelopment is no less stark than in other comparably sized towns that receive no oil funds.” There is a “dramatic contrast” in the way oil workers and other local residents live. In the middle of Orito is a large recreation center “with basketball courts, picnic and games areas, a hall for social gatherings and a huge swimming pool with a winding waterslide for the employees of Petrobank and Ecopetrol. A tall wire and steel fence ensures that the residents of nearby shantytowns don’t stray into the fortress-like complex.” One local resident told Leech that the reason Orito has not benefited from oil royalties is that “the oil leaves Putumayo and the royalties go into the wallets of the administrators.” Another said “The politicians steal the money.” As Leech points out, while for Petrobank the benefits of being in Putumayo outweigh the risks, many of the department’s residents believe oil operations put them at risk by helping sustain the civil war.¹⁴⁹

Given the ravaging of Putumayo by the military-paramilitary partnership, Petrobank’s provision of a helicopter to the Colombian army for counterinsurgency operations opens it up to the charge of being complicit in war crimes just as Francisco Ramirez predicted. The company has contributed to the devastation of Putumayo firstly by investing in a severe conflict zone where oil operations require massive state violence and displacement of entire communities, and secondly by supplying an important instrument of repression. In this way, Petrobank presents a chilling example of the extremes corporate Canada will go to, to extract cheap resources from the developing world.

¹⁴⁸ Leech, *Canadian Dimension*, op.cit.; “Colombian Official Speaks Out Against Rebel Threats and Plan Colombia”, *Colombia Journal Online*, August 12, 2002, <http://www.colombiajournal.org/colombia125.htm>; Center for International Policy, “Plan Colombia and Beyond: The Wild, Wild West”, May 12, 2005, <http://www.ciponline.org/colombia/blog/archives/000097.htm>; Bill Weinberg, “Oil Makes U.S. Raise Military Stakes in Colombia”, *Newsday*, November 26, 2004, <http://www.commondreams.org/views04/1126-05.htm>; “Colombia: Who Are the Narco-Terrorists?”, *World War 4 Report*, December 10, 2004, <http://www.w3report.com/105/andes/narco-terrorists>

¹⁴⁹ Leech, *Canadian Dimension*, op.cit.

MINING

Canada is the world's leading mining nation. Sixty-percent of all public mining companies are listed on the Toronto Stock Exchange (TSE). About half of all mining capital is raised in Canada. Many Canadian mining companies have become notorious for damaging communities and the environment, and fueling wars and repression all over the world. Canadian mining companies have been responsible for devastating communities and the environment in Guyana, Ghana, the Philippines, Papua New Guinea, Burma, India, Kyrgyzstan, Guatemala, Honduras, Mexico, Ecuador, Peru, Romania, Spain, Chile, Argentina, Australia, the United States, Canada and Colombia. Canadian mining companies have also fueled wars and been linked to repressive governments in the Democratic Republic of the Congo, Sierra Leone, Tanzania, Guinea, Burma, Chile, Indonesia, the Philippines, Guatemala, Mexico, Peru, Thailand, Canada and Colombia.¹⁵⁰

Fifty-two percent of foreign mining companies in Colombia are Canadian.¹⁵¹ The following 26 Canadian mining corporations are active in Colombia: Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources B2Gold, Midasco Capital, Antioquia Gold, AUX Canada, Galway Resources, Sunward Resources, Continental Gold, Seafield Resources, Batero Gold, Bellhaven Copper and Gold, Miranda Gold, AuRo Resources, Arcturus Ventures, , Alder Resources, Bandera Gold, Caerus Resource, Colombian Mines Corporation, Waymar Resources, CB Gold, Colombia Gold Crest, CuOro Resources, Solvista Gold and Mercer Gold. This section will focus on those Canadian mining companies in Colombia that are presently known to be linked to human rights violations (including making statements which encourage these) and/or significant environmental degradation (including the threat of this). Six Canadian mining companies in Colombia fall into these categories: Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources, B2Gold, Midasco Capital and Antioquia Gold (see sections below).

Latin America's largest coal deposits are in Colombia which also holds substantial amounts of gold, silver, platinum, nickel, copper, iron, magnesium, lead, zinc, titanium and emeralds. During the eight-year tenure of former

¹⁵⁰ Asad Ismi and Kristin Schwartz, *Path of Destruction: Canadian Mining Companies Around the World*, (A Radio Documentary), Toronto, 2008, Episodes 1 and 2.

¹⁵¹ Stewart Vriesinga, "Stewart in Colombia" (Blog), [Vriesinga is a volunteer with the Christian Peacemaker Team in Colombia which carries out accompaniment and advocacy work], <http://stewart-in-colombia.blogspot.com/2010/04/bill-c-300-corporate-accountability-in.html>

president Alvaro Uribe (2002-2010), mining in Colombia expanded massively with mining titles skyrocketing from 2.8 million acres to 21 million acres, according to INGEOMINAS, the official agency which grants the titles. Forty-percent of the country has been licensed to mining projects due to lax laws, according to Mario Valencia of the Colombian Network Against Large Scale Transnational Mining (RECLAME), a coalition of 50 rights and environmental organizations in the country. Multinational mining companies have about 43,000 sq. kilometers in concessions. The current president, Juan Manuel Santos, has made resource extraction central to his economic plan and said that he will use “fiscal stimulus” to further promote mining. The Santos government has declared mining an “activity for public utility and social interest” for which the state can expropriate property. The government has also deemed protests against mining to be illegal and granted mining licenses for protected areas including indigenous reserves and territories belonging to Afro-Colombians. Not surprisingly then, in 2010, 67% of the \$6.8 billion in foreign investment in Colombia went to the mining and oil and gas sectors (as noted above). From 2002 to 2010, investment in these two areas increased almost ten times from U.S. \$466 million to \$4.5 billion.¹⁵²

The number of Canadian mining companies in Colombia has shot up more than four times since 2006 when five were active there. Most Canadian miners in Colombia are junior companies involved in gold mining. Gold mining has heavy environmental costs as it usually involves the use of either cyanide or mercury to separate the gold from the earth. Both are extremely toxic and poisonous substances and gold mining generates vast residues of waste and effluent (called tailings) containing them.

¹⁵² Lorenzo Morales, “Fragile Paramo Ecosystem in Colombia Threatened by Coal and Gold Rush” *Fox News Latino*, February 18, 2011, <http://latino.foxnews.com/latino/lifestyle/2011/02/17/fragile-paramo-ecosystem-colombia-threatened-coal-gold-rush/#ixzz1Lvw7x7yT>; Susan Abad, “Colombia: Deepening Dependency on Mining”, *Latinamerica Press*, March 21, 2011, <http://www.eurasiareview.com/colombia-deepening-dependency-on-mining-21032011/>; Government of Colombia, Proexport Colombia, “Report on Foreign Direct Investment in Colombia,” April 2011, http://www.investincolombia.com.co/Adjuntos/209_Report%20on%20Foreign%20Direct%20Investment%20in%20Colombia.pdf; Natalia Fajardo, “Water vs. Gold Mining: How a Colombian City United Against Gold Greed,” *Toward Freedom* (Website), April 7, 2011, <http://www.towardfreedom.com/home/environment/2352-water-vs-gold-mining-how-a-colombian-city-united-against-gold-greed>; Peace Brigades International Colombia, *Mining in Colombia: At What Cost?*, Newsletter No. 18, November 2011, p. 3, http://www.pbi-colombia.org/fileadmin/user_files/projects/colombia/files/colomPBIA/111203_mining_in_colombia_web.pdf

One reason for the Canadian corporate mining rush to Colombia is the increasing price of gold which has almost tripled since December 2006 and reached a record U.S.\$1,735 per ounce on November 30, 2011.¹⁵³ A second factor is the mining code reform carried out by the Colombian government in 2001 that was arranged by CIDA (for details see introduction). The new code reduced the mining royalty from up to 10% to a very low 0.4% whereas in Canada the royalty is between 3-4%.¹⁵⁴ The new code also reduced environmental regulations by removing approval for exploration and altered land ownership requirements to favour big companies. The new code further demanded large-scale infrastructure and heavy machinery that only multinational companies could provide, discriminating against artisanal or small-scale miners.¹⁵⁵

A third factor is the Uribe government's military offensive against the guerrillas which has led to a perception amongst mining companies that Colombia was now safer to invest in.¹⁵⁶ The expanded military role has been accompanied by operations of paramilitaries (also part of the Uribe strategy) which have been, according to one observer, "putting themselves at the service of the transnational companies."¹⁵⁷ The military-paramilitary tactic has been to kill and drive people off the land when this is coveted by foreign mining companies. A more vicious pro-mining policy is hard to imagine and therefore the rush of Canadian mining companies to Colombia is no surprise. "A dispossession of land is being consolidated, as well as foreign investment, especially in mining and palm oil, that is tied to forced displacement," says Jorge Rojas, director of the Colombian non-governmental organization, Human Rights and Displacement Consultancy. Rojas points out that close to one-third of the 280,000 people displaced in Colombia in 2010 came from areas where mining and palm oil were present.¹⁵⁸ As noted in the oil section, 80% of human rights violations in Colombia during the last ten years (2001-2011) were committed in oil and mining areas. According to Colombian trade unionists, 87% of the nearly four million people displaced by Colombia's civil war during 1987-2007 were from municipalities in mining areas. Eighty-nine

¹⁵³ Price of Gold on November 30, 2011, <http://goldprice.org/gold-price.html>; Price of Gold on December 18, 2006, http://goldprice.org/news/2006_12_01_archive.html

¹⁵⁴ Chris Arsenault, "Colombia: Foreign Firms Cash in on Generous Mining Code," October 22, 2007, *Inter Press Service*, <http://ipsnews.net/news.asp?idnews=39755>

¹⁵⁵ Abad, "Colombia: Deepening Dependency...", op.cit.

¹⁷⁰ Natalia Fajardo, "Water vs. Gold Mining...", op.cit.

¹⁵⁷ Abad, "Colombia: Deepening Dependency...", op.cit.

¹⁵⁸ *Ibid.*

percent of the trade unionists murdered during that period were active in those same municipalities.¹⁵⁹

Thus, as with oil, the mining sector in Colombia is rife with human rights violations. This is especially true for the gold, emerald and coal areas. The first edition of this report showed that since 1997, gold mining areas in Colombia have been marked by massive paramilitary violence. Paramilitary death squads displaced 35,000 people from the south of Bolivar department during 1997-8 and massacred over 400. The paramilitaries destroyed ten towns, a thousand homes and two city halls. Before one massacre, the death squads announced their intention to “cleanse” the area and “hand it over to multinational corporations because they will provide jobs and improve the region.”¹⁶⁰ Many of those forced to flee worked in a gold mine in the town of Simiti. These small-scale miners accused multinational mining companies of funding the paramilitaries that expelled them and pointed out that Conquistador Mines, a Canadian company, was one of the foreign firms present in the area. According to Francisco Ramirez Cuellar, Ex-President of the now defunct Colombian Mine Workers Union (SINTRAMINERCOL), and the Colombia Support Network (CSN-based in Madison, Wisconsin, U.S.), Conquistador expressed interest in the Simiti mine and attempted to acquire property in the South of Bolivar. At about the same time that Conquistador showed its interest in the area, paramilitaries started to appear in Simiti and the massacres began.¹⁶¹

In November 1999, Conquistador Mines signed an exploration agreement for Colombia with AngloGold South America (now known as AngloGold Ashanti) the world's largest gold producer at the time. Under the agreement with Conquistador, AngloGold would fund exploration programs for up to five years in an effort to discover and develop “a major economic orebody.” However, Ramirez and SINTRAMINERCOL launched an international campaign to warn AngloGold about the conflict in the South of Bolivar causing it to withdraw from

¹⁵⁹ **Arsenault, “Colombia: Foreign Firms...”, op.cit.**

¹⁶⁰ Francisco Ramirez Cuellar, *The Profits of Extermination: How U.S. Corporate Power is Destroying Colombia*, Monroe, Maine, Common Courage Press, 2005, pp. 50-1, 84; Colombia Support Network, "Urgent Action: Stop Forced Displacement in San Pablo", www.igc.apc.org/csn/, November 4, 1999; Asad Ismi, *Profiting from Repression: Canadian Investment in and Trade with Colombia*, (first edition of this report), Toronto, *Americas Update*, November 2000, www.asadismi.ws

¹⁶¹ Ramirez Cuellar, op.cit., p. 53; Ismi, op.cit.: For more detail on Conquistador and the South of Bolivar see both these sources.

its agreement with Conquistador. Conquistador then left Colombia according to Ramirez.¹⁶²

From the accounts of the Colombia Support Network and Ramirez, it appears that Canadian corporate presence in Colombia's mining sector has already encouraged the massacre and massive displacement of small-scale miners. The Conquistador/South of Bolivar case is a significant example of the Colombian elite's use of terror and foreign capital to deny its people access to their own resources.

During 2006 and 2007, the Canadian mining companies Bema Gold and B2Gold (see section below) were active in the South of Bolivar. The former company was exploring there through a subsidiary called Avasca Andean Resources which was bought by B2Gold in February 2007. B2Gold claims to have withdrawn from the South of Bolivar during 2007. After 1999, the army and paramilitaries continued to commit human rights violations in the South of Bolivar against small-scale miners whom they see as an obstacle to the entry of multinational companies. Such violations included many threats and attacks, as well as arrests and murders. On September 19, 2006, members of the army's Nueva Granada Antiaircraft battalion killed Alejandro Uribe Chacon, a leader of the Miners' Association of Bolivar which is an affiliate of the Agro-Mining Federation of the South of Bolivar (FEDEAGROMISBOL) that opposes industrial mining. FEDEAGROMISBOL has 15,000 members engaged in small-scale mining and agriculture. According to Amnesty International, "Several witnesses have said that [in 2005] members of the Nueva Granada Antiaircraft battalion have threatened to kill FEDEAGROMISBOL leaders. Moreover, reports indicate that soldiers have told local residents that its [the battalion's] operations are designed to protect the interests of international mining companies in the area." Clearly that means that an army guilty of massive human rights violations has been protecting B2Gold's and Bema Gold's interests.¹⁶³

Midasco Capital

¹⁶² Conquistador Mines, News Release, November 19, 1999; Ramirez Cuellar, op.cit., pp. 53-4; Rachel Warden, Interview with Francisco Ramirez Cuellar, February 5, 2006.

¹⁶³ Report prepared by MiningWatch Canada and CENSAT-Agua Viva for Inter Pares, "Land and Conflict: Resource Extraction, Human Rights and Corporate Social Responsibility: Canadian Companies in Colombia," September 2009, pp. 26-27, 32-33, www.interpares.ca

Also located in the south of Bolivar department is Vancouver-based Midasco Capital Corp., a junior gold mining company with assets of \$828,747. Midasco is focused on Colombia and in February 2011 acquired seven exploration licenses in the southern part of Bolivar state; the licenses cover an area of 10,000 hectares.¹⁶⁴ According to the company its “licenses are located in two of the four distinct gold mining areas in Southern Bolivar. Four licenses (269, 270, 271 & 272) covering 4,893 hectares are located in the Monte Cristo Tiquisio area, and three licenses (582, 583 & 585) covering 5,183 hectares are in the Santa Rosa Canelos area.” Midasco adds that “The Monte Cristo Tiquisio area...may contain about 500 to 600 ‘mines’ and around 3,000 people working. The Santa Rosa Canelos area...contains some 300 ‘mines’ and about 1,500 people working.” The company is organizing “an initial exploration program of mapping and sampling to identify immediate drill targets.”¹⁶⁵

As explained above, the people in the south of Bolivar department have been subject to large-scale paramilitary massacres and displacement since 1997 which has been linked to Canadian mining companies. It is not surprising that the entry of Midasco into this area appears to have encouraged further killings in 2011. According to Christian Peacemaker Teams (CPT), a prominent international NGO which does accompaniment work with members of Agro-Mining Federation of the South of Bolivar (FEDEAGROMISBOL) in order to discourage their assassination, “On 17 August 2011, dozens of heavily armed men in uniform identifying themselves as the Black Eagles paramilitary group entered the town of Casa Zinc in southern Bolivar where they detained, tortured and killed three people and left a fourth person wounded. Just two weeks later, on 29 August, Canadian-owned Midasco Capital announced in *Digital Journal* that they received mining licenses to excavate in the southern Bolivar region, including the area around Casa Zinc.”¹⁶⁶

¹⁶⁴ Midasco Capital Corp., *Consolidated Interim Financial Statements*, June 30, 2011, <http://www.midascocapital.com/wp-content/uploads/2011/09/Midasco-June30-2011-Financial.pdf>; “Welcome to Midasco Capital”, <http://www.midascocapital.com/>

¹⁶⁵ Midasco Capital, “Exploration to Commence in South Bolivar, Colombia”, Press Release, Canada NewsWire, August 29, 2011, <http://www.digitaljournal.com/pr/403812>

¹⁶⁶ Pierre Shantz, “Colombia Analysis: Who is Paying Colombian Armed Groups For Access to Gold?”, CPTnet, November 4, 2011, <http://www.cpt.org/cptnet/2011/11/04/colombia-analysis-who-paying-colombian-armed-groups-access-gold>

A newsletter dated November 2011 by Peace Brigades International (PBI), another prominent international NGO that also does accompaniment work in Colombia, confirms the CPT account and adds that “Thus far in 2011, there have been 40 assassinations in the Southern Bolivar mining area. Threats continue in the form of graffiti signed by the United Self-Defence Forces of Colombia (AUC), checkpoints manned by armed civilians and the presence of a paramilitary base in the region.”¹⁶⁷

Gran Colombia Gold Corp. [Formerly Medoro Resources]

With assets of \$654.7 million, Toronto-based Gran Colombia Gold Corp. (GCGC) is a junior gold and silver mining company focused on Colombia. GCGC is the biggest underground gold and silver producer in Colombia with six working underground mines. The company is also developing a large-scale, open-pit gold and silver mine in the town of Marmato. The Canada Pension Plan has \$6 million (Canadian) invested in GCGC as of March 2011. GCGC has been linked to two murders, one attempted murder, massive environmental destruction and is planning the large-scale displacement of people. There is so much public opposition to GCGC’s development of an open-pit mine at Marmato, that the town’s municipal council banned it on December 21, 2011. GCGC owns most of the historic Marmato gold district including the Mineros Nacionales underground gold mine which produces 25,000 ounces of gold a year and employs 700 people. Gold has been mined in Marmato for more than 500 years mainly by small-scale artisanal miners. GCGC’s Marmato Project covers 1,198 hectares in the mid-Cauca gold belt in the Western Cordillera, 120 km south of the city of Medellín in Caldas department in northwest Colombia. The Project “currently hosts measured and indicated gold resources of approximately 7.5 million ounces, and an inferred resource of approximately 2.2 million ounces.” GCGC is carrying out an exploration and infill drilling program at Marmato to expand and upgrade its gold resources.¹⁶⁸ GCGC’s

¹⁶⁷ Peace Brigades International Colombia, “Mining in Colombia: At What Cost?”, Newsletter no. 18, November 2011, p. 26, http://www.pbi-colombia.org/fileadmin/user_files/projects/colombia/files/colomPBIa/111203_mining_in_colombia_web.pdf

¹⁶⁸ Gran Colombia Gold Corp., *Interim Condensed Consolidated Financial Statements*, September 30, 2011, <http://www.grancolombiagold.com/common/uploads/1321326440-GCM%20-%20Consolidated%20Financial%20Statements%209-30-11.pdf>; “Welcome to Gran Colombia Gold”, <http://www.grancolombiagold.com/>; Medoro Resources Ltd., *Interim Consolidated*

entry into Marmato has been accompanied by the increased presence of “public armed forces...which the local population perceived as a form of intimidation and contrary to the free exercise of their rights and peaceful expression of their dissent.”¹⁶⁹

GCGC owns five operating underground mines known as Frontino, Providencia, El Silencio, Sandra k and Carla which collectively are Colombia’s largest gold producer. These five mines which shall be referred to as FPESC lie between Segovia and Remedios districts in Antioquia department (which neighbours Caldas department and is also in northwest Colombia), 130 kms north of Medellin. Currently, FPESC is producing 65,000 gold ounces per year bringing GCGC’s total gold production to 90,000 ounces a year when the 25,000 ounce annual output of the Mineros Nacionales mine at Marmato is included.¹⁷⁰

Financial Statements, September 30, 2010,

http://www.medororesources.com/site/ywd_medororesources/assets/pdf/Financials_Q3_2010.pdf;

“About Medoro Resources Ltd.”,

http://www.medororesources.com/index.cfm?pagepath=About_Us&id=23259

“Marmato Project, Colombia”,

http://www.medororesources.com/index.cfm?pagepath=Projects/Marmato_Project_Colombia&id=23274 ; “Mineros Nacionales Mine”,

http://www.medororesources.com/index.cfm?pagepath=Operations/Mineros_Nacionales&id=23270

; Canadian Union of Postal Workers — CDHAL (Comité pour les droits humains en Amérique latine) — Common Frontiers — Development & Peace — KAIROS: Canadian Ecumenical Justice Initiatives — MiningWatch Canada — Projet Accompagnement Solidarité Colombie, “Civil Society Organizations Call On Canadian Mining Companies To Respect the Right to Consent in Colombia” November 15, 2011, MiningWatch Canada,

<http://www.miningwatch.ca/news/civil-society-organizations-call-canadian-mining-companies-respect-right-consent-colombia>;

Marmato Defence Committee and Regional Indigenous Council of Caldas (CRIDEC), “Colombia: Marmato Municipal Council Prohibits Open-Pit Mining and Resettlement of Historic Centre”, January 6, 2012, MiningWatch Canada,

<http://www.miningwatch.ca/news/colombia-marmato-municipal-council-prohibits-open-pit-mining-and-resettlement-historic-centre>

¹⁶⁹ Report prepared by MiningWatch Canada and CENSAT-Agua Viva for Inter Pares, “Land and Conflict...”, p. 45, op.cit.; The Regional Indigenous Council of the department of Caldas (CRIDEC) and the José Alvear Restrepo Lawyers' Collective, “Response from Marmato, Colombia, to the Murder of Father Jose Reinel Restrepo”, September 9, 2011, MiningWatch Canada, <http://www.miningwatch.ca/news/response-marmato-colombia-murder-father-jos-reinel-restrepo>

¹⁷⁰ Macleod Dixon, “Recent Legal Developments Provide Exciting Opportunities for Canadian Companies in Colombia”, http://www.macleoddixon.com/documents/Bogota_Legal_Alert_FINAL.pdf ; Medoro Resources

The El Zancudo mine is Gran Colombia's sixth property in Antioquia department and is being "restarted" with expected production of 20,000 gold ounces in 2012. Gran Colombia also owns 100% of Mazamorras, a gold-copper exploration property in Narino department (in the south of Colombia) covering 5,979 hectares.¹⁷¹

The main financier behind Gran Colombia Gold is Serafino Iacono, its Executive Co-Chairman, who had raised an "astonishing" \$275 million for Gran Colombia by July 2010. The well-connected Iacono is a supporter of former Colombian President Alvaro Uribe and has close business relations with other former Colombian government officials. The CEO and President of Gran Colombia is Maria Consuelo Araujo, a former Colombian Minister of Foreign Affairs and of culture.¹⁷² Also on Gran Colombia's Board of Directors are Ricardo Lozano, former Vice-Minister of the Interior and Justice in Colombia, and former Consul of Colombia in Canada, and Hernan Juan Jose Martinez Torres who was Colombia's Minister of Mines and Energy from July 2006 to August 2010.¹⁷³ The workers at the FPESC mines are unionized by the National Union of Mining and Energy Workers of Colombia (SINTRAMIENERGETICA). The union has linked Iacono to the attempted murder of one of its leaders. This is stated in a union news release dated June 5, 2010, which is reproduced in full below:

News Release, "Medoro Completes Final Stage of the Series of Transactions Leading to its Joint Venture Interest in the High Grade Frontino Gold Mines in Colombia, August 19, 2010, <http://www.medororesources.com/index.cfm?pagePath=Newsroom&id=23264>; Medoro Resources, "Frontino Gold Mines—Potential to Expand Medoro's Assets", http://www.medororesources.com/index.cfm?pagepath=Projects/Frontino_Colombia&id=23277; Gran Colombia Gold, "Fact Sheet November 2011", <http://www.grancolombiagold.com/common/uploads/1320247746-Fact%20Sheet%20November.pdf>; "Management's Discussion and Analysis (MD&A) for the Quarter Ended September 30, 2011, November 14, 2011", p. 6.; <http://www.sedar.com/DisplayCompanyDocuments.do?lang=EN&issuerNo=00003116>

¹⁷¹ Gran Colombia Gold, "Properties", <http://www.grancolombiagold.com/properties/map/>; "Growing Production, November 2011", <http://www.grancolombiagold.com/common/uploads/1320247674-November%202011.pdf>

¹⁷² Thom Calandra, "Gran Colombia Draws Large Amount of Capital to Gold Market", July 26, 2010, <http://www.stockhouse.com/Stockhouse-TickerTrax/2010/Jul/26/Gran-Colombia-Draws-Large-Amounts-of-Capital-To-Go>, Gran Colombia Gold Corp., "Officers and Management", http://www.grancolombiagold.com/corporate_information/officers_management/

¹⁷³ "Gran Colombia Gold Corp. : Becoming Colombia's #1 Gold Producer: Investor Presentation, January 2011", p. 25, <http://www.grancolombiagold.com/common/uploads/1295266832-GCM%20-%20INVESTOR%20PRESENTATION%20-%20January%202011.pdf>; Medoro Resources, "Medoro Resources Announces Board Appointment", February 7, 2011, <http://www.medororesources.com/index.cfm?pagePath=Newsroom&id=23264>

Criminal Attempt Against Union Leader

“By Board of Directors, Segovia chapter, National Union of Mining and Energy Workers of Colombia (SINTRAMIENERGETICA)

“Segovia 05/06/10at 12:30p.m., of today June 05, 2010, municipality of Segovia at North east side of Antioquia Province, Jhon Jairo Zapata Marulanda, SINTRAMIENERGETICA, Segovia Chapter’s union leader, was violently assaulted and wounded with three gun shots by paid assassins on motorbikes. Jhon Jairo Zapata Marulanda is the health secretary of the board of directors. He is 37 years old, 15 of which he worked for Frontino Gold Mines in the gold mining project . Our friend and workmate was picked up from the crime scene and transported to Segovia Hospital where he was attended until he was stable. He was then transferred to Medellin via air ambulance for surgery.

“It is necessary to remember that recently Mr. Serafino Iacono , one of the main shareholders of Medoro Resources referred to the mining labour force as a cluster of paramilitaries and guerrilla rebels and said that he was going to take care of the case in conjunction with the government.

“Last week, Dario Rua, the union’s President plus all the members of the board of directors received death threats and were declared military objectives through an e-mail. Reasons given were their opposition to the sale of assets of Frontino Gold Mines (now closed) to Medoro Resources and the time frame given for them to leave the gold rich area is two weeks. Medoro Resources has offered a paltry amount for the defunct company’s assets and its pension liabilities, taking into account that the company belongs to the active workers and pensioners, which is the reason given by the union to oppose the sale and transfer of company assets. Suspiciously, these negotiations have been endorsed by the Superintendant of Corporations and the Uribe Government.

“Mr. Marcos Gaviria Lujan and Mr. Cesar Augusto Duque and their families were displaced by death threats against their lives and those of their family members. They are president and vice-president, respectively, of the Frontino Gold Mines Retirees and Pensioners Association (Asjupenses) and are well known leaders in the struggle against the sale of company assets. They were moved by air to the city of Medellin under tight security measures .

“The Sintramienergetica Board of Directors, the suppliers associations and Asjupences Board of Directors condemn these criminal and cowardly actions against our directors and hold the Superintendent of Corporations which is the liquidator, the assessment commission and the multinational Medoro Resources responsible for these vile acts against the union leaders. At the same time we make a renewed call to the national authorities so these attempts do not go unpunished, as well as to the Colombian nation so they give special attention to the security of the Segovia chapter’s union leaders who face the onslaught of these groups that work outside the law and are employed by foreign multinationals.

“We ask for solidarity from all the union brotherhood, all the human rights organizations local and international, international NGOs, and the community at large to denounce these kinds of attempts that continue happening in Colombia against our union leaders.”¹⁷⁴

End of Document

As with the murder of Edilberto Imbachi and Gran Tierra, the above charges against Medoro Resources (now Gran Colombia Gold Corp.) and Serafino Iacono are very serious and alarming: the attempted murder of a union leader, the displacement of two more such leaders and threats to the lives of the entire union chapter board of directors are the responsibility of Iacono and Gran Colombia Gold according to the union. The familiar pattern in Colombia is that when a multinational company explores for or extracts a resource, paramilitaries appear to remove obstacles in its way especially unionists, and Indigenous and Afro-Colombians who object to the company’s activities. When in addition to this deadly reality, a Canadian corporate executive declares the mining labour force to be “a cluster of paramilitaries and guerrilla rebels” that is tantamount to imposing a death sentence on the miners. By calling the miners “guerrillas”, Iacono is in effect asking the government to eliminate them using its paramilitaries as this is what the Colombian state has been doing for decades. The use of such inflammatory words amounts to incitement to murder in the Colombian context. Given Iacono’s close connection to the Colombian state, his apparently combative attitude is not surprising. As he says according to the union news release, “he will take care of the case in conjunction with the Colombian government.”

¹⁷⁴ SINTRAMIENERGETICA, “Criminal Attempt Against Union Leader”, News Release, June 5, 2010. <http://www.rebanadasderealidad.com.ar/sintramienergetica-10-11.htm>

FPESC are the biggest gold mines in Colombia and the Marmato mine area is amongst the leading gold producers in the country. Both mine areas are controlled by a Canadian company in which Serafino Iacono is prominent. From the above news release it appears that Iacono will not tolerate any union opposition to his mining operations and encourages the killing of unionists who engage in this. Thus worker rights in the leading Canadian mining company in Colombia do not exist. What exists is a paramilitary reign of terror apparently fostered by the company's executive leadership. Iacono's anti-union policy is no secret and is made publicly clear on Gran Colombia Gold's web site in a promotional pamphlet titled "Gran Colombia Gold Corp. : Becoming Colombia's # 1 Gold Producer: Investor Presentation": on page 15 of this document under the deceptive heading "Social Investment Key to Mining Success", the company states as one of its accomplishments in the case of the FPESC mines: "Shift to a non-unionized work force" which along with other steps has helped it generate "Savings of approximately \$100 per ounce of produced gold."¹⁷⁵ Thus union-busting is a likely reason for Iacono's labeling the mine workers "guerrillas"; certainly, murderous attacks by paramilitaries on union leaders can help break up the targeted union in Colombia and make possible many other such savings thereby attracting more Canadian investors to Iacono's companies. Along with attacking unionists, workers can also be laid off in order to generate further savings. In September, 2011, GCGC laid off an astounding 42% of the FPESC workforce (more than 800 people) helping it reduce its production costs by \$415 per ounce of gold produced.¹⁷⁶

According to Francisco Ramirez, former President of the liquidated public sector Colombian Mine Workers Union, "the Marmato Mountain mining district has a heavy presence of paramilitaries in the towns and these protect the interests of the company Mineros Nacionales (MN--now owned by Gran Colombia Gold) . MN's workers are unionized by SINTRAMINENERGETICA; these workers have been threatened by paramilitaries and their right to collective bargaining has been impeded."¹⁷⁷

¹⁷⁵ "Gran Colombia Gold Corp. : Becoming Colombia's #1 Gold Producer: Investor Presentation, January 2011", <http://www.grancolombiagold.com/common/uploads/1295266832-GCM%20-%20INVESTOR%20PRESENTATION%20-%20January%202011.pdf>

¹⁷⁶ Gran Colombia Gold Corp., "Gran Colombia Gold Announces Production Update and Confirms Reduction in Production Costs", News Release, November 6, 2011, <http://grancolombiagold.mediaroom.com/index.php?s=11316&item=81662>

¹⁷⁷ Rachel Warden (KAIROS), Interview with Francisco Ramirez, February 5, 2006.

On July 26, 2011, paramilitary assassins again attacked a SINTRAMIENERGETICA union leader, this time successfully killing him with three bullets. Rafael Tobón Zea, a founding member of the Segovia branch of SINTRAMIENERGETICA was murdered in this town on that day. The International Trade Union Confederation (ITUC) and unions worldwide condemned the killing. Tobón Zea was fired by Gran Colombia Gold when it took over Frontino Gold Mines where he had worked for 15 years. The buying of Frontino Gold Mines by GCGC as seen in the SINTRAMIENERGETICA news release above, is not accepted by the union, pensioners and the workers who lay claim to the mine. According to ITUC and Canada's National Union of Public and General Employees (NUPGE) "The mining company [Frontino] had been forced into liquidation and then illicitly handed-over to transnational capital [meaning Gran Colombia Gold]."

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As ITUC and NUPGE describe it, when he was killed, Tobón Zea "was working at a small mine where he was defending small and medium-sized mining operations, backed by SINTRAMIENERGÉTICA, as well as supporting workers and the local community at the Frontino mine in their fight to save the company from the clutches of transnational capital." The United States Labour Education in the Americas Project (USLEAP) states that Tobón Zea "advocated for smaller and medium-sized mining operations to maintain independence from transnational companies." According to the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), "SINTRAMIENERGÉTICA had reported threats to its leaders that were believed to be tied to the contested takeover of Frontino by Medoro and Gran Colombia, and the sacking of all miners."¹⁷⁹ "Justice for Colombia", an non-governmental organization set up by the British labour movement to campaign for Colombian workers' rights, adds that "SINTRAMIENERGETICA had been reporting threats for some time, some were even directed at reps [representatives] by management staff at Medoro

¹⁷⁸ National Union of Public and General Employees (NUPGE), "Trade Union Movement Condemns Murder of Colombian Mineworkers' Leader", August 22, 2011, <http://www.nupge.ca/content/4439/trade-union-movement-condemns-murder-colombian-mineworkers-leader> ; International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), "Mineworkers' Leader Rafael Tobon Gunned Down in Antioquia, Colombia", August 1, 2011, <http://www.icem.org/en/5-Mining-DGOJP/4575-Mineworkers-Leader-Rafael-Tob%C3%B3n-Gunned-Down-in-Antioqu%C3%ADa-Colombia>

¹⁷⁹ Ibid (both sources); U.S. Labour Education in the Americas Project (USLEAP), "Four More Colombian Unionists Killed", August 19, 2011, <http://www.usleap.org/three-more-colombian-unionists-killed-us-nears-trade-deal-colombia>

Resources and Zandor Capital, two competing foreign mining companies in the region.”¹⁸⁰

The above accounts especially those given by SINTRAMIENERGÉTICA indicate that Rafael Tobón Zea was killed by paramilitaries because he was contesting the takeover of Frontino Mines by Gran Colombia Gold. This is no surprise as Serafino Iacono, Gran Colombia’s Executive Co-Chairman, has already issued an incitement to murder unionists who also opposed the Frontino sale by calling them “guerrillas”. This time, the paramilitaries, acting for the company, managed to eliminate their target thus making it clear to all workers what the punishment would be for continuing to oppose the Frontino sale. Both the attempted murder and the successful one are clearly tied to Gran Colombia Gold.

So is the second murder which was of José Reinel Restrepo, the parish priest of Marmato, who opposed Gran Colombia’s plans for an open-pit mine in the town and the company’s moves to displace its inhabitants (see details below). On September 2, 2011, Reinel Restrepo’s dead body was found near his motorcycle in which he had been traveling between Mistrató and Belén de Umbría. His murder was condemned by the Regional Indigenous Council of the department of Caldas (CRIDEC) and the José Alvear Restrepo Lawyers’ Collective (JARLC) who described him as “a defender of the rights of people to survive and remain on their territory. These two organizations added: “The media have associated his death with a supposed mugging, which is doubtful and could be hiding the possibility that this assassination is related with his work in defence of the mining municipality’s population. The week before his death, between the 23rd and 26th of August, Father Restrepo had visited the city of Bogotá together with municipal leaders in order to denounce the general unease in his community as a result of the proposed large-scale open-pit gold project, which would uproot the community and violate the rights of the afro, indigenous and mestizo population of Marmato.”¹⁸¹

According to CRIDEC and JARLC, “Father Restrepo denounced that the Canadian company, Medoro Resources [now Gran Colombia Gold], had

¹⁸⁰ Justice for Colombia (U.K.), “Miners’ Leader Assassinated” July 28, 2011, <http://www.justiceforcolombia.org/news/article/1052/Miners>

¹⁸¹ Regional Indigenous Council of the Department of Caldas (CRIDEC) and the Jose Alvear Restrepo Lawyers Collective, “Response from Marmato, Colombia, to the Murder of Father Jose Reinel Restrepo”, September 9, 2011, MiningWatch Canada, <http://www.miningwatch.ca/news/response-marmato-colombia-murder-father-jos-reinel-restrepo>

circulated information about the supposed sale of the parish church, leading to confusion within the community about its potential relocation. To verify this information, the priest communicated with the dioceses of Caldas and with the regional episcopate to find out if the sale had in fact been made, and which the ecclesiastic authority then denied. In the eyes of Father Reinel and of other social leaders working in defence of Marmato, these events are occurring as part of an effort to displace the people from the urban area in order to develop an open-pit mine at all costs. Father Reinel had made public declarations saying, “They will only get me to leave the parish and the municipality by force.”¹⁸²

With its hostile statements that promote aggression, Gran Colombia Gold appears to have encouraged a killing spree by paramilitaries who seem determined to wipe out any major opposition to the company’s plans in both Marmato and Segovia. These two murders and a third attempted murder can all be linked to the company since the paramilitaries are acting on its behalf, in its interests and with its public encouragement. In this sense the company is complicit in these murders and attempted murder.

Until August 2010, Gran Colombia Gold’s stock increased in value by 130% and was the most actively traded one on the Toronto Venture Exchange (TSXV). The company then transferred to the Toronto Stock Exchange (TSE) and is so popular there that it actually opened the TSE on January 17, 2011.¹⁸³ Not only has Serafino Iacono (Executive Co-Chairman of Gran Colombia Gold) encouraged the assassination of union leaders in Segovia by paramilitaries (as discussed above), members of the family of the leading executive of Gran Colombia Gold have been investigated, arrested and sentenced for having links to paramilitaries, a fact which forced her resignation from the post of Colombia’s foreign minister. Maria Consuelo Araujo, the current CEO and President of Gran Colombia Gold resigned as foreign minister from the administration of President Alvaro Uribe in February 2007 due to the “parapolitics” scandal (see section on this in introduction) after her brother, Senator Alvaro Araujo, was arrested on suspicion of links to the United Self-Defence Forces of Colombia (AUC), the

¹⁸² Ibid.

¹⁸³ “Gran Colombia Gold Corp Set to Close Up 130%, Hits Year High After Reverse Takeover”, August 24, 2010, <http://community.nasdaq.com/News/2010-08/gran-colombia-gold-corp-set-to-close-up-130-hits-yr-high-after-reverse-takeover.aspx?storyid=33820> ; “Gran Colombia Gold Corp. Opens Toronto Stock Exchange, January 17, 2011; <http://www.youtube.com/watch?v=Oi3sdjsOdIQ>

biggest paramilitary group, and on suspicion of being involved in the crimes of kidnapping with extortion of the brother of the former Mayor of Valledupar city, Elias Ochoa. At the time, the Senator was the highest ranking politician to be arrested for these reasons. His detention was ordered by the Colombian Supreme Court which in March 2010 sentenced him to nine years and three months in prison for his ties to paramilitaries. The court ruled that Senator Araujo had conspired with Rodrigo Tovar Pupo, a former paramilitary leader (nicknamed Jorge 40) to “intimidate voters with violence” prior to the 2002 elections.¹⁸⁴

Alvaro Araujo Noguera, Ms. Araujo’s father, was also investigated for links to paramilitaries and has been widely accused of having these. She claimed that she resigned in order to prove her brother’s and father’s innocence. On November 21, 2006, Senator Araujo stated about the official investigation concerning him: “If they come for me it means they are also coming for the minister [his sister], the Inspector General [Edgardo Maya Villazon] and the President [Uribe].” Following this controversial remark which can be interpreted to implicate his sister in the crimes he was being investigated for, the Senator temporarily resigned from his political party Alas-Team Colombia. When his remark was leaked to the press, the Senator “explained that he was talking about the possible political toll of the scandal and not about judicial responsibilities.”¹⁸⁵

In addition to its executives encouraging paramilitary killings of unionists and having close family links to paramilitaries, one of Gran Colombia Gold’s biggest gold producing properties, the Frontino mine, located near the town of Segovia, is contributing to the largest mercury contamination in the world. The *New York Times* called Antioquia, the department which includes Segovia, “one of Colombia's deadliest and most environmentally devastated regions” (see B2Gold section below for

¹⁸⁴ “Colombian Foreign Minister Quits”, *BBC*, February 19, 2007, <http://news.bbc.co.uk/2/hi/americas/6376359.stm>; *Wikipedia*, “Colombian Parapolitics Scandal,” http://en.wikipedia.org/wiki/Colombian_parapolitics_scandal ; Cameron Sumpter, “Former Senator Sentenced for Paramilitary Ties,” *Colombia Reports*, March 18, 2010, <http://colombiareports.com/colombia-news/news/8761-senator-sentenced-for-paramilitary-ties.html> ; “Colombia: Foreign Minister Resigns as Para Scandal Heats Up,” *Associated Press*, February 20, 2007, <http://www.ww4report.com/node/3201>

¹⁸⁵ “Colombian Foreign Minister Quits”, *BBC*, op.cit.; *Wikipedia*, “Colombian Parapolitics Scandal,” op.cit.; Sumpter, “Former Senator Sentenced for Paramilitary Ties,” *Colombia Reports*, op.cit.

elaboration on Antioquia's "deadliest" status).¹⁸⁶ According to the United Nations, Colombia is the world's leading source of mercury contamination "especially in states such as Antioquia, where Segovia is located." In an article published in the journal *Yale Environment 360* in January 2011, Shefa Siegel, states: "Last year, scientists working for the United Nations Global Mercury Project recorded levels of mercury gas in Segovia's center - near public schools and crowded markets - 1,000 times higher than World Health Organization limits... Ground-level concentrations of mercury gas in gold-processing hamlets like Segovia are so high, experts fear the outbreak of an environmental health crisis worse than any caused by mercury since Minamata, Japan, where releases of mercury from a factory in the mid-20th century killed more than 1,700 people."¹⁸⁷ Mercury, which is highly toxic, is used as an amalgamation agent by many legal and illegal miners in Colombia. High mercury levels have been linked to birth defects and neurological disorders such as Minamata disease.¹⁸⁸

Adds Marcello Veiga, former director of the United Nations Global Mercury Project and a professor of geochemistry and mining engineering at the University of British Columbia, "There is no other case in the world like this where an urban population of 150,000 people [in Segovia] is exposed to such high levels of mercury vapor." A U.N. health report published in January 2011, calls the mercury contamination in Antioquia department "dramatic" citing these results: "In neurological tests administered to 196 children in Segovia, aged 7 to 13, 96 percent failed at least one measure of intoxication, whose indicators include attention, memory, language, and executive functions." According to the report, in the adjacent towns of "Segovia and Remedios...the proportion of the population exposed to a high risk of mercury intoxication approaches 100 percent."¹⁸⁹

¹⁸⁶ Stephen Ferry, "In Colombia New Gold Rush Fuels Old Conflict," *New York Times*, March 3, 2011, <http://www.minesandcommunities.org/article.php?a=10776>

¹⁸⁷ Shefa Siegel, "Threat of Mercury Poisoning Rises with Gold Mining Boom," *Yale Environment 360*, January 3, 2011, <http://www.minesandcommunities.org/article.php?a=10632>

¹⁸⁸ Chris Kraul, "High Mercury Levels in Colombia Port Raise Concern," *Los Angeles Times*, January 5, 2011, <http://www.minesandcommunities.org/article.php?a=10632>

¹⁸⁹ Shefa Siegel, *Yale Environment 360*, op.cit.

The U.N. report focuses mainly on the role of small-scale miners in mercury contamination in Segovia and Remedios. However, the Frontino mine which is the largest underground gold mine in Colombia and which lies between these two towns is also contributing to this mercury contamination. According to a technical report (dated June 9, 2010) prepared for Gran Colombia Gold and Medoro Resources by Scott E. Wilson Consulting Inc. on the Frontino Mine:

“The Frontino Project has potential environmental liabilities due to past and current mining activities, including:

- Surface disturbance and degradation including deforestation.**
- Waste rock and tailings from past and current mining operations.**
- Contamination of soil and water by mercury, cyanide, acid drainage, heavy metals and solids from past and current mining operations.”¹⁹⁰**

This technical report is from Gran Colombia Gold’s own website and states on page 1: “Scott E. Wilson Consulting, Inc. (“SEWC”) was retained by Medoro Resources Ltd. (“Medoro”), Gran Colombia Gold, S.A. (“Gran Colombia”) and Tapestry Resource Corp. (“Tapestry” and together with Medoro and Gran Colombia, the “Companies” or “Company”), to prepare a Technical Report (the “Report”) on the Frontino Gold Mines Ltd. (“FGM”), which is located in Antioquia Colombia near the municipality of Segovia.”¹⁹¹ Thus there is no doubt from this report commissioned by Gran Colombia Gold itself that its Frontino mine, is contributing to what the U.N. calls the biggest mercury contamination in the world.

In addition to being linked to the attempted murder of a unionist and large-scale environmental destruction, GCGC is planning the displacement of thousands of people thus compounding this trauma that millions of

¹⁹⁰ Scott E. Wilson, Stewart D. Redwood of Scott E. Wilson Consulting Inc., Englewood, Colorado, U.S., *Medoro Resources Ltd., Gran Colombia Gold, S.A., Tapestry Resource Corp., NI43-101 Technical Report, Frontino Gold Mines Ltd., Antioquia, Colombia*, June 9, 2010, p. 24, http://webcache.googleusercontent.com/search?q=cache:74TST-XHgD4J:www.grancolombiagold.com/common/uploads/GCM_NI43-101_Technical_Report_Frontino_%28June_9_2010%29.pdf+frontino+mines+colombia+environmental+record&cd=7&hl=en&ct=clnk&gl=ca&source=www.google.ca

¹⁹¹ *Ibid*, p. 1.

Colombians have suffered. GCGC plans to eradicate the entire town of Marmato which has a population of about 8,000 people, build an open-pit mine there and move its residents to a new town nearby that does not even exist presently but that the Colombian government has pledged to build. The proposed mine has been banned by the Marmato Municipal Council as stated above; the mine and the company's displacement plans have been strongly condemned by the inhabitants of Marmato most of whom are Afro-Colombians and Indigenous. On May 14, 2011, 3,500 people in Marmato held a march to protest GCGC's plan.¹⁹² Alarmed by the company's intentions, the Executive Committee of the Regional Indigenous Council for Caldas (CRIDEC), issued the "Urgent Action" (reproduced in part below) in May 2010, which called for international solidarity to save the town of Marmato and oppose GCGC's objectives. In this appeal, CRIDEC claimed a mandate from the community of Marmato as "represented by the Civic Committee in defense of Marmato and the Human Rights Committee of Marmato." The Urgent Action is signed by the two Marmato citizens groups. CRIDEC accuses the Colombian government of "ethnocide" for supporting the displacement plans of the company. This charge obviously applies to GCGC as well. Most of Marmato's residents are Afro-Colombians (56.5%) and 16.7% are Indigenous.

URGENT ACTION

May 28, 2010.

CANADIAN COMPANY ANNOUNCES THAT IT NEEDS TO DISMANTLE THE TOWN OF MARMATO (DEPARTMENT OF CALDAS IN COLOMBIA) IN ORDER TO EXPLOIT AN OPEN PIT GOLD MINE WITH ENOUGH RESERVES TO LAST 20 YEARS.

MARMATO. COLOMBIA: A town with ancestral origins and 474 years of republican tradition will be destroyed.

The Executive Committee of the Regional Indigenous Council for Caldas (CRIDEC), following the mandate it received from the IX Congress of Indigenous Peoples of Caldas, celebrated in Supía between April 30 and May 2, 2010, and from the community of Marmato, represented by the Civic Committee in defense of Marmato and the Human rights Committee of Marmato

¹⁹² "X", Interview with Author, May 17, 2011. "X" is a journalist in Colombia who has visited Marmato several times and is familiar with the situation there as pertains to mining. The identity of X cannot be revealed as this would put X's life in danger. For more information provided by X see page 93 below.

WE DENOUNCE:

BEFORE THE HUMAN RIGHTS INSTITUTIONS AND ORGANISMS OF THE STATE, THE SOCIAL AND POPULAR ORGANIZATIONS, THE INTERNATIONAL ORGANISMS IN THE DEFENSE OF HUMAN RIGHTS AND THE ENVIRONMENT, NGOs AND PUBLIC OPINION IN GENERAL THAT:

After five years of uncertainty, a multinational company has announced publicly their decision to disappear the town of Marmato, a mining town in the western region of the Department of Caldas in Colombia, in order to exploit an open pit gold mine in the mountain that has been settled by our population for the last 474 years, The mining company has the active support of the Colombian government.

Since December 3, 2009, in an interview with the newspaper *La Patria* de Manizales, Juan Manuel Peláez, the company president for Colombia for the Canadian multinational MEDORO RESOURCES LTD, [now known as Gran Colombia Gold Corp.] dictated the death of the town of Marmato when he said: “We are seeking proven reserves for a major exploitation, and that is why we need the town”.

DEMAND:

- Immediate suspension of the all activities by the company MEDORO RESOURCES in Marmato, in order to protect the life of its inhabitants while doubts about this Project be clarified;**
- Preserve the existence of the town of Marmato in its actual location, respecting its ethnic, social, cultural and economic integrity, as well as a cultural and historical heritage of the nation;**
- Respect the rights of the indigenous and black population of Marmato;**
- Reject open pit mining on the mountain of Marmato and adjacent areas;**
- Comply with the Decree 2223 of 1954 which reserved the upper area of the mountain for small scale, subsistence mining.**

REJECT:

FIRSTLY: The ethnocide that the Colombian Government seeks to accomplish in Marmato, because the mountain they intend to destroy in order to dig an open pit mine, is not an empty and uninhabited territory, but rather is part of a town, and more

than that, a town that has been occupied by indigenous ancestors followed by 474 years of colonial and republican existence, inhabited, according to the census of 2005, by a majority black population (56.5%) and indigenous (16.7%), the latter organized in the Indigenous Council of Cartama; and a town which has forged its identity around mining and has a singular identity known as the “pesebre de oro de Colombia” (golden manger of Colombia).

SECONDLY: The destruction of the Cultural and Historical Heritage of the Nation, not only for their physical appearance, but because Marmato has enormous historical importance for Colombia and South America in general, as part of its gold financed the South American War of Independence and its mines were given as collateral for borrowings by the government of Simon Bolivar and Santander. In other words, without Marmato the independence of Colombia, Ecuador, Venezuela and Peru would have been much delayed. And 200 years later, on the Bicentennial of Independence, the payment Marmato is receiving is extinction.

THIRDLY: The nerve of the manager of a multinational company of a country known to provide humanitarian aid to Colombia, as is the case with Canada, asserting that they are planning to take a Colombian town and destroy it because there is gold underneath.

FOURTH: The violation by the Colombian State of all regulations of the Colombian and international law on mining in urban areas, in cultural heritage, especially in areas of black and indigenous communities. The Minister of Mines and Resources declared during his visit to Marmato on July 29, 2009 that there would be no process of prior consultation with the indigenous community, violating the ILO convention 169, arguing that the consultation did not apply to Marmato because mining has been taking place in the region for over 500 years.

FIFTH: The cruel and inhuman treatment by the Colombian state which has been terrifying the population saying that the mountain could collapse in order to force people out of the areas, when the environmental authorities CORPOCALDAS, have certified that the mountain is geologically solid, and that the only danger of disaster would come from the inadequate handling of mining residues, and for this reason the Ministry of Mines abandoned the monitoring of mining exploitation in the area ten years ago. An equally cruel treatment on the part of the state, is to have obliged miners to use home-made “black dynamite”, responsible for many accidents leading to blindness and mutilations. This was due to pressures applied by the multinational company to stop the sale of legal dynamite to the small scale miners in the zone. Consequently, this has forced hundreds of miners to stop their legal exploitation of

the mines, and to exploit the mine shafts illegally, while the company is using legal dynamite below them.

SIXTH: The authorization of the National Government to deplete a non-renewable natural resource in 20 years, when its operation with small and medium scale mining, and tillage craft has allowed for four centuries and a half to develop a culture and economy of great benefit to many generations and for a vast region of western Caldas; finishing in a generation the material and cultural living of future generations.

SEVENTH: The National Government's complicity in the social emergency that Marmato went through following the bankruptcy of Colombia Goldfield Canadian company between 2006 and 2010, with mine closures, destruction of mills, unemployment, insecurity, forced displacement of the population, destruction of the historic center, the bankruptcy of commerce and the mutilation of miners, etc.

SOLIDARITY:

We ask that all persons and institutions who wish to manifest their solidarity in defense of Marmato, send letters, phone or email the following authorities:

Dr. Alvaro Uribe Vélez, President of Colombia
Dr. Hernán Martínez Torres, Minister of Mines and Energy
Dr. Mario Aristizábal Muñoz, Governor of the Department of Caldas
Dr. Volmar Pérez Ortiz, Public Defender
Genevieve Des Rivieres, Canadian Ambassador in Colombia

Please send copies to: Consejo Regional Indígena de Caldas (CRIDEC)
Cra 8 N° 8-10, Parque La Candelaria, Riosucio, Caldas, Colombia
Email: cridecmarmato@yahoo.es

**KEEP ON FIGHTING FOR THE DEFENSE OF OUR ANCIENT TERRITORIES AND
DIGNITY OF OUR PEOPLE! UNITING ALL MARMATO!**

Signed:

--EXECUTIVE COMMITTEE CRIDEC
--BOARD OF DIRECTORS OF THE DEFENSE OF MARMATO
--BOARD COMMITTEE FOR THE RIGHTS OF MARMATENOS ¹⁹³

End of Document

CRIDEC's concern about ethnocide being a result of GCGC's operations is similar to the fears raised about the genocide of the Inga indigenous nation due to the activities of Gran Tierra, the Canadian oil company. As Canadian companies rush into the oil and mining sectors of Colombia, they are becoming agents of ethnocide especially against native nations that are already in danger of extinction as the National Authority for Indigenous Government's (ONIC) report shows above. According to the Colombian Institute of Geology and Mining (INGEOMINAS) there are 304 *resguardos* (legally recognized indigenous territories) that "fall within mining districts where mining titles are being granted for the exploration and exploitation of different minerals." The institute adds that "In 2008, 65% of mining concessions which were granted within the mining districts and which will be developed as part of the Free Trade Agreement between Canada and Colombia are located in the ancestral lands of Indigenous peoples and Afro-Colombian communities." ¹⁹⁴

The development of a large open pit gold mine at Marmato also threatens to create a major environmental disaster. At the foot of Marmato Mountain flows the Cauca River, Colombia's second largest, that provides drinking water to 10 million people including the 2.5 million inhabitants of Cali, Colombia's second largest city. The Cauca River supplies water to the Valle del Cauca (Valley of the Cauca River) department which is "one of the most fertile agricultural valleys in the world." This river passes through Colombia's third largest city, Medellin, as well, and "is essential to the country's economic well-being. Not only does it support huge industrial and agricultural bases of production, but its surrounding highlands and watersheds are the source of nearly two-thirds of the country's coffee, nearly

¹⁹³ Executive Committee of the Regional Indigenous Council for Caldas (CRIDEC), "Urgent Action: May 28, 2010: Canadian Company Announces That it Needs to Dismantle The Town of Marmato in Order to Exploit an Open Pit Gold Mine With Enough Reserves To Last 20 Years".

¹⁹⁴ ONIC Report, op.cit.

all of its sugar, and a variety of other crops.” Economically, the Magdalena-Cauca River system (the Magdalena River is the largest river in Colombia and the Cauca River is its tributary) “is considered to be the most important river system in Colombia.” The large tailings (waste) dams required to hold the liquid toxic waste from an open pit gold mine routinely break and in the case of Marmato, such waste once released, would flow down the mountain into the Cauca River, poisoning the water supply for 10 million people and the water needed for the agriculturally and industrially crucial Cauca Valley.¹⁹⁵

Not only does GCGC fail to address this dire environmental danger presented by its proposed open pit mine but the company portrays its planned displacement of Marmato residents as a positive development. GCGC announced in a press release dated September 27, 2010 that “it has been informed by the Marmato municipal authorities and the Department of Caldas (Colombia) that they have approved the building of new infrastructure related to the relocation of the town to the El Llano area, located 3 kilometres to the east of Marmato.

“As part of this process, a new school with a capacity for 1,200 students, including 26 classrooms, washrooms, physics and chemistry laboratories, a cafeteria, sport field, computer sciences rooms, library, and auditorium. The cost of the facility is currently estimated at US\$1.7 million. Once construction is completed, the existing school in Marmato will be relocated to El Llano. For the building of the new school, the municipality has already donated the necessary land.

“Also, the bidding process for the construction of a new health facility for El Llano has commenced. This facility, which will replace the current one in Marmato, will be designed to provide first-level response for medical emergencies and surgeries as well as administrative offices, a childbirth room and other related services. It is expected that construction will commence within six months. The municipality of Marmato has already donated the

¹⁹⁵ Ricardo Bayon, “Innovating Water Markets in Latin America: A Profile of Marta Echavarría,” *Ecosystem Marketplace*, http://www.ecosystemmarketplace.com/pages/dynamic/article.page.php?page_id=468§ion=water_market&eod=1; Twin2Go, “The Upper Cauca Basin,” <http://docs.google.com/viewer?a=v&q=cache:VBY44nB2034J:www.twin2go.uos.de/downloads/basin-fact-sheets/125-fact-sheet-upper-cauca-basin/download+importance+cauca+river+colombia&hl=en&gl=ca&pid=bl&srcid=ADGEESjes2N7zB8xPMKQgavoHl1gxkoeYsLj6VMT1SuoFYsZiHIS7RkW961qlZJxIS4LCTKM B-imRzYJUAAo9j0gm5joPrrv6dmVdyiWGl4Vuq9Lx0yI4-m1cd82PXrQvTA1ypDDCpbZa&sig=AHIEtbQVnGnCCRWayrH8JW8CsuJ2hNffGw>; X, Interview with Author, May 17, 2011.

necessary land. Funding for this phase, amounting to US\$700,000, will be provided by the Caldas Government and the Marmato municipality. The second phase funds, estimated at US\$1million, have not yet been funded, but Medoro, as part of its social and relocation plans, has agreed to fund a portion of this cost, in conjunction with the municipal and departmental governments.

“In addition to the construction of a new school and hospital, the municipality has advised the Colombian Interior Ministry of its plans for the construction of a new municipal administrative headquarters in El Llano, including the mayor's office, municipal council headquarters and secretary's offices. The mayor has also requested that the general commander's office of the national police build a new police station with a capacity for 25 officers and related equipment in El Llano to replace the current one in Marmato, at an estimated cost of US\$500,000. The municipality has already donated the necessaryland.

“Additionally, in support of the relocation, the Caldas Government has been paving and rebuilding portions of the roadway in the area. The work commenced in July, 2010 with an estimated cost of US\$1.5 million. As a result of geological instability in certain areas of Marmato as a result of historical mining activities, the mayor's office has decided to relocate 15 high risk housing units to El Llano, at a cost of US\$250,000. The land for this relocation will be contributed by the municipality.

“Medoro has been developing a socialization plan for the Marmato Project and of the relocation of the town since January 2010. The company has had more than 100 meetings with the community in which more than 4,000 people have participated, in order to better inform the community about its social plan including the relocation of the town as well as its proposed environmental management plan related to the development of a large scale miningproject.

“Commenting on these developments, Serafino Iacono, Interim Chief Executive Officer stated, "We are extremely pleased to see the support and commitment of officials at the municipal and departmental levels, and the community in general, as we move forward with this project. Our vision is not just about moving the town so that we can build a mine, it is about resolving problems that have been created by hundreds of years of small scale mining, and building a better future for everyone."¹⁹⁶

However, GCGC's relocation plans are not the positive scenario the company presents. “X” is a journalist in Colombia who has visited Marmato

¹⁹⁶ Medoro Resources Ltd Press Release, “Marmato Town Relocation Underway”, September 27, 2010, <http://www.medororesources.com/index.cfm?pagepath=Newsroom&id=23264>

several times and is familiar with the mining situation there. X's real name cannot be revealed since X has told the author that doing so would place his life at risk. X explains that GCGC's relocation plans are unviable and endanger Marmato's people. X's comments below also show that parts of the company's above press release are misleading. X's concerns support the position of CRIDEC which completely opposes the relocation. According to X, "This [GCGC] press release, in conjunction with increasing news reports on major Colombian news networks damning small-scale miners is part of a public relations campaign to glorify the industrial mining companies in Colombia and their plans while painting small-scale mining as disastrous, dangerous, and backwards.

"Local and national government are investing heavily to construct the school, hospital and administrative buildings, which will basically extract all the importance and infrastructure from Marmato and is a big nod in favor of the Canadian company moving forward with its plans to destroy the town. And one of the most important repercussions to examine here is that with the state investing in the project it then becomes an interest of the Colombian government. Therefore, those who refuse to move later will not be in the way of a private, foreign company but rather the "public interest" of Colombia - expropriation and use of public forces to remove these resisters can then be justified.¹⁹⁷

"As far as consultation goes, this is a vague term and so are the company's claims to have met with 4,000 locals in over 100 meetings. Many of these meetings are not announced publicly or those that attend are simply the locals that are in favour of the takeover. One public meeting in June 2010 was the first time I saw the majority of the town attend. The meeting became almost riotous when locals finally expressed their true feelings about the takeover.

"The large Afro-Colombian community in Marmato is of utmost importance. A very important code in the Colombian constitution - Ley 70 de 1993 - states that all Afro-Colombian communities must be consulted about any and all projects that will affect their community before any project has begun. In mining this includes exploration, i.e. drilling. This is the language in the Constitution: 'Prior Consultation involves consultation and participation of local communities in the design, approval, implementation and evaluation of development projects that may affect their members and their land.'

¹⁹⁷ X, Email to Author, December 15, 2010.

“Many in Marmato argue that this consultation never took place and that Medoro has already begun its exploration. There are cases cited in Colombian Law that have stopped companies for failing to perform the consultation with an Afro-Colombian community. It remains to be seen if this will happen in Medoro’s case.¹⁹⁸

“The relocation plan developed by Medoro Resources is now being described to the people as a *reasantamiento* (a physical resettlement of the entire town). They no longer use the words "relocation" or "move" or "displace". This is pretty language to suggest that the town will stay intact but just be located in another place. It's impossible.

“The "New Marmato" will be in El Llano which is a slightly more level area below the mountain where they plan to move the entire town, construct all the administrative buildings and build their company offices and work sites. I see several major issues with this claim and the locals share these concerns voicing them at the above mentioned meeting:

“Firstly, the El Llano area is entirely owned by the mining company and it is classified as a "mining zone", not residential. In fact, the company is drilling in this zone right now studying what resources lie below and a mid-size industrial mining project called Mineros Nacionales (owned and operated by Medoro) is mining around this area. Locals claim the large tunnels from Mineros Nacionales are already extending underneath the homes in El Llano. I see this as problematic because if there is gold underneath this area eventually the company will have the right and interest to mine it. Why would they build an entire town above a known resource? Can they build a town in an area zoned as "mining" and not "residential".

“Secondly, Marmato sits on a mountain. This is where the company intends to remove the people from and eventually construct a massive open-pit operation. The planned relocation site is just down the mountain in El Llano. The locals are extremely fearful about living so close to such a contaminating operation. How could several thousand people be moved just below what will be one of the largest open-pit gold mines in Latin America and expect to have access to clean air, water and soil? The people in Marmato who have researched the impact of these mines do not believe that it is viable to live there.

“Thirdly, El LLano apparently lies just beside a known fault line between the Cordillera Central and the Cordillera Occidental (where Marmato is located). Can the government permit homes to be built near or directly on a fault line?

¹⁹⁸ Ibid.

“Fourthly, according to Medoro's plan they must present a well-defined and reasonable social and relocation plan by June 2011. Apparently this must be presented to the proper Colombian agencies and ministries for approval and then they can begin the process. This is a necessary step for boosting their stock price and raising stockholders' trust in the project. So, more than anything it is a fiduciary responsibility which drives this plan not a social one for the locals. They plan to finish their drilling/exploration project by 2012 and once they have the approval of the Minister of Environment for their open-pit mine they begin construction for the project. Best case scenario for them is to have the mine running by 2013. ¹⁹⁹

“So, what I'm getting at here is to take a reasonable look at what they plan and, more or less, what they must do to satiate stockholders' interest in the project in relation to all the social problems they are going to encounter. Can they possibly build and move an entire town in little over a year's time before they begin the construction phase (essentially the demolition of the town and building roads and infrastructure)? What will happen when they encounter all the resistance of those who don't want to leave? What will the locals do for employment once all the mines are closed and their industrial mine project is still not operating?

“They estimate building homes, parks, school, administrative buildings, etc. for 3,500 people - can this possibly be completed in time before the mine begins operation? The bulk of the responsibility of this construction is going to be on the shoulders of a corrupt and painfully slow-moving Colombian government. We'll see.

“The bottom line is essentially this: Medoro believes they must "change the culture" of the locals from their antiquated mining practices and lack of future-oriented perspective. This, in combination with the recent condemnation of small-scale miners by the Colombian media and government, will be the method to get the Colombian public and many Marmato locals to accept displacement by a foreign corporation for a valuable resource.

“And this is just the beginning of wide-spread gold fever that has struck the country. Just simply look at Medoro's concessions in the region around Marmato. They also own a famously rich gold mine called Frontino in Antioquia department. You can be sure that all of these projects will be large-scale, industrial mines that will affect local communities, the environment, produce a fraction of the employment promised by them, and most likely generate very little financial and social benefits for the Colombian people.

¹⁹⁹ Ibid.

“In my opinion, Marmato is the beginning of the slide toward Colombians accepting these projects in their country on a wide-spread scale. If Medoro or whatever senior mining company which may buy the project succeeds here, they will be the template for many other open-pit projects planned for the rest of the country.”²⁰⁰

The SINTRAMIENERGETICA news release, the “Urgent Action” call of CRIDEC and X’s account make clear that GCGC’s operations are encouraging a paramilitary reign of terror in its Marmato and Segovia mines as well as destroying the entire town of Marmato and endangering the water supply and thus the lives of 10 million people. These operations are displacing Marmato’s mainly Afro-Colombian and Indigenous residents to a location where there already is another gold mine and where their lives are endangered by the operations of a huge open pit mine that Marmato will become, as well as by living on a fault line. A worse location for a new town is hard to imagine. Meanwhile, the livelihood of many of these residents who were small-scale miners in Marmato is being taken away by GCGC which has bought up all the mining rights in the area. The residents are even being denied legal access to commercial dynamite by the government forcing them to make their own dynamite which also endangers their lives. Many horrible accidents and several deaths have resulted from this restriction which favours GCGC (see CRIDEC’s account above and X’s comments below for more detail on this issue).

GCGC’s operations are also setting the stage for and encouraging further official repression against those residents who may refuse to move from Marmato. Thus, murder, displacement, impoverishment and repression are what GCGC is bringing to many of the people of Marmato and Segovia.

This is similar to what Colombia Goldfields, the Canadian company that GCGC bought out, brought to the people of Marmato. As the CRIDEC “Urgent Action” states above: “The National Government's complicity in the social emergency that Marmato went through following the bankruptcy of Colombia Goldfield Canadian company between 2006 and 2010, with mine closures, destruction of mills, unemployment, insecurity, forced displacement of the population, destruction of the historic center, the bankruptcy of commerce and the mutilation of miners.”

²⁰⁰ Ibid.

X elaborates on Colombia Goldfield's role in Marmato and the continuing negative effects of this on its residents: "In 2008, through their subsidiary Minera de Caldas, Colombia Goldfields consolidated what they claimed to be 80% of the legal mine titles that existed in Marmato. They then closed these mines, destroyed 13 mills and caused immediate social and economic disruption. These problems continue today in Marmato as many people have come from neighboring towns, breaking into these mines and extracting the gold illegally."²⁰¹

"Unemployment is very high, violence has increased and the military has made acquiring dynamite legally nearly impossible for the small-scale miners. This was done in an effort to reduce the 'illegal' mining in the mines that belonged to Colombia Goldfields. The effect of this has been that many of these 'illegal' miners and many legal miners have resorted to producing their own dynamite. This homemade dynamite is extremely volatile and there have been many horrifying accidents and several deaths. The connection is difficult to make between these dynamite restrictions and the government favoritism for the Canadian company, but many people in the town believe this to be the only reason for the sudden restrictions.

"Colombia Goldfields was crippled by the economic collapse and was forced to pack up and leave Marmato. They left many debts unpaid and, in their wake, social and economic problems that the town had never faced before. Medoro Resources now runs the show and they have yet to confront any of the social problems that were first caused by Colombia Goldfields and continue today under their watch.

"The gold rush began several years ago and is now at full steam. I recently went to a mining conference in Medellin where all the major gold, silver and precious metal projects were on display. A good majority of the hundreds of foreign companies now exploring in Colombia are Canadian and every one is looking to create massive open-pit mines. Colombia should be under a very tight watch by the international community if we are to help preserve the human and biological beauty and diversity of this great country full of resource riches."²⁰²

²⁰¹ X, Email to Author, November 19, 2010.

²⁰² Ibid.

Gran Colombia Gold’s participation in massive environmental degradation, large-scale displacement and its executive’s encouragement of the assassination of unionists has been accompanied by the Colombian government’s campaign to eliminate the activities of Segovia’s informal small-scale miners in the area of the company’s operations. According to the U.S. newspaper, *Miami Herald*, “In particular, Segovia’s miners are fighting for the right to keep working within a 7,166-acre plot known as Frontino Gold Mine.” The newspaper points out that the Colombian government has repeatedly charged that informal miners may be financing guerrillas and paramilitaries. “This is just one more way to stigmatize us,” says Didier Osorio, a Segovia lawyer who represents small miners. “The government has been taking steps to favour big business and their interests, while they accuse us of being major financiers of these irregular groups, which is not true.” ²⁰³

Mario Valencia who represents the Colombian Network Against Large Scale Transnational Mining agrees with Osorio saying that “it is really a way to favour large-scale mining companies.” He adds “There are more than two million artisanal miners in Colombia that have long lived off of this activity. The government is trying to take this way of life away from them and give it to the large mining companies. It has been grouping artisanal mining with illegal mining, so now it has the authorization to persecute both of them ... and clear the way for the transnationals.” ²⁰⁴

Osorio and others have started an organization called “Corporation of Ecological Minerals” which is aimed at countering what they see as “the growing influence of multinational mining interests in the area.” The Colombian National Police has shut down 56 illegal gold mines since September 2010 and the government has instituted “a shock plan” to inspect and close more mines that are violating safety regulations. The government has also launched a national mining census to register miners. ²⁰⁵

All this is not surprising given Gran Colombia Gold’s close connections to the Colombian government and Serafino Iacono’s hostility to small-scale mining (see his remarks above). With the rush of Canadian mining companies to Colombia, the Colombian government appears determined to clear the way for large-scale open pit mining which is favoured by these

²⁰³ Jim Wyss, “Colombia’s FARC Lured by Gold Mining”, *Miami Herald*, February 8, 2011, <http://www.miamiherald.com/2011/02/07/2055591/tarnished-gold.html>

²⁰⁴ Abad, “Colombia: Deepening Dependency...”, op.cit.

²⁰⁵ Ibid.

companies and to which small-scale miners are an obstacle. This preference was made public by Carlos Rodado, the current Colombian Minister of Energy and Mining, when he visited GCGC's Marmato Project on February 8, 2011. The company was "pleased to announce" in a news release, that during his visit, "Rodado announced...his support for an open pit mine operated by Medoro Resources...He also indicated that the present situation of informal underground mining is not the best approach for the long term due to the inherent risks to miners working without a comprehensive safety program in place. He asserted that the ideal situation would be an open-pit mine."²⁰⁶

The activities of Gran Colombia Gold Corp. and Eco Oro Minerals (formerly known as Greystar Resources--see section below), another prominent Canadian mining company in Colombia, have become so alarming that serious concern is being expressed about these in the Colombian Senate. On June 8, 2010, Senator Jorge Enrique Robledo made the statement below (reproduced in part) to the Colombian Senate's Fifth Commission. Robledo belongs to the opposition Democratic Alternative Pole (PDA by its Spanish initials) political party.

"Democratic Alternative Pole, Colombia, 'Three Serious Cases that Involve Transnational Canadian Mining Companies': Intervention by Senator Jorge Enrique Robledo, Fifth Commission of Senate, June 8th 2010, [Released] June 20th 2010, MOIR-PDA, Bogotá.

"While the FTA between Canada and Colombia is implemented in Ottawa: Business in exchange for the absolution of human rights.

"...I would also like to make a comment about large scale transnational mining companies. I don't know if you have all taken note, but the FTA between Canada and Colombia has begun to move in the Canadian parliament, where it was paralysed for more than a year for human rights reasons. Now it is moving rapidly, strangely at the same time at which various disputable acts on the part of Canadian mining companies in Colombia are taking place, cases in which from my perspective there is a strange relationship between one and another.

"We have the case of Marmato, Senator Sierra, which you and I know. A Canadian transnational buys more than 100 small scale mines. The mines are then closed with the rationale that larger scale mining would get started, which doesn't take place, provoking in Marmato unemployment and an

²⁰⁶ Medoro Resources, "Minister of Energy and Mining of Colombia Visits Marmato Project and Indicates Support for Open Pit Mine", February 16, 2011, <http://cnrp.marketwire.com/client/medoro/release.jsp?actionFor=1397359>

unusual economic crisis. I've always asked what would happen if someone arrived in Bogotá and bought, let's say, Transmilenio [a major bus company] and closed all of the buses down saying, "the business is mine so I can do what I like." This is what took place in Marmato, where there is a serious crisis and where, in addition, the transnational company is proposing to carry out open-pit mining that would destroy the town including the church, the mayor's office, everything. They need to do it, they say, in order to get the gold out from under the town.

"We have the case of Frontino Gold Mines, a company that in my opinion belongs to the workers and that the national government is determined to sell to a transnational company at a very low price, a company called Medoro Resources, also from Canada. An attempt was recently made on the life of a union leader in this area. There is also a very complicated issue here and, curiously, a Canadian translational company appears.

"I've also read in the press about another Canadian transnational – Greystar Resources – that would like to exploit a very large mine in the páramo of Santurbán, threatening the waters of the aqueduct serving Bucaramanga. And, curiously, this is also advancing when we know that it shouldn't go ahead, because more than half of the mine is within an area of páramos, which are supposed to be environmentally protected.

"As a result, in my view of things, and I will say it frankly, senators, it bothers me a lot that precisely at at the same moment that the government needs this FTA with Canada, not so much for economic reasons as for political reasons, given the absolution that the treaty signifies for the Uribe government in terms of human rights, three scandalous situations appear that benefit Canadian transnational companies. It is important to pay attention to this because, in my opinion, what is happening is that there is some bartering going on between the Canadian and Colombian governments. A few are going to get away with the silver and the gold while absolving human rights and labour rights issues that should not be possible. I'm simply calling attention to this.

"In closing, President, I propose that in the coming term we dedicate ourselves to carefully look at the mining sector in which we will find very serious problems."²⁰⁷

²⁰⁷ Democratic Alternative Pole, Colombia, "Three Serious Cases that Involve Transnational Canadian Mining Companies: Intervention by Senator Jorge Enrique Robledo", Fifth Commission of Senate, June 8th 2010, Released June 20th, 2010, MOIR-PDA, Bogotá, <http://www.rebanadasderealidad.com.ar/robledo-10-20.htm>

End of statement

The key phrase in Senator Robledo's presentation is "What is happening is that there is some bartering going on between the Canadian and Colombian governments. A few are going to get away with the silver and the gold while absolving human rights and labour rights issues that should not be possible." The Free Trade Agreement between Canada and Colombia has encouraged massive Canadian corporate violation of Colombian worker and human rights as well as large-scale environmental destruction. Canadian companies feel no hesitation now in publicly encouraging the murder of Colombian unionists and Indigenous leaders, as well as destroying entire Colombian towns and crucial ecosystems (see Eco Oro Minerals/Greystar section below). With the government of Canada backing them more than ever before, there appears to be no limit to the destructive practices of Canadian companies in Colombia.

Antioquia Gold

Amazingly, Gran Colombia Gold's involvement in human rights violations extends even beyond the numerous examples cited in the extensive section devoted to it above and continues in conjunction with similar involvement on the part of another junior Canadian mining company in Colombia: Calgary-based Antioquia Gold Inc. which has assets of \$15.8 million. Antioquia Gold is mainly focused on its Cisneros project located in the central part of Antioquia department (where Gran Colombia Gold is present as well), 55 kilometers northeast of Medellin city. The Cisneros project consists of 10 concessions that make up 5,630 hectares lying partly within the municipalities of Cisneros, Yolumbo and Santo Domingo.²⁰⁸

In an "Urgent Action" dated October 20, 2011, the indigenous authorities of the Cañamomo Lomaprieta resguardo (resguardo means legally recognized indigenous territory) in Riosucio and Supia Caldas denounced Antioquia Gold and Gran Colombia Gold for visiting the territory without their permission for the purposes of exploring for gold. Gran Colombia personnel visited the resguardo in September and October 2011 and those

²⁰⁸ Antioquia Gold Inc., *Condensed Consolidated Interim Financial Statements for the Three Months Ended June 30, 2011 and 2010*, <http://www.antioquiagoldinc.com/i/pdf/FINANCIALSTATEMENTS-SEPT28-2011.pdf>; "Projects", "Cisneros: Highlights, Overview" <http://www.antioquiagoldinc.com/s/Cisneros.asp>

from Antioquia Gold in February 2011, according to the indigenous authorities. The “Urgent Action” rejects:

“(1) The way the state has conducted its affairs without consulting us, issuing permits, titles and mining concessions to companies and individuals for exploration and exploitation on large areas of our territory.

(2) The violation of our fundamental right to prior consultation, free, prior and informed consent and our right to have a say and agree to projects that affect our indigenous territories as per article 330 of our constitution...

(3) The presence of national and multinational companies in the interior of our territory of the Canomomo Lomaprieta Indigenous Resguardo jurisdiction of the municipalities of Riosucio and Supia Caldas without prior agreement, companies who have as goals exploration and exploitation of our natural resources.

(4) The large-scale open pit gold mine proposed by Medoro Resources/Gran Colombia Gold in Marmato, an area adjacent to our Indigenous territory. This will directly impact and affect our territory and the future survival of the Embera Chami people of Caldas.

(5) That the public force accompany representatives of these companies as in so doing they are violating constitutional principles and international treaties on human rights as well as ministerial policy contained in Directive No. 16 which addressed the need for adequate coordination with indigenous authorities with regards to entering indigenous territories.”²⁰⁹

In addition, the “Urgent Action” of the indigenous authorities of the Cañamomo Lomaprieta resguardo:

(1) Demands that “the national government fulfill its constitutional responsibility of upholding and protecting human rights in accordance with constitutional principles and as articulated in international treaties and conventions.”

(2) Publicly requests “that the Canadian government assume responsibility for the activities of its transnational companies in our country and that it oblige its companies such as Gran Colombia Gold Corp to respect: the national legal framework with respect to ethnic rights; national and international jurisprudence that orders that free, prior and informed consultation and consent processes be undertaken prior to any activity

²⁰⁹ Resguardo Indígena Canamomo-Lomaprieta, Riosucio y Supia Caldas, “Urgent Action”, October 20, 2011,

<http://www.miningwatch.ca/sites/www.miningwatch.ca/files/Urgent%20Action,%20Medoro%20in%20Ca%C3%B1amomo,%2020Oct11.pdf>

that could affect the cultural integrity of Indigenous Peoples including exploration...The Canadian state should monitor and ensure that its companies fulfill this legal framework and in so doing mitigate the possibilities of human rights violations that could escalate armed conflict.”²¹⁰

This complaint of the indigenous authorities of the Cañamomo Lomapieta resguardo against the Canadian companies Antioquia Gold and Gran Colombia Gold has not only reached Canada but been given so much importance by progressive Canadian organizations that seven of them (including the Canadian Union of Postal Workers and MiningWatch Canada) signed and sent a letter to the Canadian Ambassador to Colombia in November 2011, asking him to intervene to protect the indigenous community’s rights. The letter is reproduced below from the MiningWatch web site:

“Civil Society Organizations Call On Canadian Mining Companies To Respect the Right to Consent in Colombia

Tuesday, November 15, 2011

Source:

Canadian Union of Postal Workers — CDHAL (Comité pour les droits humains en Amérique latine) — Common Frontiers — Development & Peace — KAIROS: Canadian Ecumenical Justice Initiatives — MiningWatch Canada — Projet Accompagnement Solidarité Colombie

Tim Martin

Canadian Ambassador in Colombia

Carrera #114-33, Piso 14 Bogotá

Email: bgota-td@international.gc.ca

Sent by electronic mail

RE: Concerns arising from October 26, 2011 complaint from the Cañamomo Lomapieta Indigenous Resguardo in Caldas, Colombia regarding free, prior and informed consent

Dear Ambassador Martin,

At a time of increased activity of Canadian companies in Colombia and following implementation of the Canada Colombia Free Trade Agreement, we

²¹⁰ Ibid.

are writing to express our concerns arising from a complaint from the Cañamomo Lomaprieta Indigenous Resguardo in Caldas. The complaint refers to Canadian mining companies [Antioquia Gold](#) and [Medoro Gold, now merged with Gran Colombia Gold](#), and their reported lack of respect for the community's right to free, prior and informed consent prior to any mining activity taking place on their ancestral territories.

Traditional authorities of the Cañamomo Lomaprieta Indigenous Resguardo, located in the municipalities of Riocucio and Supía, department of Caldas, have reported that representatives of Medoro Resources, now merged with Gran Colombia Gold, arrived unannounced on their territory first in September and then on October 17th of this year with the apparent intention of collecting samples as part of exploration activities in the area. On both occasions, the indigenous authorities report that the Indigenous Guard informed the company employees of their responsibility to obtain permission from traditional authorities of the Resguardo before carrying out such activities, and that on both occasions company representatives acknowledged that they lacked said approval. The Indigenous Authorities also report that similar events took place involving Calgary-based Antioquia Gold in February of this year. It is important to note that both companies are listed on Canadian stock exchanges, and that, in the case of Gran Colombia Gold, the Canadian Pension Plan has an investment worth \$6 million CDN in this company as of March 2011.

According to national and international law and jurisprudence, the Embera Chamí indigenous people who live in this Resguardo should not have to bear undue pressure on their territories from mining exploration activities taking place without their express approval. The right to free, prior and informed consent (FPIC) for indigenous peoples in Colombia is enshrined in article 330 of the country's Constitution, as well as in the International Labour Organization Convention 169 on the rights of Indigenous and Tribal Peoples, which Colombia has ratified, and the UN Declaration on the Rights of Indigenous Peoples, which Colombia supports. Furthermore, the jurisprudence of Colombia's Constitutional Court, such as judgment T-1045A of December 2010 and judgment T-129 of 2011, along with international jurisprudence of the Inter-American Court of Human Rights, recognize that prior consultation leading to free, prior and informed consent of ethnic peoples should be sought even prior to the granting of mineral concessions on their ancestral territories.

In violation of these legal provisions, the Embera Chamí indigenous people of Cañamomo Lomaprieta report that Canadian companies have entered their territory, intimidating their members, at times accompanied by public and private security forces. The traditional authorities of the Resguardo have spoken out about the way in which the Colombian authorities have granted mineral concessions on their land without their prior consent, and ask that Canadian companies refrain from carrying out any mineral exploration activities until such consent is obtained. The same indigenous authorities also express concern that the open-pit gold mine proposed by Gran Colombia Gold in the nearby municipality of Marmato, adjacent to their territory, would have significant impacts on their survival as a people.

We are concerned that the Colombian state is currently not guaranteeing the right of indigenous peoples to free, prior and informed consent and ask the Canadian Embassy in Bogotá to use its offices to take the appropriate steps to monitor and ensure that Canadian companies are nonetheless respecting this right, as enshrined in national and international law. This is an important step to mitigate further human rights violations that could take place in the context of the internal armed conflict. Particularly given the large stake of Canadian taxpayers, such as in the case of the Marmato project through the Canadian Pension Plan, it would also help demonstrate the will of the Canadian government to promote the human rights of peoples in Colombia.

Furthermore, we ask that the Canadian Embassy in Bogotá ensure that these concerns are responded to and reflected in the first annual report that Canada will issue in 2012 regarding human rights impacts associated with the implementation of the Canada Colombia Free Trade Agreement, which came into effect on August 15, 2011.

A number of the signatories to this letter also expressed concerns in a 15 September letter to you regarding the murder of Father José Reinel Restrepo who was an outspoken opponent of Gran Colombia Gold's open pit mining project in the municipality of Marmato, Caldas. We would appreciate your response on this issue, as well as on the contents of this current letter.

Thank you for your response and for attention to these matters.

Sincerely,

Canadian Union of Postal Workers

CDHAL (Comité pour les droits humains en Amérique latine)
Common Frontiers
Development & Peace
KAIROS: Canadian Ecumenical Justice Initiatives
MiningWatch Canada
Projet Accompagnement Solidarité Colombie

cc.

Vice President of Colombia Angelino Garzón
Minister of the Interior and Justice German Vargas Lleras
People’s Ombudsman Volmar Antonio Pérez
Colombian Ambassador in Canada Clemencia Forero-Ucros
General Counsel and Secretary for Gran Colombia Gold Peter Volk.”²¹¹

Clearly the Canadian mining companies Antioquia Gold and Gran Colombia Gold are violating the indigenous human and legal rights of the Embera Chami people by entering their territory without prior consultation with them for the purposes of gold exploration. That this entry has been done with company personnel being accompanied by public security forces makes these acts highly threatening to the Embera Chami and endangers their lives were there to be an armed confrontation. That these entries are several in number means that they can be considered deliberate provocations of the indigenous people in order to create violence and the chance for the Colombian forces to deal with the Embera Chami, militarily.

Eco Oro Minerals (formerly Greystar Resources)

Vancouver-based Eco Oro Minerals (EOM) has assets of Can.\$121 million and the company’s main property is the wholly-owned Angostura gold-silver deposit in the eastern Cordillera mountains in northeastern Colombia, 35 kilometres from the city of Bucaramanga, the capital of

²¹¹ Canadian Union of Postal Workers — CDHAL (Comité pour les droits humains en Amérique latine) — Common Frontiers — Development & Peace — KAIROS: Canadian Ecumenical Justice Initiatives — MiningWatch Canada — Projet Accompagnement Solidarité Colombie, “Civil Society Organizations Call On Canadian Mining Companies To Respect the Right to Consent in Colombia” November 15, 2011, MiningWatch Canada,
<http://www.miningwatch.ca/news/civil-society-organizations-call-canadian-mining-companies-respect-right-consent-colombia>

Santander department. Angostura is at the exploration stage in which the company has invested \$150 million. Investors include JP Morgan and the International Financing Corporation, the World Bank’s private financing arm. Angostura is located near the small towns of California and Vetás inhabited by artisanal miners. EOM hopes to develop the property into “a long-life, open pit gold-silver operation”. The company’s exploration of the 6,670 hectare Angostura project began in 1995 and it has drilled 926 core holes over 301,000 metres. According to EOM, “Mineable resources were estimated at 14 million tonnes at 5.34 gold per ton (g/t) gold and 29.6 g/t silver...[and] would produce approximately 200,000 oz/year gold over the first seven years...Over a 14 year initial project life, gold production is estimated at 2 million oz gold and 8 million oz silver.” ²¹²

EOM’s Angostura project has endangered the water supply and thus the lives of more than two million Colombians. About 81% of the areas proposed for mineral extraction within the Angostura project are inside the Santurbán páramo, ²¹³ a crucial and fragile Andean high-altitude ecosystem that supplies water to 2.2 million people in 23 municipalities including the city of Bucaramanga (Colombia’s sixth largest) which has a population of 1.2 million. ²¹⁴ The páramo is a “water factory. Its sponge-like soil and particular vegetation and geology capture water in the rainy season, acting as a natural buffer against floods.” During the dry season, the páramo releases water into

²¹² Greystar Resources, “Annual Consolidated Financial Statements for Years Ending December 31, 2010 and 2009”, <http://www.greystarresources.com/i/pdf/2010Q4FS.pdf> ; “Company Profile”, <http://www.greystarresources.com/s/CompanyProfile.asp> ; “Projects: Angostura, Colombia”, <http://www.greystarresources.com/s/Projects.asp?ReportID=95453> “Greystar Resources to Study Viability of Alternate Project at Angostura”, March 18, 2011, News Release, <http://www.greystarresources.com/s/NewsReleases.asp?ReportID=447940& Type=News-Releases& Title=Greystar-Resources-to-study-viability-of-alternate-project-at-Angostura;> “Colombia Shuts Door on Canadian Miner’s Precious Metals Project,” March 24, 2011, <http://latino.foxnews.com/latino/money/2011/03/24/colombia-shuts-door-canadian-miners-precious-metals-project/> ; Natalia Fajardo, “Water vs. Gold Mining: How a Colombian City United Against Gold Greed,” April 7, 2011, <http://www.towardfreedom.com/home/environment/2352-water-vs-gold-mining-how-a-colombian-city-united-against-gold-greed>

²¹³ Orlando Flores, “La Licencia Ambiental de Greystar en Santurban en Entredicho”, February 25, 2011, <http://www.kaosenlared.net/noticia/licencia-ambiental-greystar-santurban-entredicho>

²¹⁴ Diana Delgado, “Greystar: Colombia Gold Plan Won’t Hurt Ecosystem,” Reuters, January 24, 2011, <http://www.minesandcommunities.org/article.php?a=10712>; Red Colombiana Frente A La Gran Minería Transnacional, “Ask to Deny the Environmental License to Greystar for Angostura Project in Santurban,” January 28, 2011, <http://reclamecolombia.org/index.php/component/content/article/168>

hundreds of creeks that send it on to reservoirs and crops.²¹⁵ Seventy percent of the water for human consumption in Colombia comes from the páramos ecosystems, so if EOM were allowed to start a mine in the Santurban paramo this would endanger all the other paramos and therefore the health and life of most Colombians. The páramos also store carbon and shelter many species of plants and animals. Páramos ecosystems are present in only five countries with Colombia containing 60% of them; the other 40% are divided between Ecuador, Venezuela, Peru and Costa Rica. Already, Colombia's gold mines have caused "the largest mercury contamination on earth" according to the United Nations Industrial Development Organization. The agency took measurements in Segovia (where the Canadian mining company Gran Colombia Gold's large producing gold mine is) in 2010 which were 10 to 20 times greater than the 10,000 nanograms per cubic meter considered safe by the World Health Organization.²¹⁶

According to its critics, EOM's Angostura project will require the daily use of 40 tons of cyanide and 230 tons of Ammonium Nitrate-Fuel Oil (ANFO), the largest explosive manufactured. Such extensive use of these two highly toxic substances would endanger the paramo's water resources. The mine also demands "very high daily water consumption, equivalent to what one family consumes over 20 or 30 years."²¹⁷

Thus when EOM applied for an environmental license to start an open pit mine in the Santurbán páramo it unleashed massive public opposition which was joined even by government officials. About 40,000 people demonstrated in Bucaramanga on February 25, 2011, against the company's Angostura Project.²¹⁸ The march was organized by the Committee in Defense of the Páramo of Santurbán, the Santander chapter of the National Business Federation (FENALCO), the Santander Society of Engineers, and the

²¹⁵ Lorenzo Morales, "Fragile Paramo Ecosystem in Colombia Threatened by Coal and Gold Rush," February 18, 2011, <http://latino.foxnews.com/latino/lifestyle/2011/02/17/fragile-paramo-ecosystem-colombia-threatened-coal-gold-rush/>

²¹⁶ Red Colombiana Frente A La Gran Minería Transnacional, "Ask to Deny...", op.cit.; Abad, "Colombia: Deepening Dependency...", op.cit.

²¹⁷ "Colombia Shuts Door on Canadian Miner's Precious Metals Project," March 24, 2011, <http://latino.foxnews.com/latino/money/2011/03/24/colombia-shuts-door-canadian-miners-precious-metals-project/>

²¹⁸ Censat Agua Viva (Friends of the Earth, Colombia Chapter), "Agua Antes Que Oro: Miles Marchan en Defensa del Paramo de Santurban," February 25, 2011, <http://censat.org/component/content/article/10129>

Bucaramanga Improvement Society along with many other citizens groups.²¹⁹ Protesters included environmentalists, students, unionists, teachers and politicians who made up “the broadest, most diverse coalition in Colombia’s recent history.” Other demonstrations occurred in the cities of Cucutá, Pamplona, Cartagena and Bogotá.²²⁰

Under the new Colombian mining law approved by the nation’s Congress in July 2009, any mining activity in the páramos is prohibited. Alejandro Ordoñez, the government’s Inspector General, asked it to block the project which was also opposed by Horacio Serpa, the governor of Santander department, and Rodrigo Fernández Fernández, the delegate of the municipality of Bucaramanga. A public hearing called for March 4 in Bucaramanga to discuss the mining project became a shouting match and resolved nothing.²²¹

Due to such enormous opposition, EOM withdrew its application for an environmental license to start a mine, on March 17, 2011. The company made clear in a March 18 news release that it was not withdrawing from the Angostura project and would “study the viability of alternative options for the project.” The news release explains: “We are committed to developing the project but recognize that there is a need to reconfigure it. Consequently, we intend to continue with studies into the feasibility of an alternate project at Angostura whilst the uncertainty surrounding the definition of Paramo and the exclusion of mining from Paramo affects the permitting of our open pit/heap leach project,” The company added that it withdrew its application after “it became evident that regional and national government and the community of Bucaramanga did not support the Project as configured...The Company wants to ensure that the future filing reflects the many concerns that have been presented and that this will allow it to have a social license to operate sustainably.”²²²

²¹⁹ Orlando Flores, “La Licencia...”, op.cit.

²²⁰ Censat Agua Viva, “Agua Antes...”, op.cit.; Natalia Fajardo, “Water vs. Gold Mining...”, op.cit.

²²¹ Lorenzo Morales, “Fragile Paramo Ecosystem...” op.cit.; “Colombian Government Urged to Block Mining Project,” *Latin American Herald Tribune*, (No Date),

<http://laht.com/article.asp?ArticleId=382133&CategoryId=12393>; Carolina Blanco, “Santanderes Rechazan El Proyecto Minero de la Canadiense Greystar,” March 5, 2011,

http://www.larepublica.com.co/archivos/ECONOMIA/2011-03-05/santanderes-rechazan-el-proyecto-minero-de-la-canadiense-greystar_123433.php

²²² “Colombia Says Greystar Withdraws Environment Request,” Reuters, March 17, 2011,

<http://www.reuters.com/article/2011/03/18/colombia-greystar-idUSN1727898520110318>

By “alternative options” the company meant developing an underground mine but this was rejected by Carlos Rodado, Colombia’s Energy and Mines Minister, who announced on March 24 that his government “has ended Greystar’s [EOM’s] bid to develop a gold and silver project in a northern highland area.” The company’s “plans to mine for precious metals in the Santurban paramo...are unviable both as an open pit and underground project” Rodado said, adding: “Under no circumstances will an underground mine project that jeopardizes the paramo ecosystem be permitted. Mining in the paramo has been ruled out completely.” Rodado expressed his willingness to study any new project that the company presented.²²³

This turn of events is clearly a disaster for EOM (the stock of which fell by 30%)²²⁴ and a significant victory for the people of Bucaramanga and other cities who organized effectively to fight this mine and appear to have won. If not for their determined and popular resistance the government would probably have approved EOM’s environmental license unleashing a potential national catastrophe. It remains to be seen if the notoriously corrupt Colombian government will continue to block EOM or capitulate to some future corporate strategem of the company. An example of this corruption can be seen even in the way the new mining law was passed. As stated, the law prohibits any mining activity in the páramos, but as one observer explains “in the unusually long time span of eight months between congressional approval and presidential sanction [of the new law], more than 8.9 million acres of land were given to mining, much of it in areas now protected under the new law. Miners insist that their titles can’t be reversed.” Seven percent of the land in the páramos is already owned by mining companies.²²⁵

In addition to endangering the water supply and so the lives of millions of Colombians, EOM has also aided official repression directed at them and

Greystar Resources, “Greystar Resources to Study Viability of Alternate Project at Angostura,” March 18, 2011,

<http://www.greystarresources.com/s/NewsReleases.asp?ReportID=447940& Type=News-Releases& Title=Greystar-Resources-to-study-viability-of-alternate-project-at-Angostura>

²²³ “Colombia Shuts Door on Canadian Miner’s Precious Metals Project,” March 24, 2011,

<http://latino.foxnews.com/latino/money/2011/03/24/colombia-shuts-door-canadian-miners-precious-metals-project/>

²²⁴ Natalia Fajardo, “Water vs. Gold Mining...”, op.cit.

²²⁵ Lorenzo Morales, “Fragile Paramo Ecosystem...” op.cit.

benefited from this. The company has very close relations with the Colombian military. In fact, without the Colombian army's protection, the company would not be at Angostura at all. EOM was driven out of the area in early 2000 by two FARC military operations in the nearby town of California. Before this there had been considerable tension between the FARC and the townspeople on one hand and the company on the other. According to Francisco Ramirez, former head of the Colombian Mineworkers Union, EOM (at that time known as Greystar) "made promises under pressure from the guerrillas to carry out public works in the region for the benefit of the inhabitants. When they failed to carry out these projects, the population protested and was consequently expelled from the region."²²⁶

The FARC operations in 2000 caused the police and other state bodies to withdraw and the company followed. According to the Canadian industry publication *The Northern Miner*, "Angostura was in a major, mountainous 'corridor of movement' that guerrillas from FARC and the National Liberation Army (ELN) used to move personnel--sometimes numbering as many as 400-500 fighters at a time--from their strongholds in the highland jungles north toward Venezuela" [Angostura is 30 km away from the Venezuelan border]. Greystar executives retreated to Bucaramanga and Vancouver to consider "what needed to be done to return to Angostura" which was now in the hands of the FARC and the ELN. David Rovig, Greystar's President and Vice-President Frederick Felder "met repeatedly with top-level Colombian, U.S. and Canadian government officials" with whom they had "many security-related discussions". They also examined weaknesses in Greystar's actions and security arrangements. A battalion of the Colombian army returned to Angostura in early 2003 "with a strong show of force" followed by the police and Greystar personnel in June. The guerrillas withdrew but it is not clear whether this occurred before the arrival of the military or after. The army constructed two "battalion-size" fortresses in the mountains, to the north and south of Angostura and has been patrolling roads. One purpose of the troops at these bases is "ensuring the viability of Angostura".²²⁷

The military also set up "locally manned militias" in 17 communities near Angostura. These were part of the Uribe government's peasant militias created under its "Democratic Security" policy. Amnesty International believes that these

²²⁶ "California Dreamin': Mineral Exploration in Colombia", *The Northern Miner*, April 22-28, 2005; Ramirez Cuellar, *The Profits of Extermination*, op.cit., p. 39.

²²⁷ "California Dreamin'...", *The Northern Miner*, op.cit.; John Cumming, "Greystar Resumes Exploration at Angostura", *The Northern Miner*, January 2-8, 2004; Stuart McDougall, "Greystar Zooms in on Angostura", *The Northern Miner*, September 30-October 6, 2002; Diana Delgado, *Dow Jones*, op.cit.

militias strengthen paramilitarism, are a potential front for it, and drag the civilian population further into the conflict; also Colombian social scientist Eduardo Pizarro has pointed out that “similar efforts in Guatemala and El Salvador were the cause of those countries’ worst episodes of violence.”²²⁸ **After the return of the army and EOM/Greystar to Angostura, the violence has continued. According to a 2009 report written by MiningWatch Canada and CENSAT-Agua Viva (Friends of the Earth Chapter in Colombia), “There have been selective killings, threats and displacement by armed, masked men presumed to be paramilitaries, within the Greystar-Angostura project area in Mohan, Turbay and Cachiri in the municipality of Surata where people were accused of collaborating with the guerrillas.” The report adds that 40% of the area’s 5,000 residents were considered as “at high risk”.**²²⁹

EOM/Greystar decided that what it needed to do to stay in Angostura was get the army’s “full protection”; it could not operate without the military’s “strong support”. Therefore the company’s “strategy has been to logistically support the establishment of a permanent security base in the area.” According to Vice President Felder, the company has “supplied materials to the army. This could include communications material, building material, and clothing.”²³⁰ While the peasant militias are alarming for Amnesty International, for EOM/Greystar, they are critical to its continued presence at Angostura. According to the *The Globe and Mail*, EOM/Greystar President Rovig has said that “Uribe’s security commitments including a so-called peasant militia to supplement state forces were key to Greystar’s decision to resume operations in the country.” “The peasant troop initiative and other new ideas are really making a big difference” the newspaper quotes Rovig as saying, “It’s better because the area is supported by military and by the police and it simply wasn’t in the past.”²³¹ Rovig credits Uribe with the reassertion of central authority: “Colombia is now under Colombian

²²⁸ Cumming, *The Northern Miner*, op.cit.; Amnesty International, *Colombia: Security at What Cost? The Government’s Failure to Confront the Human Rights Crisis*, Report, AMR 23/132/2002, December 10, 2002; “Colombia: Democratic Security or Insecurity for All?”, Press Release, AMR 23/139/2002, December 10, 2002, www.amnesty.org; Jason Hagen, “Uribe’s People: Civilians and the Colombian Conflict”, *Georgetown Journal of International Affairs*, Winter/Spring 2003, p. 68, http://www.wola.org/Colombia/uribe_people.pdf

²²⁹ **Report prepared by MiningWatch Canada and CENSAT-Agua Viva for Inter Pares, “Land and Conflict: Resource Extraction, Human Rights and Corporate Social Responsibility: Canadian Companies in Colombia,” September 2009, p. 38, www.interpares.ca**

²³⁰ Luc Zandvliet, Yezid Campos Zornosa and Shawna Christianson, *Striking Gold? The Challenges and Opportunities During Mine Exploration for ‘getting it right’ in Mine Exploitation: Angostura Gold-Silver Project, Santander Department, Colombia*, Report, CDA Collaborative Learning Projects, October 2004; Frederick Felder, Greystar, Interview with Author, January 25, 2006.

²³¹ Wendy Stueck, “Miner Gives Colombia Another Chance”, *The Globe and Mail*, October 14, 2003.

[government] control, and that hasn't happened for a long time,” he says, “Uribe looked at the overall problem and recognized that the guerillas were recruiting from impoverished rural areas where the youngsters had no future at all”. Rovig adds that “President Uribe, when we talked to him, recognized the value of opening up mineral exploration and development in his country”.²³²

According to EOM/Greystar Vice President Felder, “We have a comprehensive security program which has taken us more than three and a half years to put in place. It's quite exceptional and we've been fortunate to have support from all levels of government - all the ministries have helped us, and that goes all the way up to the president.” Felder has given speeches to groups of 100 Colombian military officers to explain EOM/Greystar’s actions. He argues that they should protect Greystar’s property because the company is employing young people and providing local, departmental and national governments with cash.²³³

Thus EOM/Greystar has supplied an army which has a horrendous human rights record; the company is heavily protected by this army, and without its presence, EOM/Greystar would not even be in Angostura. Also crucial for the company’s return (according to itself) are the peasant soldiers who strengthen paramilitarism. Thus EOM/Greystar has aided, benefited from and encouraged the spread of the forces of official repression in Colombia.

B2Gold

Vancouver-based B2Gold has assets of \$337.9 million and is involved in gold mining ventures in Colombia, Nicaragua, Costa Rica and Uruguay. These ventures are at production, development and exploration stages. In Colombia, the company owns 49% interest in the Gramalote gold mine, located 85 kilometres northeast of Medellin, capital of Antioquia department. AngloGold Ashanti, one of the three largest mining corporations in the world, is B2Gold’s joint venture partner and owns 51% of the Gramalote mine being its operator and manager. B2Gold also owns 100% of the Mocoa mine in Putumayo department, located ten kilometers north of Mocoa, the departmental capital. The Gramalote mine is at the exploration stage (which includes drilling) and B2Gold spent \$3 million on this during 2010. Gramalote’s exploration and prefeasibility budget for 2011 shoots up to \$30

²³² Cumming, *The Northern Miner*, op.cit.

²³³ “California Dreamin’...”, *The Northern Miner*, op.cit.; Cumming, *The Northern Miner*, op.cit.

million of which B2Gold is supposed to provide close to half. A feasibility study is scheduled to be completed by the end of 2012.²³⁴

B2Gold's partnership with AngloGold Ashanti (AA) is itself a major issue. AA has a concession of 6,900 square kilometers in its gold projects Gramalote and La Colosa in Tolima department "with important political and economic impact that explains the numerous social conflicts", says Senator Jorge Robledo, of the opposition political party Alternative Democratic Pole. AA also has a notorious international reputation being criticized by Human Rights Watch for its corporate practices in the Democratic Republic of the Congo where it has admitted paying extortion money to rebel forces to get access to gold mines in Ituri province.²³⁵

In August 2007, the British charity "War on Want" published a report accusing Anglo American, AngloGold Ashanti's parent corporation, of profiting from the abuse of people in the developing countries in which the company operates. The report alleges abuses committed by AngloGold Ashanti subsidiaries in Colombia, Ghana and Mali. According to *Forbes Magazine* (U.S.), AngloGold Ashanti was accused in 2007 in Colombia for "murders of trade union and community leaders who opposed the company's activities in the region". In January 2011, AngloGold Ashanti was named the world's "Most Irresponsible Company" at the Public Eye Awards hosted by the Berne Declaration (a non-governmental organization) and Greenpeace in Davos, Switzerland. The nominating organization, WACAM (Wassa Association of Communities Affected by Mining), detailed the corporation's history of "gross human rights violations and environmental problems."²³⁶

The department of Antioquia, where B2Gold's and AngloGold's Gramalote mine is located, has historically had "one of the highest rates of violence and forced displacement in Colombia and in parallel an ever-increasing concentration of property in the hands of a few." Fifty percent of the land in the department is controlled by three percent of property owners. In 2008, the Colombian government's Public Defender's Office stated that "During the past five years, 10,000 people have been displaced...Mining concessions coincide with areas affected by displacement and armed actors

²³⁴ B2Gold Corp., "Management's Discussion and Analysis," March 30, 2011, <http://www.b2gold.com/wp-content/uploads/2011/03/B2Gold-MDA-Dec-31-2010-sedar.pdf>; B2Gold, "Projects: Gramalote and Mocoa", <http://www.b2gold.com/projects.html>

²³⁵ Wikipedia, "AngloGold Ashanti," http://en.wikipedia.org/wiki/AngloGold_Ashanti#Fatalities

²³⁶ Ibid.

are located around extraction sites.”²³⁷ In this situation of extreme violence and enormous danger to civilians, B2Gold has made inflammatory statements that increase the danger to the lives of civilians even more. The company has commented that some citizen and environmental organizations that monitor its mining activities and criticize mineral development “unfortunately...are sometimes contaminated; there are many that are contaminated by paramilitaries or guerrillas.”²³⁸ This statement is similar to the one made above by Gran Colombia Gold Corp.’s Executive Co-Chairman Serafino Iacono, about union leaders after which two of them were shot by paramilitary assassins. As observed in that case, such declarations in the Colombian context are tantamount to an incitement to murder.

B2Gold has also publicly insisted on “the right of corporate citizens to exploit mining” and stated that “no municipality can close its doors to a mining project.” Julian Villaruel Toro, the company’s Vice-President in Colombia, has indicated that “Indigenous rural communities have no right to reject mining activity.”²³⁹ Such arrogant, intolerant and extreme statements encourage violent actions by paramilitaries against indigenous groups and other civilians as well as their displacement and the stealing of their land. The company’s attitude puts it in direct conflict with the main indigenous group in Antioquia known as the Indigenous Organization of Antioquia (OIA). In 2008, OIA released a resolution “To not allow the entry of any type of mega-project into indigenous territories.” The OIA has made clear that “in this region because of the impact of past resource extraction on the inhabitants, there is a rejection of mega-projects.” The organization opposes the entry of multinational corporations explaining: “All the wealth that they will extract here does not stay in Colombia but rather they will take it to other countries just as it happened 516 years ago. They took the wealth, was something left behind for Colombia? No...For us development would mean that the government leaves us in peace on our land.”²⁴⁰

As with EOM/Greystar, B2Gold has very close relations with the Colombian army which has an atrocious human rights record and has created and works in cooperation with paramilitary death squads. The company’s Vice-President Villaruel Toro has made clear that B2Gold’s “security

²³⁷ Report prepared by MiningWatch Canada and CENSAT-Agua Viva for Inter Pares, “Land and Conflict...”, op.cit., p. 44.

²³⁸ Ibid, p. 45.

²³⁹ Ibid, p. 46.

²⁴⁰ Ibid, pp. 45, 46.

department works directly with the Armed Forces of Colombia. If they did not guarantee security in a given area we would not do the project. The army analyzes the security situation, we need them to give us the green light. This is a formal mechanism that works through the security department.”²⁴¹

Cosigo Resources

With assets of \$905,347, Vancouver-based Cosigo Resources is a junior mining company exploring for gold in Colombia and Brazil. Cosigo’s main property is its 100% owned 9,973 hectare Machado concession located 180 km southeast of the provincial capital of Mitu in the Vaupes province of southeastern Colombia, near the Brazilian border. The property lies six kilometers west of the town of Taraira. Cosigo has set up a 30-man exploration camp in Machado. Additionally, according to the company, “Cosigo teams regularly carry out reconnaissance programs throughout prospective areas in Colombia...such as: Cauca, Sur Bolivar, Boyaca [and] Narino.”²⁴²

According to Jose Goyes, a Colombian indigenous activist and the web site “Intercontinental Cry” which specializes in indigenous rights, as well as the web site “The Social and Climate Justice Caravan”, Cosigo Resources has been implicated in the murder of five indigenous leaders in Colombia. “Intercontinental Cry” reported on December 7, 2009, that “Legislation ratifying a free trade agreement between Canada & Colombia is being passed in the Canadian Parliament. Canadian officials, claim that a free trade agreement with Colombia, will result in an improved human rights situation in Colombia. In recent days in Colombia five indigenous leaders have been murdered for their opposition to the Canadian mining firm Cosigo Resources of Vancouver. It is objectionable that Canadian transnational companies are complicit in human rights abuses of this magnitude.”²⁴³

²⁴¹ Ibid, p. 31.

²⁴² Horsehoe Gold Mining Inc., *Interim Financial Statements*, February 28, 2011, http://www.cosigo.com/i/pdf/financials/2011Q1_FS.pdf; Cosigo Resources, “Projects”, “Machado”, <http://www.cosigo.com/s/Machado.asp>; “Other Projects”, <http://www.cosigo.com/s/Other.asp>

²⁴³ Dave Bleakney, “Interview with Jose Goyes: Colombian Paramilitaries Assassinate Indigenous leader in the Name of Canadian Multinationals”, The Social and Climate Justice Caravan, December 9, 2009, <http://climatecaravan.wordpress.com/2009/12/09/colombian-paramilitaries-kill->

The web site then links to an interview with José Goyes, a member of the political commission of the Regional Indigenous Council of Cauca (CRIC), a major indigenous organization in the Colombian department of Cauca. The interview is conducted by the Canadian Union of Postal Workers' representative Dave Bleakney. The interview is on the web site of "The Social and Climate Justice Caravan" which unites activists from the North and South concerned about the dire consequences of climate change. The web site is based in Europe and Goyes was there in 2009 for the Copenhagen conference on climate change.²⁴⁴

Both the "Intercontinental Cry" and "The Social and Climate Justice Caravan" web sites describe Jose Goyes as "A vocal opponent of the Vancouver-based company, Cosigo Resources, José is one of many indigenous leaders and activists in imminent danger of being assassinated by 'the Black Eagles' paramilitary group. José lives in a fertile area in the south of the country, which is rich in vegetation, but also in mineral resources such as gold. This area has recently become the sight of a bitter struggle by the indigenous people whose livelihoods depend on this land, and the multinational corporations who are intent on exploiting it, apparently at any cost. Canadian multinationals, and in particular a corporation called Cosigo Resources (Vancouver), are embarking on a programme of mass displacement of indigenous populations in southeast Colombia. The Colombian government is supporting these multinationals; in the name of the Colombian government paramilitaries are persecuting and killing local indigenous people who oppose the forceful seizure of their land."²⁴⁵

"Many of the indigenous leaders, including José Goyes, have been threatened because they oppose the exploration of Cosigo Resources. On Sunday (December 6, 2009), we received the news that one of the indigenous leaders in the struggle had been killed. This brings the death toll of indigenous leaders in the region to five. These deaths are happening purely because the local populations are refusing to cooperate with the multinationals and government paramilitaries who are expelling them from their land. José himself recently received a fax from the paramilitaries, stating that he and his

colombian-indigenous/ ; Ahni, "Canadian Company Linked to Indigenous Murders in Colombia", December 15, 2009, <http://intercontinentalcry.org/canadian-company-linked-to-indigenous-murders-in-colombia/>

²⁴⁴ Ibid (both sources)

²⁴⁵ Ibid (both sources).

organization are considered a ‘military objective’. Jose has already had paramilitaries torture him in his own home. Now he knows his life is even more seriously in danger.”²⁴⁶

“The Social and Climate Justice Caravan” web site contains a translation of the fax to Jose from the paramilitaries which is reproduced below:

“October 22nd 2009

The [Colombian] Government continues to fulfil its agreements and commitments. You are defenders of the guerrillas, you are requesting land to plant coca on in order to strengthen the indigenous people and the guerrillas, who do not understand the efforts of the President Alvaro Uribe.

Together with help from the Families en Acion social welfare programme, forest rangers, and Democratic Security (the national defence programme), a group of men and women who are worried by the turn of events in this country, we have to undertake once again the struggle against those people who are hiding themselves in social organisations such as the CUT, Valle, NOMADESC, Human Rights Defenders and NGOs, and who are enemies of our democracy.

These bureaucrats are not letting [the region of] CAUCA progress, as they are blocking the entrance of multinationals, which bring benefit to the communities in SUAREZ, MORALES and BUENOS AIRES. Some of these organisations have made agreements in exchange for money with the owners of mining concessions demanding the eviction from mining zones, as has occurred in the village (corregimiento) of Toma, and for which we have proof. Today we have decided to declare these son of a bitch bureaucrats as military targets; human rights advocats, NOMADESC, CUT VALLE, PCN, CONSEJO COMUNITARIO DE LA TOMA, CERRO TUERAS Licifredy, Eduar Villegas, Jose Goyes, Diego Escobar, Recherche, Plutarco, Meraidino Consejoal.

[Signed]: AGUILAS NEGRAS NUEVA GENERACION (Black Eagles New Generation paramilitary group).”²⁴⁷

²⁴⁶ Ibid, (both sources).

²⁴⁷ Dave Bleakney, “Interview with Jose Goyes: Colombian Paramilitaries Assassinate Indigenous leader in the Name of Canadian Multinationals”, The Social and Climate Justice Caravan,

This threatening letter to Goyes is followed by the interview with him which is prefaced by the following remarks: “The Canadian government is passing a free trade agreement with Colombia, which is opening up the economy to large multinationals such as Cosigo Resources. As José described in his interview, “I think that this free trade agreement has brought all the problems we’re facing, such as the paramilitaries’ actions to expel us from our territory.” Of course, as well as facing forced expulsion from their lands, many indigenous communities are now experiencing rapid and devastating changes to their communities because of climate change. José spoke about how these environmental impacts are also threatening communities in his country, even though these communities are least responsible for climate change:

“We want northern governments to pay the ecological debt that they have to the south and to take action to reduce the emissions that are producing global warming. I think that we need unity in the struggle in order to avoid climate change. Our struggle is also a collective one, to protect the environment that the multinationals are destroying. These multinationals not only affect local people, but those of the whole world. Indigenous people are conservationists of our environment. It’s the government and multinationals who are intent on destroying this social model. Our hopes for our community are that we all unite to defend the global environment and to stop the multinationals from entering our environment and communities.”²⁴⁸

“Interview with Jose Goyes: Colombian Paramilitaries Assassinate Indigenous leader in the Name of Canadian Multinationals.

Dave Bleakney: This is Dave Bleakney of the Canadian Union of Postal Workers reporting from the trade climate caravan from the World Trade Organization in Geneva to the Copenhagen climate summit and I have with me Jose Goyes of CRIC in Colombia. Jose could you tell us a little bit about yourself and your association and why we are talking today.

Jose Goyes: My name is Jose Goyes from the indigenous territory of Honduras Morales in Cauca in Colombia and I am from the political commission of the CRIC.

December 9, 2009, <http://climatecaravan.wordpress.com/2009/12/09/colombian-paramilitaries-kill-colombian-indigenous/>

²⁴⁸ Ibid.

Dave Bleakney: Can you tell us a little bit about the role of Canadian corporations in your lands today and how that's affecting the people there.

Jose Goyes: Well, our land is very rich in mineral resources like gold. In the area we have the ASHANTI gold company from South Africa, the UNION COMPRESSA from Spain, and CARTON COLOMBIA from Ireland and to answer your question the COSIGO company, which is a gold enterprise from Canada. In this case these multinational companies are causing great displacement, threats and even massacres and death sentences to indigenous communities. In our territories the paramilitary groups are supporting the state policy and the multinational policy with total violence. COSIGO Resources from Canada have big interest in the area and the paramilitary groups have supported this political wish by threatening most of the indigenous leaders that are resisting the exploitation. The threatened entities are the various human rights organisations, NGO's, trade unions and the other groups supporting resistance by the indigenous, Afro-descendants and peasant communities to this exploitation of their areas by mining. Yesterday they reiterated their threats against most of the leaders of the community. So this is a very urgent call. The community is very worried about this situation.

Dave Bleakney: So let me be clear, you are saying that just within the last few days there has been written and serious threats against the lives of indigenous leaders in Colombia over this issue?

Jose Goyes: Yes, we are in this position because we deny the rights of these multinational companies and government policy to allow their permits that are threatening our life and environment. We responsabilise the government of Colombia of what could happen to these leaders of different organisations, as the paramilitary have said that they will carry out acts of execution to ensure the entry of these multinational business.

Dave Bleakney: The Canadian government has before it now the Canadian parliament or free trade agreement and one of its arguments is that free trade agreements will bring improved human rights situation in Colombia. Is this true?

Jose Goyes: I believe that this FTA has brought all these problems that we are facing like the paramilitary threat to expel us from our lands. We invite both the Colombian and the Canadian government to not sign this agreement and to preserve the environment and the life on this planet. We also invite the

governments of the North to pay their ecological debt that they owe to the Global South and to take a more responsible attitude to their emissions that are causing global warming.

Dave Bleakney: So, as I said, the Colombian Canadian Free Trade Agreement is in front of parliament; it has not yet been passed. Do you feel that there is something the Canadian people should do as a result of this corporate activity in Colombia and the proposal of free trade with the Colombian state?

Jose Goyes: These multinationals with their destruction of forests, communities and life, are not only negatively affecting local peoples' lives but the lives of people from all over the world.

Dave Bleakney: In the very northern region of Canada we see that indigenous people are being affected greatly by the loss of fish and the change in environmental patterns in that region. Could you tell us a little bit about changes you have seen in Colombia that you feel you can directly attribute to climate change.

Jose Goyes: I think that our role is to solidify the structure of our own communities so that the multinationals can't enter our territories and so we will help the environment. There are already consequences, more mostly in the north and south of Africa which show the impact of global warming on local people, like how they have to leave their home area because of climate change. It also affects South America.

Dave Bleakney: I am hearing that this is a worldwide phenomenon. People are being affected all around the world, it seems to us in Canada that Colombia, in many ways, is on the front line of this struggle because of the repression, the violent repression, of the military and paramilitary forces. Can you just tell us a bit more about that, what the record is with the paramilitary in regard to your people?

Jose Goyes: We indigenous people are conservationists of our environment and also in the social way but it is the government that wants to destroy the links with the nature and which insists on this destructive model that kills forests and carries out massacres of the leaders.

Dave Bleakney: What calls to action and solidarity do you suggest to those of us around the world in support of this struggle?

Jose Goyes: Well there are many ways and we have to take into account that it is in these days that death threats that we are talking about have led to the deaths of five leaders of the communities. It is due to the support of you that our international support has to be to make people aware of the situation of what is happening and asking for pressure on the Colombian government and to inform on this specific case.

Dave Bleakney: Jose, we only have a few minutes left, I was just wondering if you could say in a few words, your hopes, your vision for you and your people?

Jose Goyes: The hopes are for our people and you unite together in the same struggle to defend the global climate and impeach the multinationals who enter our territories so destructively.

Dave Bleakney: Well certainly Canada's international reputation as a compassionate nation is certainly in question given what we have heard here today. For those in Canada who want to know more, or maybe check in with COSIGO RESOURCES and their track record, you can find them at 885 West Georgia Street, Suite 1500, Vancouver. Or maybe you wish to give them a call, at area code (604) 632-9574. This is Dave Bleakney for the Canadian Union of Postal Workers reporting from somewhere in Europe. And thank you very much Jose Goyes from CRIC, it has been a pleasure.²⁴⁹

Interview Ends.

Thus according to Colombian indigenous activist Jose Goyes and the two web sites "Intercontinental Cry" and "The Social and Climate Justice Caravan", Cosigo Resources has been implicated in the murder of five indigenous leaders, the torture of Goyes by paramilitaries, death threats to Goyes and other indigenous leaders' also by paramilitaries and a program of mass displacement of indigenous people to clear land coveted by mining companies. Cosigo Resources' record in Colombia is truly atrocious and it is no surprise that this company is one of the four Canadian ones condemned by the 11,500 delegates at the conference in Cali, Colombia held during September 30--October 4, 2011 (see introduction). However, amazingly, the company's record is even worse than this because as shown below it is

²⁴⁹ Ibid.

involved in further activities destructive to the rights of indigenous Colombians.

The above account of Cosigo's activities in Cauca by Jose Goyes and the Regional Indigenous Council in Cauca (CRIC) is confirmed by Colombian activist Berenice Celeyta Alayon, by Peace Brigades International (PBI) and by the other major indigenous organization in Cauca known as Association of Indigenous Councils of Northern Cauca (ACIN). PBI is a non-governmental organization that provides accompaniment to activists in Colombia whose lives are in danger mainly from paramilitaries. In a press kit dated March 2011 about Berenice Celeyta Alayon, the President of The Association for Social Investigation and Research (NOMADESC), whom it has accompanied for 11 years, PBI states "A prime example of NOMADESC's work is the community of Suarez (Cauca) which has demanded answers from the Colombian government about the presence of multinational corporations aimed at exploration and extraction of gold and other minerals by companies such as South Africa's AngloGold Ashanti and the Canadian corporation Cosigo Resources. According to the communities, these multinational corporations have tried to evict the community from the area and to take the territory's wealth. Several families have left Suarez due to the conflict and NOMADESC is closely following the situation."²⁵⁰

In an interview conducted with Celeyta Alayon during her visit to England in November 2011 by Ivana Davidovic, Co-Editor of "Women's Views on News", a women's news web site, the Colombian activist stated: "We have been researching the effects of the mining industry in Colombia for 15 years. Conflicts have occurred in the areas of rich natural wealth, which are of interest to the mining companies." Davidovic adds: "She [Celeyta Alayon] says that criminal gangs of paramilitaries and, even more disturbingly, the official police operate on behalf of the big mining corporations." Celeyta Alayon continues: "In the south, in the province of Suarez, where Anglo Gold Ashanti arrived in 2005, the paramilitaries committed a series of crimes, mainly against miners. They first started with threats, then they tried to bribe them. When that didn't work, many miners were massacred. Even we received death threats because we were

²⁵⁰ Peace Brigades International, *PBI Colombia Presents Berenice Celeyta*, Press kit, March 2011, http://www.pbi-colombia.org/fileadmin/user_files/projects/colombia/files/press_kits/110308_BCeleyta_ENG.pdf

investigating what was going on. They also forced the remaining miners to abandon their homes and land.”²⁵¹

Davidovic adds: “In the south of Colombia where NOMADESC mainly operates, Alayon estimates that 250,000 indigenous people – Afro-Colombians and some others – have been affected by Anglo Gold Ashanti. But it is not the only company guilty of human rights abuses or – also very common - environmental damage. According to Alayon, also guilty are the Spanish gas and electricity producer Union Fenosa, the Canadian gold mining company Cosigo Resources and the Irish-Dutch paper packaging maker Smurfit Kappa.” Celeyta Alayon states “Any multinational corporation which invests in a country needs to ask itself where is it going and what is happening as a consequence of that investment – if it claims that it has any ethical considerations whatsoever. We have been investigating the dealings of Anglo Gold Ashanti and Union Fenosa for example, and we have discovered 125 social and environmental negative impacts. We are very nearly ready to provide enough concrete evidence of Anglo Gold Ashanti paying paramilitaries to get rid of the miners”. Davidovic explains: “The link between the official businesses and the armed criminal groups has existed for decades since mining companies entered the territory of South Bolivar on the coast in the late 90s.”²⁵²

Similarly, in the account reproduced below, the Association of Indigenous Councils of Northern Cauca (ACIN) details an attempt by Cosigo in 2008 to survey indigenous land in Cauca without permission of the indigenous people. The ACIN article is reposted (from the ACIN web site) on the web site of “The Canada-Colombia Project” which is focused on relations between the two countries:

“Terror for the Benefit of Transnational Mining Companies

[07/24/2008] [Source: Tejido de Comunicación ACIN] [Author: ACIN]
[Translation: María de La Chiva] [Original:
<http://www.nasaacin.org/noticias.htm?x=8288>]

²⁵¹ Ivana Davidovic, “Colombian Human Rights Campaigner Argues for Justice for the Poor”, *Women’s Views on News*, November 25, 2011, <http://www.womensviewsonnews.org/tag/berenice-celeyta-alayon/>

²⁵² Ibid.

The fear that we have today is not only due to the presence of outsiders in our territories and their probable return in tandem with public forces in order to obtain their objectives, but also for all of the acts of terror and war in Northern Cauca, acts which are intensifying every day in order to displace us and facilitate the entry of transnationals wishing to exploit our resources.

In Northern Cauca, the Comprehensive Plan of Aggression in the mark of Plan Colombia II is making itself felt at an ever growing rate. The strategies of War and Terror, Economic Subjugation and Propaganda are already being exercised simultaneously.

As an example, we point to the ongoing clashes between armed groups in Reserves like Corinto and Huellas Caloto, clashes which put the civilian population that lives and travels through these territories at high risk. On July 23rd there was heavy fighting in the village of Pajarito, in the Huellas Caloto Reserve. In addition, public forces surrounded peoples' homes, and due to the confusion and danger created by the fighting, the community was obliged to gather in the permanent assembly areas, where more than 200 adults and children registered themselves. In addition, on June 24th in the morning there was more fighting in the same village, forcing students to return home in order to protect themselves from the crossfire of the shots being fired.

At the same time, transnational companies are entering into our lands as if it was their own property, taking advantage of the terror to which our people are subjected because of the continuous state of war in which our communities are living. In the late afternoon of June 23rd in the Delicias Reserve, 12 people identifying themselves as employees of Cosigo Resources Limited -a Canadian mining company- were surveying the caves in Mirasoles, near Cerro Catalina.

“At 2:00pm yesterday, the Indigenous Council of the Delicias Reserve received a call from Afro-Colombians from Mirasoles, who were at the foot of Cerro Catalina, informing us that there were outsiders in our territory. We left immediately, and in half an hour arrived in the area. When we arrived we found 12 people: some from Bogotá, some from Buenaventura, and there were even some indigenous people from Amazonas, from Leticia specifically, who identified themselves as members of the community of Miraña,” explained a member of the Council in Delicias.

When the Council members showed up in the area where this group of people was located, they saw that the Afro-Colombian community had already detained, surrounded and begun interrogating them, but the group did not want to give much information until the Indigenous people showed up and presented themselves as part of the Council Authority.

“They told us that they belonged to a mining company called Cosigo Resources Ltd. and that was when we started to enter into discussion with them. As authorities, we told them that we aren’t going to let anyone into our territory without previous permission, or without our consent, that we have rights as indigenous people, and that in addition we have an agreement with the Municipality of Suarez for the respect of our territory,” added another member of the Council.

During the dialogue, the spokesman for the 12 outsiders told the community members that were present that they had already asked the Municipality for permission to enter two months ago, that they are aware of the process that they are following, and that the leader of their group was in that very moment meeting with the Mayor. Given this situation, the Council got directly in touch with the Secretary of Government, who claimed to have no information about what was going on, and then with the Mayor’s office, where they also claimed not to know anything about the situation.

The Traditional Authority in charge of the Council of Delicias proceeded to ask the Mayor to order the 12 people off of the territory, and have them taken to the offices of the Council. The Mayor then spoke by telephone to the leader of the group, and asked them to leave immediately, because he had no information about what they were doing there. Finally, at 5:00pm, they were required to leave the site and the Afro-Colombian community members accompanied them to a river to ensure that they left the area.

“It is clear that these people were trying to carry out a sample study or prospecting on a concession that the government has given to Cosigo Resources Limited. We were looking at the maps on the internet and we observed that there is a concession that runs the entire perimeter of Cerro Catalina, in addition to entering within various areas of our Reserve, and inside the Indigenous mining zone [a territorial expanse defined within the Mining Code as an area where Indigenous people have priority for all mining activity],” explained an indigenous community member.

These acts concern the community due of the effects such a company can cause after they enter the territory. For this reason, on July 24th, the communities met and reflected upon what happened the day before, and they have planned to attend the meeting on July 26th, called by the Mayor of Suárez, Luis Fernando Colorado, which will include Afro-Colombian communities, Indigenous people and small scale miners, with the goal of analyzing the situation together.

Given these facts, the Afro and Indigenous Communities that live on these territories are worried, and call out to human rights organizations to denounce these acts, to accompany in whatever way possible our organizational processes, and to investigate the circumstances that are affecting these communities in Suárez, Cauca. Because our fear is not only the intrusion of outsiders onto our territory and their possible return with public forces in order to reach their goal, but all of the terror and war that we are living in Northern Cauca, which is intensifying every day to displace us and facilitate the entry of transnationals wishing to exploit our resources.”

[Signed] Association of Indigenous Councils of Northern Cauca - ACIN Santander de Quilchao, Cauca, July 24, 2008.”²⁵³

As in the case of the CRIC, Berenice Celeyta Alayon and PBI descriptions of Cosigo’s activities, the ACIN account also ties the company’s actions to (as it says in the last sentence) “all of the terror and war that we are living in Northern Cauca, which is intensifying every day to displace us and facilitate the entry of transnationals wishing to exploit our resources.” The company’s mining attempts are leading to the terrorizing of indigenous communities in Cauca and the murder of their leaders, a pattern seen all over Colombia as detailed above.

Not only is Cosigo Resources implicated in the murders of indigenous leaders and the displacement of Colombian natives but according to the “Mines and Communities” web site and the publication *Colombia Reports* the company has also attempted to stop an indigenous association from creating a national park in order to protect its land, culture and customs. To block the park, the company has invented a fake indigenous group to counter the real

²⁵³ Association of Indigenous Councils of Northern Cauca (ACIN), “Terror for the Benefit of Transnational Mining Companies”, July 24, 2008, http://canadacolombiaproject.blogspot.com/2008/07/terror-for-benefit-of-transnational_27.html

one. According to the *Colombia Reports* article dated July 13, 2011, which is reproduced on the “Mines and Communities” web site, “A Colombia Public Prosecutor has demanded the revocation of a mining concession, granted to a small Canadian company, Cosigo Resources, in the Colombian Amazon near the border with Brazil. A state official indicates that the concession overlaps with the Yaigojé Apaporis National Park in the department of Vaupés. According to a report released this week by the Colombian Foundation Gaia Amazonas, the Public Prosecutor has also asked for a disciplinary process to be opened against eight public officials from the Institute of Geology and Mines (INGEOMINAS) who granted the concession two days after the creation of the park.”²⁵⁴

“Cosigo Resources, however, is backing a group of indigenous communities who say the park proposal was not consulted with them. Other recent reports raise questions as to what lengths this company might be going in order to advance its own interests. According to highly regarded Colombian journalist and sociologist, Alfredo Molano-Bravo, indigenous communities in the department of Vaupés have long resisted state presence in their territory. In 2008, says Molano-Bravo, these communities formed the Association of Indigenous Communities of Yaigojé Apaporis (ACIYA) and sought to create the national park as a means to ensure stronger state safeguards against the encroachment of coca, alcohol and mining. ‘White ills are cured with white remedies,’ they said. From Molano-Bravo’s perspective, the company then promoted efforts to have the park annulled, as well as to divide the indigenous leadership. He says Cosigo backed the creation of a parallel indigenous organization and wooed its members with trips to Bogotá.”²⁵⁵

“The Gaia Amazonas Foundation states that it has accompanied indigenous communities along the lower Apaporis river for 15 years, and was responding to a request from ACIYA to help provide legal support and facilitate discussions in Bogotá leading to the creation of Yaigojé Apaporis National Park. Gaia Amazonas notes that, when the park was about to be created, all indigenous communities in the area were represented by ACIYA. The Association of Indigenous Communities of Tairara and Vaupés (ACITAVA) only emerged later. The Foundation’s report describes the consultation process that took place in July 2009 and which led to the park’s

²⁵⁴ “Colombian Prosecutor Calls for Mining Concessions to be Revoked”, *Colombia Reports*, July 13, 2011, <http://www.minesandcommunities.org/article.php?a=11057>

²⁵⁵ Ibid.

creation - it was fully documented on film. A representative of ACIYA notes that conditions for the park's creation included respect for the way of life of indigenous communities and that future decisions about the park's management would be consulted.”²⁵⁶

“Cosigo Resources, however, was already working in the area. According to the Director of National Parks (cited in the report) the company held events in parallel with the consultation process to establish the park and, as a result, some communities did not attend, although they were reportedly invited. Now ACITAVA, with backing from Cosigo, has placed a lawsuit before the Colombian Constitutional Court questioning the park. On 15 June, says Gaia Amazonas, the non-indigenous legal representative of ACITAVA held a press conference at Hotel Radisson in Bogotá, accompanied by Cosigo Resources, in which they argued that the park was not properly subject to consultation with ACITAVA and that it "interrupts [the communities] territory, taking away their autonomy". If the company-backed association succeeds in having the park overturned, safeguards against mining in this area will be weakened. Although indigenous communities must be consulted over activities taking place on their territories, the state still assumes ownership over subsoil resources. Mining in Colombia is only expressly prohibited in certain areas, such as national parks. Cosigo Resources reportedly has 23 requests for mining concessions in the area which could proceed should the status of the park be successfully thrown into doubt. Meanwhile the Public Prosecutor's order suggests that the irregularities around the company's concession and INGEOMINAS' decisions to date should be further scrutinised.”²⁵⁷

According to the GAIA Foundation, in attempting to preserve the park, the indigenous people are fighting for “their very existence” while Cosigo’s effort to dissolve the park “threatens a bleak future for the indigenous communities and their rich shamanistic traditions, and would be a fatal blow...to the Amazon forest.” The GAIA Amazon Fund adds that “Commercial interest aroused by gold, a metal that is sacred to our indigenous communities, is threatening the biodiversity of the Amazon and the union of the peoples inhabiting the area” and explains: “The indigenous resguardo (legally-recognised, collectively-owned territory) of Yaigojé, created in 1988, is the only Colombian territory that has been declared a National Natural Park at the request of the communities living there. In its

²⁵⁶ Ibid.

²⁵⁷ Ibid.

one million hectares of pristine forest there are plants and animals unique to the Amazon region, and indigenous peoples with an ancient tradition. Both are at risk on account of interest in gold in the area. The group of indigenous people who want to safeguard Yuisi, a sacred site deep in the resguardo where humanity originated, do not welcome the idea that a Canadian mining company should explore the territory in this quest.”²⁵⁸

The range of Cosigo Resources’ apparently nefarious activities against especially indigenous Colombians is amazing; the company has been implicated in the murders of five indigenous leaders, the displacement of Colombian natives, the denial of a park to them which endangers “their very existence” and the creation of a fake indigenous group in order to do so. This record is truly astounding and extremely destructive. The last tactic is particularly sinister and a new low for Canadian corporate neocolonialism in Colombia. It looks like Cosigo will go to any lengths to attain Colombia’s mineral riches and has such vile practices that this has alarmed even parts of the Colombian government, usually the most steadfast supporter of Canadian companies. As noted above, a Colombian Public Prosecutor has demanded the revocation of a mining concession granted to Cosigo and has asked for a disciplinary process against eight public officials from INGEOMINAS who gave the concession. This implies corruption on the part of these officials and Cosigo’s involvement in this as well.

²⁵⁸ The GAIA Foundation, “Yaigoje Apaporis Threatened by Gold Mining”, <http://www.gaiafoundation.org/yaigoje-apaporis-threatened-gold-mining>; The GAIA Amazon Fund, “Yaigoje Apaporis Endangered by Gold”, <http://www.gaiaamazonfund.org/content/vaigoj%C3%A9-apaporis-endangered-gold>.

FOOD SERVICES

Colombia's processed foods sector accounts for 23% of all manufacturing making it the country's largest manufacturing industry.²⁵⁹

McCain Foods Ltd.

Based in Florenceville, New Brunswick, McCain is one of the largest frozen food manufacturers in the world. **As of July 2011, the private company has annual sales of over of \$6 billion, more than 20,000 employees and 50 production facilities located on six continents.** The company is the world's largest processor of french fried potatoes. In May 1996, McCain bought Prodelpo of Medellin (a medium-sized potato and yuca processor) and renamed it McCain Andina S.A. The company's Medellin plant was expanded and upgraded. McCain was the third largest company in the Colombian frozen food market in 2004 after Alimentos Margarita (the leader) and Romagnola. McCain Andina is the second largest producer of frozen french fries in Colombia and also makes potato, corn and casava snack products; all these are distributed through major supermarkets and McDonald's outlets. The company imports vegetables, juices, desserts and some of its french fries from Canada.²⁶⁰

FOOTWEAR

Bata Shoe Organization

With more than 50,000 employees in 70 countries, Bata is one of the world's largest manufacturers and retailers of footwear. **Bata owns 27 factories in 20 countries and 5,000 stores in 70 countries.** The Toronto-based private company operates in Colombia through Manisol S.A., a fully owned subsidiary. Located in Manizales, Manisol runs one of Colombia's five largest shoe factories

²⁵⁹ Data Monitor, *Frozen Food in Colombia to 2009*, Report, June 22, 2005, www.datamonitor.com ; Government of Canada, Department of Foreign Affairs and International Trade (DFAIT), "Colombia: A Guide for Canadian Exporters and Investors", 1997, p. 6;

²⁶⁰ McCain Foods, "Our Company", <http://www.mccain.com/company/Pages/default.aspx> ; "McCain Worldwide", <http://www.mccain.com/worldwide/Pages/default.aspx> ; "McCain Foods Announces Dirk Van de Put As President and CEO", Press Release, June 3, 2011, <http://www.mccain.com/Newsroom/Announcements/Pages/McCainAnnouncesDirkVandePutasPresidentandCEO.aspx>; McCain Foods, "Worldwide Operations"; "McCain Foods Announces \$5.68 Billion in Sales", Media Release, October 31, 2005, www.mccain.com; Data Monitor, *Frozen Food...* op.cit.; McCains Foods, "Media Releases", www.mccain.com/press/press5; "South American Operations", mccain.com/locations/colombia; Constanza Salamanca, McCains International (Colombia), Interview with Author, December 10, 1998; DFAIT, "Colombia: A Guide..." op.cit.

and exports to neighbouring countries. Bata has been in control of Manisol for ten years and this investment reflects the shift of shoe manufacturing to the Global South in the last three decades. **In Latin America, Bata also has investments in Bolivia, Chile, Ecuador, Mexico and Peru.** ²⁶¹

TRADE

Colombia is Canada's fourth largest export market in South America behind Brazil, Venezuela and Chile. Canadian exports to Colombia in 2010 were worth \$644.4 million. Canadian imports from Colombia in 2010 were worth \$717.3 million.²⁶² **The top ten Canadian exports to Colombia in 2010 were in order of value, wheat, lentils, potassium chloride, boring or sinking machinery parts, newsprint, barley, copper wire, dried peas, canary seed and paper. The top ten Canadian imports from Colombia in 2010 were, in order of value, coffee, bituminous coal, crude petroleum, bananas, coal nes, cut roses, cut flowers, cut carnations, refined sugar and cut chrysanthemums.** ²⁶³

All of Canada's top ten imports from Colombia are basic commodities with little or no value added. This is true for all of Canada's top ten exports to Colombia also, with the sole exception of machinery parts. Canada ran a trade deficit with Colombia in both 2010 and 2009. The value of Canada's imports from Colombia in 2010 exceeded that of its exports to that country by \$73 million and in 2009 by \$132 million. In 2008, Canada ran a trade surplus with Colombia with the value of its exports exceeding that of its imports by \$70 million. ²⁶⁴

²⁶¹ Bata, "About Us", <http://www.bata.com/about-us.php>; Bata, "About Us: Bata Today"; "Bata in the World"; "Welcome to the Bata Shoe Organization", "Shoemakers to the World", www.bata.com; Government of Canada, Canadian Embassy/Colombia (CEC), *Colombia: A Guide for Canadian Exporters and Investors*, February, 1999, p. 11; Van Cotthem, op.cit.

²⁶² Government of Canada (GOC), Canadian Embassy in Bogota, Colombia, "Colombia", <http://www.international.gc.ca/world/embassies/factsheets/Colombia-FS-en.pdf>; "Welcome to the Commercial Section of the Canadian Embassy in Bogota," <http://www.tradecommissioner.gc.ca/eng/office.jsp?oid=62>

²⁶³ GOC, Industry Canada, "Canadian Imports from Colombia", http://www.ic.gc.ca/sc_mrkti/tdst/tdo/tdo.php#tag; "Canadian Exports to Colombia", http://www.ic.gc.ca/sc_mrkti/tdst/tdo/tdo.php#tag

²⁶⁴ Ibid.

The Canada-Colombia Free Trade Agreement (CCFTA) came into effect on August 15, 2011. Canada ratified the CCFTA in 2010 and signed it in 2008. The CCFTA includes parallel agreements on labour cooperation and the environment ²⁶⁵ that are largely toothless. The CCFTA was opposed by labour unions and human rights groups in both countries on the grounds that it would worsen the already abysmal state of labour rights and human rights in Colombia.

The Agreement removes or reduces most tariffs on trade between Canada and Colombia ²⁶⁶ and commits both countries to removing non-tariff trade barriers. Before the Agreement, Colombia imposed much higher tariffs on Canadian products than Canada did on Colombian ones. Canadian products entering Colombia such as wheat, barley, pork and beef faced tariffs of between 15 % on cereals and 80% on beef. Canada put no tariffs on about 80% of Colombian imports including coal, bananas, coffee, palm oil and sugar. Cut flowers faced moderate tariffs, from 8 to 16%. ²⁶⁷ So the Agreement mainly benefits Canadian products destined for Colombia rather than Colombian exports to Canada.

Importantly, for the Canadian government, the Agreement is particularly aimed at securing and increasing investment opportunities for Canadian corporations in Colombia. As Canadian Prime Minister Stephen Harper's press release states "the Free Trade Agreement will provide greater market access for Canadian exporters of products.... In addition, the Agreement will provide greater stability and protection for Canadian businesses involved in oil and gas, mining, manufacturing, and financial services."²⁶⁸

²⁶⁵ CBC News, "Canada-Colombia Trade Deal Takes Effect," August 15, 2011, <http://www.cbc.ca/m/touch/news/story/2011/08/15/f-colombia-canada-trade.html>; Government of Canada (GOC), Department of Foreign Affairs and International Trade (DFAIT), "Legislation to Implement Canada-Colombia Free Trade Agreement Receives Royal Assent," News Release, June 30, 2010, http://www.international.gc.ca/media_commerce/comm/news-communicues/2010/208.aspx?view=d

²⁶⁶ CBC News, "Canada-Colombia Trade Deal...", op.cit.

²⁶⁷ Mylene Bruneau, "Canada-Colombia Free Trade Agreement Could be a Lose-Lose Deal," Centre on Hemispheric Affairs (U.S.), May 1, 2009, <http://www.coha.org/canada-colombia-free-trade-agreement-could-be-a-lose-lose-deal/>

²⁶⁸ Evan Zatorre, "Unions Oppose Future Canada-Colombia Free Trade Agreement," *McGill Daily*, March 20, 2010, <http://www.mcgilldaily.com/articles/29085>

The results of this “greater stability and protection” can clearly be seen above in the oil and mining sections where as stated the CCFTA has encouraged massive Canadian corporate violations of Colombian worker and human rights as well as large-scale environmental destruction. Canadian companies feel no hesitation now in publicly encouraging the murder of Colombian unionists and Indigenous leaders, as well as destroying entire Colombian towns and crucial ecosystems. With the government of Canada backing them more than ever before, there appears to be no limit to the destructive practices of Canadian companies in Colombia. As Colombian Senator Jorge Enrique Robledo describes the CCFTA above (see mining section, p. 90) “What is happening is that there is some bartering going on between the Canadian and Colombian governments. A few are going to get away with the silver and the gold while absolving human rights and labour rights issues that should not be possible.” The objections of Canadian and Colombian unions and human rights groups to the CCFTA (see below) have already come true. The Agreement has clearly worsened the state of labour rights and human rights in Colombia.

The Canadian labour movement’s objections to the CCFTA stressed the facts that more labour leaders are killed in Colombia every year by paramilitary death squads than in the rest of the world combined, that these paramilitary murders and Colombia’s regressive labour laws have the effect of suppressing union formation, that there is impunity for these killers, that the paramilitaries have been reconstituted not demobilized, that the “parapolitics” scandal shows close government links to paramilitaries, that the Colombian army and government have committed crimes against humanity, that Colombian unions reject the CCFTA because it legitimizes killing unionists, will increase unemployment, poverty and hunger, subjugates the Colombian economy to multinational corporations, allows Canadian mining companies to take over more land, that more trade and investment will undermine human rights by reducing international pressure to improve these and that the Canadian Parliament’s own House of Commons Standing Committee on International Trade has called for a human rights assessment before ratification of the CCFTA, stating that the “Government of Canada develop new social responsibility standards for corporations as regards compliance with universal human rights standards.”²⁶⁹

²⁶⁹ Canadian Labour Congress, “Top Ten Reasons Why Canada Should Cancel Harper’s Free Trade Deal With Colombia,” (Pamphlet), 2008.

Jen Giroux, an executive board member of the Ontario Public Service Employees Union (OPSEU), went to Colombia in 2009, meeting 30 groups there including Indigenous and labour ones. She explained: “Many Colombian farmers face hunger not through lack of production, but because the vast majority of their produce is sold to other countries. Union workers who voice their concerns are threatened by various paramilitary groups, and many have been murdered or disappeared entirely.” Berth Berton-Hunter of Amnesty International Canada stated that her organization wants an independent human rights assessment after meeting with various Colombian workers, journalists, and indigenous groups as well as Canadian government officials.²⁷⁰

Both Giroux and Berton-Hunter stress the impacts of the CCFTA on mining and land. Says Berton-Hunter, “The main issue here is land. Colombia has many mineral resources and hydroelectric power [sources] that rest on indigenous land. Thousands of people and children have been killed and pressured off of their land by the government and/or paramilitary groups, despite the fact that Colombia claims to have demobilized them. Passing this deal would only disenfranchise the poor and give more power to mining companies and the economic elite, perpetuating the current situation.”²⁷¹

According to Colombian Senator Robledo “Free trade is really an imperialist conception of development and international relation...[which] has done and continues to do immense damage to Colombia. Free trade began here in 1990, during the administration of President César Gaviria Trujillo. And the harm that free trade has done in Colombia is completely obvious. All we have to do is look at the concentration of wealth, the impoverishment of the Colombian people, the unemployment rates, the de-nationalization of the country... There have been great industrial losses in this period, and they will get bigger. Colombia lost the little industry it had, it de-industrialized.”²⁷²

On March 26, 2009, Robledo addressed the Canadian Parliament’s Standing Committee on International Trade, about the Canada-Colombia Free Trade Agreement, saying: “We can demonstrate that many of the free

²⁷⁰ Zatorre, *McGill Daily*, op.cit.

²⁷¹ Ibid.

²⁷² Dan Feder, “Colombia’s Senator Robledo: U.S. Resembles Latin America’s Spanish Colonial Masters More Each Day,” *The Narco News Bulletin*, January 12, 2009, <http://www.narconews.com/Issue55/article3333.html>

trade policies applied in Colombia, beginning with the World Trade Organization agreements, have caused enormous harm to the national economy. As a single example, Colombia was a self-sufficient country in agricultural production—in food production—until 1990, and now we are importing eight million tonnes of food. These imports are of course ruining our businesses, leaving our farm workers without jobs and also ruining our rural inhabitants and indigenous peoples, many of whom even if they do not want to do so, are forced by free trade and the destruction of their economies to devote themselves to crops such as coca, for example. This in one way or another expands the power of drug trafficking and causes them to become prisoners in a way to the horrors of violence in our country. I am not of those who believe that poverty alone justifies violence, but I do believe that poverty is a breeding ground for violence, and we can show over and over again that in the case of Colombia, free trade inevitably generates poverty.”²⁷³

Helicopters

A Canadian company has provided helicopters to the repressive Colombian military and military helicopters have been sold by the Canadian Department of National Defence to the U.S. which has resold them to Colombia. All this has strengthened the repressive capacity of Colombian state security forces.

The 1999 Helicopter Sales

In 1999, the Canadian Department of National Defence (DND) sold over 40 surplus "Huey" Bell CH-135 helicopters to the U.S. State Department; these were manufactured in the U.S. and worth Can. \$450 million; 33 of the helicopters were refurbished and redirected by Washington to the Colombian military as part of Plan Colombia.²⁷⁴ Amnesty International and KAIROS expressed their concern

²⁷³ GOC, Parliament of Canada, Standing Committee on International Trade, “Evidence: Hon. Jorge Enrique Robledo (Senator, The Senate of the Republic of Colombia),” March 26, 2009, No. 11, 2nd Session, 40th Parliament.

²⁷⁴ Amnesty International, “Helicopters to Colombia: Canada’s big arms export loophole”, *Terror Trade Times*, Issue no. 4, http://web.amnesty.org/pages/ttt4-article_14-eng

about this sale which they pointed out was “in violation of a Canadian policy forbidding the sale of military equipment to countries involved in conflicts”. “Canada must close the dirty little loophole that allows equipment to be laundered in one country and sent to another where it may be used to commit human rights violations,” said Keith Rimstad, spokesman for Amnesty International Canada. “Loophole” refers to the fact that Canadian military items sent to the U.S. do not require an export permit. Rimstad added that the helicopters have been “re-equipped as gunships and are being used by three anti-narcotics battalions of the Colombian Army”. According to Amnesty, the helicopters “could be deployed by the army during confrontations, and...civilians could be targeted”. Svend Robinson, the New Democratic Party foreign affairs critic at the time, also called on the government to revise its export laws and guarantee that Canadian military equipment will not be re-sold to countries involved in military conflicts.²⁷⁵ Amnesty urged its members to “write to the Canadian embassy in your country to express your concern about the sale of ‘Huey’ military helicopters to USA which were then redirected to Colombia. Ask the Canadian government if it is monitoring the end-use of these helicopters and what it is planning to do in order to close the loopholes in Canadian legislation and so prevent Canadian military equipment ending up in the hands of military or police forces that commit human rights violations.”²⁷⁶

The Canadian Department of Foreign Affairs and International Trade maintained the position that “Once these helicopters were sold to the U.S. government, they ceased to be ‘Canadian’... Military goods exported to the US do not require export permits nor does the U.S. provide re-export assurances. Further regulation of defence exports to the U.S. would simply result in the movement of production to the U.S. or the replacement of Canadian suppliers with suppliers from other countries. The only impact would be a loss of jobs for Canadians with no benefit to global peace and security.”²⁷⁷ It is very odd that no export permit is required for Canadian military exports to the U.S. Are Canada and the U.S. one country? Not presently, so then why is this so? Surely if there is one item any country needs to be careful about exporting it is military equipment. The U.S. government is the biggest supporter of repressive regimes in the developing world and if Canada has any concern for human rights it should not be sending any military items to the U.S. at all. The effect of the present situation is to make the Canadian government and industry a part of the U.S.’ military-industrial complex

²⁷⁵ Marina Jimenez, “Choppers sold to U.S. end up in Colombian military”, *National Post*, March 21, 2001.

²⁷⁶ Amnesty International, “Helicopters to Colombia...” op.cit.

²⁷⁷ Ibid.

and accomplices to its vicious foreign policy which has propped up one bloody dictatorship after another.

The 1994 Helicopter Sales to Colombia

Based in Mirabel (Montreal, Quebec), Bell Helicopter Textron Canada (BHTC) is a subsidiary of Bell Helicopter Textron Inc.(BHTI) of Fort Worth, Texas (U.S.), the world's largest manufacturer of helicopters. BHTC built the twelve 212 Bell helicopters that BHTI sold to the Colombian Air Force and police in 1994 with the Canadian government's encouragement. The helicopters' twin engines were built by Pratt and Whitney (Canada). The frames and most of the component parts were also made in Canada and the final assembly was done at Mirabel. The transmissions, blades and "other dynamic components" for all Bell aircraft come from Fort Worth.²⁷⁸

This sale of Canadian helicopters has been opposed by human rights groups in Canada and Colombia. The Inter-Church Committee on Human Rights in Latin America (ICCHRLA—now KAIROS) has pointed out that although the 212 is presently classified as a civilian helicopter, it originated as a military aircraft and has a history of being used in counterinsurgency operations (especially in Vietnam) including the bombing of civilian areas. Canadian unionists on a trade union delegation tour of Colombia in 1997 observed two Bell 212 helicopters in military camouflage sitting on the tarmac at Bogota airport. There is no way of knowing whether or not these particular helicopters were Canadian-made. Rev. Javier Giraldo, former head of the Peace and Justice Commission, a Colombian human rights group, also opposes the sale of these helicopters which he finds "very disturbing." Giraldo believes that "the Canadian government must reclassify what is classified as civilian or military" and that "what should be prevented is the commerce which directly contributes to the war."²⁷⁹ Rev. Giraldo was forced into

²⁷⁸ Bell Helicopter Textron (BHT), www.belltexttron.com/lowrez/cn/BellCanada.

²⁷⁹ Evangelina Sapp, "The Colombian Resistance: An Interview with Javier Giraldo", *Briarpatch*, July/August 1998, p. 25.

exile after the Colombian army's assault on the offices of the Peace and Justice Commission in March 1998. He has since returned to Colombia.

The 212 is a "utility" helicopter which means that it has multiple uses and can easily be converted for military purposes. It is cheaper to convert commercial helicopters than to buy military ones.²⁸⁰ There also has been no monitoring system put in place to ensure that these helicopters are not being used in military or paramilitary operations; instead of addressing these matters, the Canadian government has been encouraging the sale of even more aircraft to the Colombian armed forces.²⁸¹ Ottawa has responded to ICCHRLA's concerns about the helicopter sales by sticking to the technicality that the 212 is a civilian aircraft. Clearly, selling these aircraft to a military responsible for massive human rights violations expands its repressive capacity. Even if the helicopters are never used for military purposes, the fact remains that they can be.

BHTC enjoys considerable government support. The Mirabel plant was set up with millions of dollars in subsidies from the Quebec and federal governments²⁸² and the former has funded training programs for the company's work force. Canadian embassies worldwide promote BHTC's sales and the company was part of a Team Canada trade mission to Colombia in 1994 and to Mexico, Brazil, Argentina and Chile in 1998.

Concerning the helicopter sale to Colombia, the 2000 edition of this report stated that "It is incumbent upon the Canadian government to refrain from any future sale of high-tech equipment that could be used in repression carried out by the Colombian state or its agents." Similarly, the 1999 Canadian Labour Congress convention resolution on Colombia called on the Canadian government to "refrain from selling any equipment that could be used for repression in Colombia." However, as we see in the military exports section below, Ottawa has allowed precisely this to take place.

Canadian Military Exports to Colombia

Since 2001, Canadian military exports have been going directly to Colombia and not just through the U.S. Canada is thus now making a clear

²⁸⁰ Ken Epps, Project Ploughshares, Interview with Author, November 20, 1998.

²⁸¹ CEC, op.cit., p. 22.

²⁸² Epps, op.cit.

military contribution to the Colombian civil war on the side of a highly repressive government. **According to the Department of Foreign Affairs and Trade (DFAIT), the worth of Canadian exports of military goods and technology to Colombia has increased dramatically from \$4.8 million in 2007 to \$7.6 million in 2009. DFAIT does not list which military items were sent to Colombia in these two years. Comparing the figures for 2001 and 2009, the worth of Canadian military exports to Colombia has more than tripled.**²⁸³ Canadian companies exported \$2.17 million worth of military items to Colombia in 2001 and \$685,000 worth in 2002. The 2002 sales were of a surveillance camera system (\$600,000) and “electronics” (undefined--\$80,500). Ken Epps, analyst at Project Ploughshares which monitors Canadian military exports, believes that the camera system was most likely provided by Burlington, Ontario-based L-3 Wescam, the Canadian subsidiary of L-3 Communications, a U.S. company. Wescam, a military contractor, describes itself as “a world leader in the design and manufacture of stabilized, multispectral airborne imaging systems.” Wescam announced the Colombia sale on its website in 2002 according to Epps. The announcement is no longer posted. Epps adds that the camera surveillance system is installed on planes and unmanned aerial vehicles (UAVs) such as the Predator. Wescam states that such cameras are used for “surveillance and observation, battlefield reconnaissance, battle damage assessment [and] target acquisition and designation.” The company explains that “Accurate real-time information gives warfighters at all levels a first-hand view of the battlespace with precision, clarity and certainty. The collection, analysis and dissemination of tactical visual information lets them see the location, identity and capability of both friendly and opposing forces.” This function is similar to that of satellite maps; in counterinsurgency, cameras and satellites are used together to pinpoint guerrilla targets.²⁸⁴

In 2001, Canadian military exports to Colombia consisted of another surveillance camera system (\$464,000), aero-engine repair and overhaul for the Colombian Air Force (\$1.6 million) and mine detectors (\$110,250). The engine repair was done by St. John’s Newfoundland-based Vector Aerospace under a contract worth \$6.5 million. According to Project Ploughshares, this contract

²⁸³ GOC, DFAIT, *Report on Exports of Military Goods from Canada 2007-2009, 2011*, http://www.international.gc.ca/controls-controles/assets/pdfs/military/documents/military_report-2007_09-rapport_militaire-eng.pdf

²⁸⁴ DFAIT, *Military and Technology: Export of Military Goods from Canada: Annual Report 2002*, December 2003, http://www.dfait-maeci.gc.ca/eicb/military/table3_02-en.asp ; Ken Epps, Project Ploughshares, Interview with Author, January 25, 2006; Asad Ismi, “Arming a Genocidal Force: Canadian Military Exports to Indonesia, 1979-99”, *CCPA Monitor*, November 2000, www.asadismi.ws; L-3 Wescam, Press Release, October 17, 2005, <http://www.wescam.com/>; “Markets”, “Defence”, “Air Force”, “Recon and Surveillance”, “Unmanned Aerial Vehicles”, http://www.wescam.com/markets_2_3a.asp .

contributes “directly to the operational capability of the Colombian military and thus should come within the basic intent of the Canadian military export control system.” Military export permits were not required in this case because the aircraft and parts involved are designated as civilian. The same criteria was used to allow the sale of the 12 helicopters to the Colombian police and military in 1994. They were also classified as civilian aircraft.²⁸⁵

Given the horrendous human rights record of the Colombian military, such designations are highly dangerous for Colombian civilians. Canada’s record of direct military transfers to Colombian security forces responsible for many atrocities is very alarming. This can only enable more official repression and prolong the civil war. As Ken Epps says about the 2001-02 military sales: “Canada is violating its own policy by supplying such military equipment and services to Colombia. The Canadian government’s export policy specifies that military exports to countries undergoing conflicts and/or widespread human rights violations should be controlled. We interpret control to mean ‘banned’ in the case of countries like Colombia where both of these conditions exist. Obviously, there is no point in expressing concern about the situation in such countries if military exports to them are allowed.”²⁸⁶

Here we discuss Canada’s three leading imports from Colombia which are, in order of value, coffee, coal and oil. Oil has already been covered in the investment part of this report where we have seen that the extraction of this resource is marked by massive official repression. Considerable state repression also accompanies the production of coffee and coal in Colombia.

Coffee

Colombia is the world's third largest coffee producer after Brazil and Vietnam. According to the National Federation of Coffee Growers, the 2010 harvest was 8.92 million bags of 60 kg, 1.11 million more than in 2009, an increase of 14%. Exports in 2010 fell 1% and were 7.81 million bags.²⁸⁷

²⁸⁵ DFAIT, *Military and Technology: Export of Military Goods from Canada: Annual Report 2001*, December 2002, <http://www.dfait-maeci.gc.ca/eicb/military/table3-en.asp> ; Epps Interview, 2006, op.cit.; Alejandro Bustos, “Critics of Plan Colombia Denounce Washington’s ‘Secret’ War in South America”, Canadian Press, June 17, 2001, <http://www.zmag.org/crisesecurevts/colombia/alecol.htm> ; Project Ploughshares Briefing 01/3, “Transfer of Canadian Military Equipment to Colombia Exposes Loopholes in Export Controls”, <http://www.ploughshares.ca/libraries/Briefings/brf013.html> .

²⁸⁶ Epps Interview, 2006, op.cit.

²⁸⁷ “Coffee Producing Countries,” <http://www.zecuppa.com/coffee-producing-countries.htm>; Reuters, “Coffee Production Increased 14% in 2010,”

Usually Colombia produces between 11 and 12 million bags and the reduction is due to drought in 2009 and floods in 2010 that affected two million people.²⁸⁸ Colombia is the largest supplier of coffee to Canada. In 2010, Canada imported Can.\$162 million worth of Colombian coffee up from Can.\$124 million in 2009.²⁸⁹

One million hectares of land are under coffee production out of a total of 5.3 million hectares under cultivation; two million people are directly or indirectly dependent on coffee, about 30% of rural employment.²⁹⁰ World coffee prices collapsed between 1998-2001 with “catastrophic” effects on the sector’s 25 million farmers who were driven to poverty, starvation and destitution. In Central America alone, 600,000 jobs were lost in coffee farming. In Colombia, the effect was similarly devastating with 200,000 farmers leaving the coffee sector out of a total of 560,000. Child malnutrition and poverty “spiked” in coffee areas and a lot of growers switched to coca and poppy farming.²⁹¹ By 2001, thousands of out-of-work coffee growers and workers flooded Colombia’s southern jungles where there was work in coca farms and cocaine laboratories. In the same year, the value

<http://avilacmg.wordpress.com/2011/01/11/la-republica-colombia-coffee-production-increased-14-in-2010/>

²⁸⁸ Amy Stillman, “Colombian Coffee Growers Face Tough Year,” January 20, 2011,

<http://www.bbc.co.uk/news/world-latin-america-12216419>

²⁸⁹ Eleanor Wason and Jeff Coelho, “POLL-Funds, supply worries seen buoying coffee in 2006”, Reuters, January 18, 2006,

<http://today.reuters.com/business/newsarticle.aspx?type=tnBusinessNews&storyID=nL18655977> ; Toby Muse,

“Pick Your Port”, *Latin Trade*, August 2005,

http://www.latintrade.com/dynamic/index.php?pg=site_en/pastissues/Aug05/tradelanes2.html ; **Industry Canada,**

“Canadian Imports: Coffee”, http://www.ic.gc.ca/sc_mrkti/tdst/tdo/tdo.php#tag

²⁹⁰ Government of Colombia, “Economic Sectors”, www.col.presidencia.gov.co/economy/sectors.htm; Toby Muse, “Grounds War”, *Latin Trade*, April 2004,

http://www.latintrade.com/dynamic/index.php?pg=site_en/pastissues/Apr04/currents.html

²⁹¹ “The Coffee Trade”, *Global Eye Magazine*, Autumn 2004,

http://www.globaleye.org.uk/secondary_autumn04/eyeon/coffeetrade.html ; United Nations, Food and Agriculture Organization (FAO), “Food Outlook - No. 2 June 2005: Coffee”,

http://www.fao.org/documents/show_cdr.asp?url_file=/docrep/008/J5667e/j5667e04.htm ; Don Wells, “More People are Buying Fair Trade Coffee But the Crisis Worsens”, *Canadian Centre for Policy Alternatives (CCPA) Monitor*, July/August 2004, p. 19; Muse, “Grounds War”, op.cit.; David Adams, “Waking up to World Coffee Crisis”, *St. Petersburg Times*, August 11, 2002,

http://www.sptimes.com/2002/08/11/news_pf/Worldandnation/Waking_up_to_world_co.shtml ; Mario Osava

“Coffee Crisis a Forgotten Issue on Global Agenda”, Inter Press Service, June 17, 2004,

<http://ipsnews.net/interna.asp?idnews=24251>

of Colombia's coffee crop fell 27% and in 2003 coffee made up about 6% of total Colombian exports, down from 50% in the mid-1970s.²⁹²

The collapse of coffee prices was precipitated by the withdrawal of the United States from the International Coffee Agreement in 1989 which set quotas for coffee exports thereby stabilizing prices at a level that made production viable. The U.S. withdrawal was combined with the World Bank's pressure on Vietnam "to glut world coffee markets with cheap coffee". As a result, coffee prices fell to U.S.\$0.60 a pound in March 2004, a 35-year low and below production costs.²⁹³ After a five year decline, coffee prices recovered in 2005 increasing to more than U.S.\$1 a pound in March. Colombian coffee export revenue increased 58% to U.S.\$1.6 billion in the 2004-2005 coffee season (October to September) – "the highest in seven years". "It was a year of recovery for the coffee sector," said Gabriel Silva, head of Colombia's National Coffee Federation. However, prices have only attained the average level for the 1990s and are 25% less than the average in the 1980s.²⁹⁴ Coffee generates sales worth \$75 billion a year worldwide with the growers getting only \$6 billion of this (8%). The sector is dominated by four multinational corporations: Nestle, Phillip Morris, Sara Lee and Proctor and Gamble who along with large retailers such as Starbucks get 86 cents of every dollar spent on coffee.²⁹⁵

Colombia's coffee sector is characterized by a large number of small producers who even before the crisis often existed at or below the poverty line. Ninety-six percent of the coffee farmers have plots smaller than seven acres. However, larger producers usually control the bulk of the coffee area and hold disproportionate amounts of the better quality agricultural land. Thirty companies control 70 percent of all coffee exports. The rest are controlled by the National Coffee Federation that sells on behalf of the farmers.²⁹⁶

²⁹² Robert Collier, "Mourning Coffee", *San Francisco Chronicle*, May 20, 2001; Josh Frank, "Ground Down in the Fields: Coffee and State Authority in Colombia", *Counterpunch*, January 6, 2004, <http://www.counterpunch.org/frank01062004.html>; Muse, "Grounds War", op.cit.; Adams, *St. Petersburg Times*, op.cit.

²⁹³ Frank, *Counterpunch*, op.cit.; Wells, *CCPA Monitor*, op.cit.; FAO, "Food Outlook", op.cit.

²⁹⁴ "Colombia Coffee Export Revenue Up 58 Pct.", Associated Press, November 30, 2005, <http://www.forbes.com/business/healthcare/feeds/ap/2005/11/30/ap2361502.html>; FAO, "Food Outlook", op.cit.

²⁹⁵ Osava, Inter Press Service, op.cit.; Wells, *CCPA Monitor*, op.cit.

²⁹⁶ Scott Wilson, "Coca Invades Colombia's Coffee Fields, Falling Prices Push Farmers to Plant Illegal Crops, Threatening U.S. Drug War", *Washington Post*, October 30, 2001; Robert A. Rice and Justin R. Ward, *Coffee, Conservation and Commerce in the Western Hemisphere*, (Report), Washington D.C., Smithsonian Migratory Bird Center and the National Resources Defense Council, June 1996.

In Nariño department in southern Colombia, it appears that paramilitaries are killing coffee farmers in order to crush public opposition to mining projects advanced by multinational corporations. The identity of these corporations is unavailable. On June 25, 2011, a group of 10 to 12 heavily armed hooded men wearing camouflage clothing and travelling in a red sport utility vehicle indiscriminately fired weapons at a disco and pool hall called "Discovery Villanueva" in the center of Villanueva, a village in Colón Génova municipality. Eight coffee farmers were killed in the attack: Celso López, Sandro López, Horacio Gómez, Luis Gil, Libio Noguera, Luis Arcos, Plinio Noguera and 15-year-old Albey Gaviria. Four other coffee farmers were wounded. ²⁹⁷

Paramilitary groups from the "Bloque Calima" set up base in Villanueva in 2002. Since then these groups have carried out "forced displacement, forced disappearances, and selective murders of residents in the municipalities of Colón Génova, San Pablo, La Unión, La Cruz, San Bernardo and Belén, all in the eastern area of Nariño, and in neighboring Florencia municipality in Cauca department." The paramilitaries were officially "demobilized" in 2006 with no effect: the same groups reemerged with the names "Nueva Generación" (New Generation) and "Los Rastrojos." ²⁹⁸

The above massacre occurred a week after community members and activists from the area participated in a "First Forum on Mining and Water" in Colón Génova on June 17. Participants in the forum reported that "multinational corporations have been pressuring local communities to allow the exploitation of mineral resources in the area, including gold, silver and copper." ²⁹⁹

Much of Colombia's coffee is grown in Risaralda and Caldas departments. Most of the best land in Caldas, until 2005, was controlled by the United Self-Defence Forces of Colombia (AUC), the biggest paramilitary group at the time, which also dominated some municipal governments. ³⁰⁰ In Risaralda, the AUC targeted trade unionists and NGOs in 2002 after the Permanent Committee for the Defence of Human Rights (CPDH-Risaralda section) denounced the increase in paramilitary activity in the department and the rest of the coffee-growing region.

²⁹⁷ "Colombia: Campesinos Massacred in Nariño," *Weekly News Update on the Americas*, July 12, 2011, <http://ww4report.com/node/10116>

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*

³⁰⁰ Centre for International Policy, *Rethinking Plan Colombia*.

In August 2002, the AUC sent death threats to thirteen people, seven of whom were CPDH members. The rest belonged to the CUT, the Risaralda Teachers Union and the Public Sector Trade Union. The threats told the activists to leave the area in 15 days or face action from the AUC.³⁰¹

According to the Pesticide Action Network North America (PANNA), there were 100 human poisonings and one death due to the use of Endosulfan (a highly toxic insecticide) in the production of Colombian coffee in 1993. In 1994, more than 100 poisonings and three deaths were reported. The Colombian health ministry banned Endosulfan in 1995 but this ban has not been made official and so is ineffective. The use of Endosulfan in coffee and vegetable production continues. PANNA attributes the failure of the ban to the influence of the chemical's manufacturer, AgrEvo, a German multinational. AgrEvo was formed in 1994 when the agrochemical divisions of the German chemical giant Hoechst and Schering (another German chemical company) combined. Hoechst has close relations with the Instituto Colombiano Agropecuario (ICA), the Colombian pesticide licensing agency. Endosulfan has been banned or greatly restricted in many countries including Canada, the U.S., the Philippines and several European countries.³⁰²

Coal

Colombia is the tenth largest producer of coal in the world as of 2010 and the fifth largest exporter behind Indonesia, Australia, Russia and South Africa.³⁰³ The country has the largest coal reserves in Latin America as well as the largest open-pit coal mine in the world, the Cerrejon Zona Norte project (CZN)³⁰⁴ owned in equal parts by a consortium of three large multinational corporations: BHP Billiton, Anglo American and Glencore. Colombia produced 70 million tonne of coal in 2010 down from 73 million

³⁰¹ Amnesty International, "Urgent Action/Fear for Safety--Colombia", AMR 23/096/2002, August 28, 2002.

³⁰² PANNA, "Endosulfan to be Banned in Colombia?", June 16, 1995, www.igc.org/panna/. (PESTIS database).

³⁰³ Government of the United States, Department of State, "Background Note: Colombia", <http://www.state.gov/r/pa/ei/bgn/35754.htm>; "Colombia to Produce 77 Million Tonne Coal in 2011," August 4, 2011, http://www.steelguru.com/raw_material_news/Colombia_to_produce_coal_77_million_tonne_in_2011/218364.html

³⁰⁴ Jack Kimball, "Colombia's Cerrejon Gives Coal Export Estimates," *Reuters*, June 23, 2010, <http://blogs.reuters.com/jack-kimball/page/5/>; Government of the United States (GUS), Energy Information Administration (EIA), "Country Analysis Briefs Header: Colombia," June 2011, <http://www.eia.gov/cabs/Colombia/Full.html>

tonne in 2009.³⁰⁵ CZN is the source of over 40% of Colombia's coal exports. Colombia's second biggest coal mine after CZN is La Loma which is owned by the U.S.-based Drummond Company. Coal is now Colombia's second most valuable export after oil, accounting for 15% of export earnings in 2010.³⁰⁶

Bituminous coal is Canada's second most important import from Colombia in terms of value, after coffee. Canada imported \$139.7 million worth of bituminous coal from Colombia in 2010 up from \$97.6 million in 2009. In 2010, Colombia was Canada's second largest source for bituminous coal imports after the United States.³⁰⁷

As seen in the mining section of this report, this sector in Colombia is rife with human rights violations and this is true especially for coal mining. Like gold mining, that for coal is characterized by large-scale displacement and killings. A substantial part of the Colombia coal coming to Canada originates from the CZN mine in Guajira department in northern Colombia. The setting up of the mine has created a severe conflict area. CZN has been described by one Canadian newspaper as "a notoriously dirty piece of business... a continuing horror story of forced relocations of indigenous people, human rights violations, environmental destruction and other assorted injustices." The minesite occupies the territory of the indigenous nomadic Wayuu people and has destroyed their way of life based on small-scale farming, and contaminated their environment. A community of 750 Wayuu were the first to be displaced by the mine in 1982 and since then CZN has taken progressively more of their land. In 2001, the community described the effect of the mine: "We have seen our people suffering for many years from mining in all stages and forms... Industrial mining has caused greivous pain and irreparable destruction to our culture, our identities and our very lives. Our traditional lands have been taken, and the wealth seized without our consent or benefit. Mining... has poisoned our waters, destroyed our livelihoods and our food sources, disrupted our social relationships and created sickness and injury in our families."³⁰⁸

³⁰⁵ "Colombia to Produce 77 Million Tonne Coal in 2011," op.cit.; GUS-EIA, "Country Analysis..." op.cit.

³⁰⁶ GUS-EIA, "Country Analysis..." op.cit.

³⁰⁷ GOC, Industry Canada, "Canadian Imports of Bituminous Coal," http://www.ic.gc.ca/sc_mrkti/tdst/tdo/tdo.php#tag

³⁰⁸ Ralph Surette, "The Dirty Story of Where We Get Our Coal", *The Chronicle Herald* (Halifax), March 26, 2005; Ramirez Cuellar, op.cit. pp. 14-17; World Rainforest Movement, "Colombia: The Impacts of Coal Mining", bulletin N° 71, June 2003, <http://www.wrm.org.uy/bulletin/71/Colombia.html> ;

A labour leader working for CZN has also been killed. On March 22, 2008, Adolfo González Montes, a union leader at CZN, was tortured and killed at his home. He left a wife and four small children.³⁰⁹

In a June 2011 report titled “Analysis of Mining in Indigenous Territories in Colombia”, the organization Human Rights Everywhere (HREV), states “the coal mining area of Cesar is just one example of how the process of land theft works in practice, land which ends up in the hands of mining companies: Paramilitary terror with subsequent mining operations: Massacre of 18 people in the hamlet of Mechoacan and Finca El Prado. Massed forced displacement of the inhabitants. Dispossession of the lands at the hands of the frontmen of the AUC through the irregular granting of title deeds by town halls linked to the paramilitaries and by corrupt INCODER officials [the Colombian government’s Institute for Rural Development which is in charge of land restitution for displaced Colombians]. Subsequent sale of the stolen land to Prodeco (part of Glencore corporation) and Drummond. They are now coal mines for export.”³¹⁰

The HREV report quotes the testimony of Alias ‘Samarío’, (commander of the AUC’s Northern Bloc) given during the paramilitary “demobilization” process in November 2009: “All this is done for land which is rich in coal, this generates a lot of money, it’s because of this that there is all this displacement. An area of land in the conflict isn’t worth anything where there have been killings, displaced people, you could buy a hectare for 150,000 pesos.”³¹¹

The report lists the most notable effects of coal mining on native Colombians as being: “violation of sacred sites; non-compliance or violation of prior consultation processes; forced displacement; armed violence—murders, massacres, death threats and harassment; paramilitary terror; aerial fumigation in order to clear mining areas; food insecurity; pollution and poisoning of people and ecosystems; dispossession of land and destruction or weakening of the social, political and cultural structure of indigenous peoples.” HREV identifies these Colombian Indigenous peoples as affected by

³⁰⁹ Tracy Glynn, “Colombian Coal and New Brunswick Power: A Case of Environmental Racism,” Conservation Council of New Brunswick, February 2009,

<http://www.elements.nb.ca/theme/mining/Tracy/Tracy.htm>

³¹⁰ Human Rights Everywhere, *Analysis of Mining in Indigenous Territories in Colombia*, June 2011, http://www.hrev.org/en/wp-content/uploads/2011/06/Analysis-of-mining_TP2-.pdf

³¹¹ Ibid.

coal mining: Wayuu, Bari, Yuko, Chimila, U'Wa, Embera Katio, Chami, Zenu, Nasa, Pijao, Canamomo and Muisca ³¹²

In 2001, the Afro-Colombian village of Tabaco located near CZN was bulldozed (to expand the mine) after its 700 residents were “violently evicted” by 200 soldiers and police. CZN had offered the residents \$1,000 each to move but most refused the money and asked that they be relocated as a community. In Puerto Bolivar, the town used by CZN as a coal port, the entire community of 350 was displaced and 11 people were killed in April 2004 when conflict erupted over the consortium’s plans to expand the port. Another 30 people “went missing”. ³¹³

In December 2004, the Atlantic Regional Solidarity Network (ARSN) brought Francisco Ramirez, former head of the Colombian Mine Workers Union, to Atlantic Canada for a speaking tour about Colombian coal mining. According to Ramirez, Nova Scotia Power and New Brunswick Power (which received coal from Colombia then) were importing “blood coal” from Colombia. He explained that not only has coal mining in Colombia impoverished native communities, it has also “brought them under the control of violent paramilitary gangs.” Journalist-academic Garry Leech, who teaches at the University of Cape Breton in Nova Scotia and belongs to ARSN, came back from a two-week trip to Colombia in May 2005 to report that “the Colombian army, which has a base on the [CZN] mine property, and an assortment of violent paramilitaries and death squads now control the region around the mine. Using threats, constant patrols, kidnappings, targeted disappearances and assassinations, these well-armed groups terrorize villagers and intimidate local organizations and leaders who speak out for native communities’ rights or are otherwise seen as interfering with or challenging the mine consortium’s control of the region.” ³¹⁴

Also protected by paramilitaries is La Loma, the second biggest coal mine in Colombia, located in Cesar department; the mines’s owner, the Drummond Coal Company, is being sued by the Colombian mining union, SINTRAMIENERGETICA, “for conspiring with paramilitary groups to exterminate the union”. The suit was brought in the U.S. under the Alien Torts Claims Act after the assassination of union leaders by death squads. On March 12, 2001, Valmore Locarno Rodriguez and Victor Hugo Orcasita Amaya, the President

³¹² **Ibid.**

³¹³ Surette, *The Chronicle Herald*, op.cit.; Larry Lack, “Colombian Coal Triggers Human Rights Campaign in Maritimes”, *Northern Sky News*, July 2005, <http://www.northernskynews.com/backissue%20pages/colombian%20coal.html>

³¹⁴ Larry Lack, *Northern Sky News*, op.cit.; Chris Arsenault, “Canada Imports Blood Coal”, *Canadian Dimension*, July-August 2005.

and Vice President of the union local, were removed from a company bus and killed. Gustavo Soler, the local's new President was also murdered on October 5. According to Francisco Ramirez, "with the beginning of the company's operations in Cesar province came the first massacres, the first forced displacements... When the company began mining operations, the zone had been *consolidated* [emphasis in original] and the military/paramilitaries took control of the mining zone." He adds that "the multinationals follow a standard procedure. They sign a security contract with the Colombian army to receive protection especially from attacks by the guerrillas. But this agreement is literally an agreement with the paramilitaries given their symbiotic relationship... A trusted company official coordinates them [the paramilitaries] providing arms, munitions, money for uniforms, communications equipment, gasoline, vehicles all under the auspices of this agreement... Once the collaboration is established, operations are begun mainly against civic leaders, unionists, human rights workers, and even public officials who refuse to cooperate with the company."³¹⁵

Given the substantial human rights violations linked to coal production and export in Colombia, Canada is certainly importing "blood coal" from there. By doing so, Canada is contributing to the killings, impoverishment and displacement of Indigenous people, Afro-Colombians and other Colombians in Guajira and Cesar and the militarization of these coal zones. Since many Indigenous peoples in Colombia are threatened with extinction, Canadian coal imports from there are also hastening this catastrophe.

³¹⁵ Ramirez Cuellar, op.cit., pp. 73-77.

CONCLUSION

INVESTMENT:

Canadian companies in Colombia are more economically powerful than ever before: they partly own and run the country's largest oil pipeline (Talisman), are its leading private oil producer (Pacific Rubiales) and its biggest gold mining company (Gran Colombia Gold). With such significant power, the ten Canadian corporations in Colombia's oil and mining sectors examined above have become highly destructive and are spreading social disaster in the country on a scale never previously achieved by Canadian companies. The 2006 edition of this report found six Canadian corporations to be linked to military/paramilitary repression in Colombia. This edition has connected ten Canadian oil and mining companies in Colombia to human rights violations and military/paramilitary repression. The report has also detailed the massive environmental degradation carried out or threatened by the operations of some of these companies. These ten corporations are the four oil companies Talisman, Gran Tierra, Pacific Rubiales, and Petrominerales, and the six mining companies Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources, B2Gold, Midasco Capital and Antioquia Gold.

These companies are involved in abetting the genocide of indigenous Colombians, are linked to eight murders and one attempted murder, to other military/paramilitary repression, to displacement, and to environmental destruction on a massive scale as well as being responsible for labour union busting, strike-breaking, and worker exploitation.

(1) Genocide: Four Canadian companies are implicated in abetting the genocide of indigenous Colombians: Gran Tierra, Cosigo Resources, Pacific Rubiales and Gran Colombia Gold Corp. As quoted above, Rodolfo Stavenhagen when he was the United Nations' Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, stated about Colombia: "Many indigenous communities report selective killings of their leaders, spokespersons and traditional authorities. Such killings appear to form part of a strategy to decapitate and confuse the indigenous communities, and they certainly hasten their social and cultural disintegration. These are truly acts of genocide and ethnocide against indigenous peoples." The Canadian oil company Gran Tierra is accused by the Inga indigenous People of killing their leader Edilberto Imbachi which is

certainly an act of genocide according to the U.N.'s Stavenhagen. This is all the more true when we take into account the fact discussed above that Colombia's indigenous people are in danger of extinction according to their national organization, National Authority for Indigenous Government (ONIC) (see Gran Tierra section).

Additionally, the Canadian mining company Cosigo Resources is accused of killing five more indigenous leaders in the department of Cauca by Jose Goyes, himself an indigenous leader who at the time was a member of the political commission of the Regional Indigenous Council of Cauca (CRIC), a major indigenous organization in the department. Again, this is definitely genocide according to the United Nations' representative's definition. Two Canadian companies are thus accused of killing six Colombian indigenous leaders which makes their contribution to the extinction of native Colombians rather substantial. Moreover, Cosigo Resources has been implicated in the torture of Goyes by paramilitaries, death threats to Goyes and other indigenous leaders' also by paramilitaries and a program of mass displacement of indigenous people to clear land coveted by mining companies. Also the company is trying to dissolve a national park created by indigenous people in the Colombian Amazon and its efforts in this regard are endangering the indigenous people's "very existence" (see Cosigo section).

Other ways in which Canadian oil and mining companies are hastening the demise of endangered native Colombians are:

- (1) paramilitaries burning down the houses of indigenous people who were opposed to the construction of the Rubiales-Monterrey pipeline which is a project of the Canadian oil company Pacific Rubiales. It appears from this that Pacific Rubiales is collaborating with paramilitaries in Colombia that are clearing the way for its operations by destroying the houses of native Colombians opposed to them.
- (2) the Canadian oil company Gran Tierra being linked to the displacement of Edelmiro Imbachi Mutumbajoy, a leader of the Inga indigenous people.
- (3) the Canadian mining company Gran Colombia Gold planning the displacement of 8,000 people from the town of Marmato, the entire population, in order to set up an open-pit mine. Close to 17% of this population is indigenous and has lived in Marmato for 474 years. The Executive Committee of the Regional Indigenous Council for Caldas (CRIDEC), the main indigenous group in Marmato, called the mine and proposed displacement "ethnocide".

(4) The same mine is also opposed by the Embera Chami indigenous people of Caldas as it is adjacent to their land and in their words “will directly impact and affect our territory and [our] future survival”.

(5) The National Authority for Indigenous Government (ONIC) of Colombia identifies oil and mining projects to be one of the major contributing factors to the extinction of indigenous Colombians. As ONIC states: all of the country’s 102 Indigenous nations “are at risk of disappearing” that is “at risk of physical and cultural extinction” due to “the internal armed conflict, poverty and discrimination, state abandonment and the imposition of an external development model in indigenous territories”. ONIC includes corporate oil and mining projects as part of the external development model. Thus all Canadian oil and mining companies in Colombia whose operations impinge on native territory are contributing to the genocide of indigenous people according to ONIC. All of the information presented above in section 1 opens the four Canadian companies Gran Tierra, Cosigo Resources, Pacific Rubiales and Gran Colombia Gold up to the charge of genocide of native Colombians.

(2) Murders: Two Canadian Companies in Colombia, Gran Colombia Gold Corp. and Cosigo Resources are linked to eight murders and one attempted murder. Six of these murders have been discussed in the section above which leaves two murders and an attempted murder. These are of the priest Father José Reinel Restrepo and the union leaders Rafael Tobon Zea and Jhon Jairo Zapata Marulanda (attempted murder) respectively. Gran Colombia Gold Corp. (GCGC), the biggest Canadian gold mining company in Colombia, is implicated in all these murders/attempted murder. With its hostile statements that promote aggression, Gran Colombia Gold appears to have encouraged a killing spree by paramilitaries who seem determined to wipe out any major opposition to the company’s plans in both Marmato and Segovia. These two murders and a third attempted murder can all be linked to the company since the paramilitaries are acting on its behalf, in its interests and with its public encouragement. In this sense the company is complicit in these murders and attempted murder. All three targeted men opposed GCGC’s mining operations in Marmato and Segovia and the union leaders also disputed GCGC’s ownership of the Frontino mine. SINTRAMIENERGETICA, the union that the labour leaders belonged to, has denounced GCGC for these murders. Apparently, not even priests are safe from the viciousness of this company which abets

murders with impunity. Serafino Iacono, GCGC's Executive Co-Chairman, has accused unionists of being guerrillas which is an incitement to murder in the Colombian context. All this opens him and GCGC up to the charge of complicity in two murders and in one attempted murder.

(3) Other Canadian Corporate Links to Military/Paramilitary Repression:

Though not linked to specific murders, the five Canadian companies Talisman Energy, Pacific Rubiales, Petrominerales, Eco Oro Minerals and B2Gold are connected to military/paramilitary repression. Talisman partially owns OCENSA, the biggest oil pipeline in Colombia. Two-thirds of the Colombian army is devoted to protecting oil pipelines which are frequently blown up by guerrillas. The FARC and ELN oppose foreign oil investment and since 1986, have bombed oil pipelines more than a thousand times. As discussed in the oil section, pipeline protection involves major human rights violations by the army and paramilitaries. The government has militarized oil producing areas and terrorized the local population which it assumes to be guerrilla supporters. Talisman is already linked to some human rights violations that British Petroleum (which Talisman bought out in 2010) has been connected to such as those stemming from getting protection from paramilitaries and the Colombian army for the OCENSA pipeline. According to journalist Dawn Paley, "seventeen military bases and more than 1,400 soldiers, airmen and marines are stationed near the 820-kilometre-long pipeline." The pipeline's operation has generated many human rights violations by security forces and paramilitaries and continues to do so; the Canadian companies Enbridge and TransCanada Pipelines (TCPL) have been complicit in some of these violations when they owned part of OCENSA. Talisman's involvement with OCENSA continues such Canadian corporate links to official repression.

As seen in the oil section, Pacific Rubiales has engaged in strike-breaking, union-busting and supported military and police repression of workers. The strike-breaking has been done using physical force including that provided by the Colombian military and police. Since July 2011, the company has been subject to three labour strikes by the Petroleum Workers Union (USO) which it has dealt with by bringing in a bosses' union to replace USO. In November 2011, Pacific Rubiales used physical force with the support of the Colombian military and police to remove thousands of

workers. The company has broken the strikes and the union of its workers and done this partly by using the Colombian military and police to repress them.

The striking workers reported being surrounded by at least 800 ESMAD riot police as well as army troops and other police. One person from the workers' coordinating committee was arrested. USO has denounced what "it sees as an effort to displace it from the Rubiales field, replacing it with a 'bosses union' which will not stand up effectively for workers' rights, and has criticised the government for allowing this to happen while USO is repressed in clear violation of trade union freedoms." The CUT trade union federation found additional military repression in the area of Pacific Rubiales' operations reporting that there was "extreme militarization of life in the region with military bases placed in the midst of civilian towns and villages in violation of international humanitarian law. As well as military installations in the oil fields themselves, and that they rigidly control the freedom of movement of the local population, which is confined to certain areas."

As with Pacific Rubiales which is also in Meta, local community protests against another Canadian oil company, Petrominerales, erupted in September 2011. Protesters battled riot police with rocks and homemade bombs on Thursday in a protest against Petrominerales forcing it to suspend output. Burned cars and tires littered a street as police used tear gas to quell demonstrators who threw rocks and small explosives. Isnardo Lozano Gomez, secretary general at the USO oil workers union, said local communities were protesting over environmental damage in the area, the need for locals in the firm's labour force, and the lack of social investment. 'Today this confrontation and manpower in the area ... has increased substantially, and the community at this time is being subject to a brutal aggression by (anti-riot police),' he said.

Petrominerales' treatment of Colombians living around its facilities has been abysmal and when they protest this injustice, the people of the area are brutally repressed by riot police acting to protect the company's facilities and operations. Petrominerales also owns a 5% interest in the OCENSA pipeline which links the company to the ongoing human rights violations stemming from the pipeline's operation. As stated above, OCENSA's operation has generated many human rights violations by security forces and paramilitaries and continues to do so (see OCENSA section).

Petrominerales has also been linked to repressive Colombian army operations in 2005 for which it has provided the use of a helicopter. At the time, Petrominerales was owned by Petrobank the facilities of which in Putumayo were guarded by the Colombian Army's Ninth Special Battalion. As stated in the Petrominerales section, the company's relations with the battalion were so close that the latter was able to use a Petrobank helicopter for military missions--for transporting troops on counterinsurgency operations. Petrobank's provision of a helicopter to the Colombian army for counterinsurgency operations opens it up to the charge of being complicit in war crimes. The company has contributed to the devastation of Putumayo firstly by investing in a severe conflict zone where oil operations require massive state violence and displacement of entire communities, and secondly by supplying an important instrument of repression.

The Canadian mining company Eco Oro Minerals (EOM--formerly Greystar Resources) has also aided official repression and benefited from this. The company has very close relations with the Colombian military. In fact, without the Colombian army's protection, the company would not be at its Angostura mine at all (see EOM section). The army has constructed two "battalion-size" fortresses near Angostura. The military also set up "locally manned militias" in 17 communities near Angostura. These were part of the Uribe government's peasant militias created under its "Democratic Security" policy. Amnesty International believes that these militias strengthen paramilitarism, are a potential front for it, and drag the civilian population further into the conflict. **Violence continues in the Angostura area. According to a 2009 report written by MiningWatch Canada "There have been selective killings, threats and displacement by armed, masked men presumed to be paramilitaries, within the Greystar-Angostura project area in Mohan, Turbay and Cachiri in the municipality of Surata where people were accused of collaborating with the guerrillas."** The report adds that 40% of the area's 5,000 residents were considered as "at high risk".

EOM/Greystar decided that what it needed to do to stay in Angostura was get the army's "full protection"; it could not operate without the military's "strong support". Therefore the company's "strategy has been to logistically support the establishment of a permanent security base in the area." According to Vice President Felder, the company has "supplied materials to the army. This could include communications material, building material, and clothing." While the peasant militias are alarming for Amnesty International, for EOM/Greystar, they are critical to its continued presence at Angostura. EOM/Greystar President Rovig has said that "Uribe's security commitments including a so-called peasant militia

to supplement state forces were key to Greystar's decision to resume operations in the country." Thus EOM/Greystar has supplied an army which has a horrendous human rights record; the company is heavily protected by this army, and without its presence, EOM/Greystar would not even be in Angostura. Also crucial for the company's return (according to itself) are the peasant soldiers who strengthen paramilitarism. Thus EOM/Greystar has aided, benefited from and encouraged the spread of the forces of official repression in Colombia.

The department of Antioquia, where the Canadian mining company B2Gold's Gramalote mine is located, has historically had one of the highest rates of violence and forced displacement in Colombia and in parallel an ever-increasing concentration of property in the hands of a few. In 2008, the Colombian government's Public Defender's Office stated that "During the past five years, 10,000 people have been displaced...Mining concessions coincide with areas affected by displacement and armed actors are located around extraction sites." In this situation of extreme violence and enormous danger to civilians, B2Gold has made inflammatory statements that increase the danger to the lives of civilians even more especially from paramilitaries and the army. The company has commented that some citizen and environmental organizations that monitor its mining activities and criticize mineral development "unfortunately...are sometimes contaminated; there are many that are contaminated by paramilitaries or guerrillas." Such declarations in the Colombian context are tantamount to an incitement to murder by paramilitaries that are well-known to remove any perceived obstacles to corporate activity.

B2Gold has also publicly insisted on "the right of corporate citizens to exploit mining" and stated that "no municipality can close its doors to a mining project." Julian Villaruel Toro, the company's Vice-President in Colombia, has indicated that "Indigenous rural communities have no right to reject mining activity." Such arrogant, intolerant and extreme statements encourage violent actions by paramilitaries against indigenous groups and other civilians as well as their displacement and the stealing of their land. As with EOM/Greystar, B2Gold has very close relations with the Colombian army which has an atrocious human rights record and has created and works in cooperation with paramilitary death squads. The company's Vice-President Villaruel Toro has made clear that B2Gold's "security department works directly with the Armed Forces of Colombia. If they did not guarantee security in a given area we would not do the project. The army analyzes the

security situation, we need them to give us the green light. This is a formal mechanism that works through the security department.”

Also located in the south of Bolivar department is Vancouver-based Midasco Capital Corp., a junior gold mining company which in February 2011 acquired seven exploration licenses. As explained above, the people in the south of Bolivar department have been subject to large-scale paramilitary massacres and displacement since 1997 which have been linked to Canadian mining companies. It is not surprising that the entry of Midasco into this area appears to have encouraged further killings in 2011. According to Christian Peacemaker Teams (CPT), a prominent international NGO which does accompaniment work with members of Agro-Mining Federation of the South of Bolivar (FEDEAGROMISBOL) in order to discourage their assassination, “On 17 August 2011, dozens of heavily armed men in uniform identifying themselves as the Black Eagles paramilitary group entered the town of Casa Zinc in southern Bolivar where they detained, tortured and killed three people and left a fourth person wounded. Just two weeks later, on 29 August, Canadian-owned Midasco Capital announced in *Digital Journal* that they received mining licenses to excavate in the southern Bolivar region, including the area around Casa Zinc.” Certainly the tortures and killings of these three people and the wounding of a fourth appear linked to the entry of Midasco Capital into the Casa Zinc area given that this pattern is common in Colombia: a mining company expresses interest in an area and paramilitaries then carry out killings there to remove perceived obstacles to the company’s investment.

A newsletter dated November 2011 by Peace Brigades International (PBI), another prominent international NGO that also does accompaniment work in Colombia, confirms the CPT account and adds that “Thus far in 2011, there have been 40 assassinations in the Southern Bolivar mining area. Threats continue in the form of graffiti signed by the United Self-Defence Forces of Colombia (AUC), checkpoints manned by armed civilians and the presence of a paramilitary base in the region.”

(4)Displacement: The four Canadian companies Gran Colombia Gold, Cosigo Resources, Gran Tierra and Pacific Rubiales are involved in this violation. Some examples of Canadian companies’ connections to displacement in Colombia have been dealt with in the genocide section above. These include (a) Cosigo Resources being implicated in a program of mass displacement of

indigenous people to clear land coveted by mining companies. (b) Also, the same company trying to dissolve a national park created by indigenous people in the Colombian Amazon; its efforts in this regard are endangering the indigenous people's "very existence" (see Cosigo section). (c) Paramilitaries burning down the houses of indigenous people who were opposed to the construction of the Rubiales-Monterrey pipeline which is a project of the Canadian oil company Pacific Rubiales. (d) The Canadian oil company Gran Tierra being linked to the displacement of Edelmiro Imbachi Mutumbajoy, a leader of the Inga indigenous people. (e) The Canadian mining company Gran Colombia Gold planning the displacement of 8,000 people from the town of Marmato, the entire population, in order to set up an open-pit mine. The Executive Committee of the Regional Indigenous Council for Caldas (CRIDEC), the main indigenous group in Marmato, called the mine and proposed displacement "ethnocide".

(5) Environmental Destruction:

Large-scale environmental destruction is threatened by the operations of the Canadian mining companies Eco Oro Minerals and Gran Colombia Gold Corp. (GCGC). The latter is implicated in actual large-scale environmental destruction in addition to the threat of this. As explained in the GCGC section above, this company's development of a large open pit gold mine in the town of Marmato threatens to create a major environmental disaster. At the foot of Marmato Mountain flows the Cauca River, Colombia's second largest, that provides drinking water to 10 million people including the 2.5 million inhabitants of Cali, Colombia's second largest city. The Cauca River supplies water to the Valle del Cauca (Valley of the Cauca River) department which is "one of the most fertile agricultural valleys in the world." This river passes through Colombia's third largest city, Medellin, as well, and "is essential to the country's economic well-being. Not only does it support huge industrial and agricultural bases of production, but its surrounding highlands and watersheds are the source of nearly two-thirds of the country's coffee, nearly all of its sugar, and a variety of other crops." Economically, the Magdalena-Cauca River system (the Magdalena River is the largest river in Colombia and the Cauca River is its tributary) "is considered to be the most important river system in Colombia." The large tailings (waste) dams required to hold the liquid

toxic waste from an open pit gold mine routinely break and in the case of Marmato, such waste once released, would flow down the mountain into the Cauca River, poisoning the water supply for 10 million people and the water needed for the agriculturally and industrially crucial Cauca Valley.

Additionally, one of Gran Colombia Gold's biggest gold producing properties, the Frontino mine, located near the town of Segovia, is contributing to the largest mercury contamination in the world. According to the United Nations, Colombia is the world's leading source of mercury contamination "especially in states such as Antioquia, where Segovia is located." In 2010, scientists working for the U.N., recorded levels of mercury gas in Segovia's center 1,000 times higher than World Health Organization limits." There is no similar case in the world where an urban population of 150,000 people in Segovia is exposed to such high levels of mercury vapor.

The U.N. report focuses mainly on the role of small-scale miners in mercury contamination in Segovia and Remedios. However, the Frontino mine which is the largest underground gold mine in Colombia and which lies between these two towns is also contributing to this mercury contamination. According to a technical report prepared for Gran Colombia Gold and Medoro Resources by Scott E. Wilson Consulting Inc. on the Frontino Mine: "The Frontino Project has potential environmental liabilities due to past and current mining activities, including...Contamination of soil and water by mercury, cyanide, acid drainage, heavy metals and solids from past and current mining operations." Thus there is no doubt from this report commissioned by Gran Colombia Gold itself that its Frontino mine, is contributing to what the U.N. calls the biggest mercury contamination in the world.

Eco Oro Mineral's (EOM) Angostura mine project has endangered the water supply and thus the lives of more than two million Colombians. About 81% of the areas proposed for mineral extraction within the Angostura project are inside the Santurbán páramo, a crucial and fragile Andean high-altitude ecosystem that supplies water to 2.2 million people in 23 municipalities including the city of Bucaramanga (Colombia's sixth largest) which has a population of 1.2 million. Seventy percent of the water for human consumption in Colombia comes from the páramos ecosystems, so if EOM were allowed to start a mine in the Santurban paramo this would endanger all the other paramos and therefore the health and life of most Colombians.

Thus when EOM applied for an environmental license to start an open pit mine in the Santurbán páramo it unleashed massive public opposition which was joined even by government officials. About 40,000 people demonstrated in Bucaramanga in February 2011, against the company's Angostura Project. Due to such enormous opposition, EOM withdrew its application for an environmental license to start a mine.

(6) Labour union busting, strike-breaking, and worker exploitation.

The three Canadian companies Pacific Rubiales (PR), Gran Tierra and Gran Colombia Gold are involved in union busting, strike-breaking, and worker exploitation. As stated in the oil section, Pacific Rubiales, the leading private oil producer in Colombia, has engaged in both strike-breaking and union-busting. The company has been involved in union-busting in order to quell labour unrest in Puerto Gaitan [where part of PR's operations are based]. Since July 2011, the company has been subject to three labour strikes by the Petroleum Workers Union (USO) which it has dealt with by bringing in a bosses' union to replace USO. USO has demanded better working conditions. When the strikes started in July, around 5,000 workers belonged to USO. Pacific Rubiales therefore brought in the Union de Trabajadores de la Industria Energetica Nacional y de Servicios Publicos Domiciliarios (UTIEN), a questionable union that has been criticized by several labour movements in Colombia and abroad.

In November [2011] Pacific Rubiales used physical force with the support of the Colombian military and police to physically remove thousands of workers. When the workers finally were allowed to return to work by Pacific Rubiales, they were forced to pass through several checkpoints on the public road leading to the oil field. Pacific Rubiales' private security firm stopped all vehicles entering the worksite to check the status of the workers' union membership. Workers were only allowed to work if they belonged to UTIEN and those that belonged to USO were rejected. The actions of the private security firm were supported by the military and police who would only let approved cars pass. Workers estimate that only 800 workers remain of the 5,000 that originally belonged to USO in July. Meanwhile UTIEN's membership has grown to 2,000.

Clearly, Pacific Rubiales has engaged in strike-breaking and union-busting and supported military repression of workers. The strike-breaking has been done using physical force including that provided by the Colombian military and police. Colombian workers have had their labour and human rights taken away by Pacific Rubiales and to do this the company has used the military might of the Colombian state.

According to the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), "The grievances aired by staff of oil service subcontractors [to Pacific Rubiales] include poverty wages, sub-standard housing, poor sanitation, poor transport, degrading treatment, all imposed on a workforce precariously employed on fixed-term contracts for two-to-three years. Conditions in workstations in the oilfields around Puerto Gaitán are described as similar to concentration camps." So Pacific Rubiales is making hundreds of millions of dollars by exploiting the miserable social conditions of the workers of Meta department. When those workers strike for better conditions and pay, the company breaks their union and strike using the repression of the Colombian army and police. As stated, this is Canadian corporate neo-colonialism in Colombia at its worst as far as labour issues are concerned.

Another Canadian oil company, Gran Tierra, has degraded living conditions for the Inga indigenous people through labour exploitation, corruption and bringing the negative social effects of the oil rush. The company only hires contract labour at a low rate of pay and it usually hires people who are from outside of Putumayo department where its operations are located.

The Canadian corporation Gran Colombia Gold Corp. (GCGC), the leading mining company in Colombia, has been implicated in the murder and attempted murder of two Colombian union leaders making it clear that it will not tolerate any union opposition to its mining operations and encourages the killing of unionists who engage in this. The company's senior executive has called its unionized employees "guerrillas", an incitement to murder in the Colombian context. Thus worker rights in the leading Canadian mining company in Colombia do not exist. What exists is a paramilitary reign of terror apparently fostered by the GCGC's leadership. The company's anti-union policy is no secret and is made publicly clear on Gran Colombia Gold's web site in a promotional pamphlet titled "Gran Colombia Gold Corp. : Becoming Colombia's # 1 Gold Producer: Investor Presentation": In this

document the company states as one of its accomplishments: “Shift to a non-unionized work force” which along with other steps has helped it generate “Savings of approximately \$100 per ounce of produced gold.” Thus union-busting is a likely reason for the company’s labeling the mine workers “guerrillas”; certainly, murderous attacks by paramilitaries on two union leaders which followed this accusation, can help break up the targeted union in Colombia and make possible many other such savings thereby attracting more Canadian investors.

The ten Canadian companies examined above which are the four oil companies Talisman, Gran Tierra, Pacific Rubiales, and Petrominerales, and the six mining companies Gran Colombia Gold, Eco Oro Minerals, Cosigo Resources, B2Gold, Midasco Capital and Antioquia Gold, are involved in abetting the genocide of indigenous Colombians, are linked to eight murders and one attempted murder, to other significant military/paramilitary repression, to large-scale displacement, and to environmental destruction on a massive scale as well as being responsible for labour union busting, strike-breaking, and worker exploitation. Never before have Canadian companies in Colombia been so destructive. This opens up these corporations to the criminal charges of genocide, murder, complicity in murder, environmental damage, displacement and the violation of labour rights. Affected groups in Colombia can sue these companies in Colombian and Canadian law courts and do so in conjunction with Canadian non-governmental organizations. Certainly these corporations are more vulnerable to such legal action than ever before as far as their behaviour in Colombia is concerned.

TRADE:

Such apparent Canadian corporate criminality in Colombia has been greatly encouraged by the Canadian government through the actions of its agencies CIDA and EDC discussed in the introduction and especially through its conclusion of a free trade pact with Colombia. The Canada-Colombia Free Trade Agreement (CCFTA) came into effect on August 15, 2011. Canada ratified the CCFTA in 2010 and signed it in 2008. The Agreement is particularly aimed at securing and increasing investment opportunities for Canadian corporations in Colombia. As Canadian Prime Minister Stephen Harper’s press release states “the Free Trade Agreement will provide greater market access for Canadian exporters of products.... In addition, the Agreement will provide greater stability and protection for Canadian

businesses involved in oil and gas, mining, manufacturing, and financial services.”

The results of this “greater stability and protection” can clearly be seen above in first part of this conclusion and in the oil and mining sections where as discussed, the CCFTA has encouraged massive Canadian corporate violations of Colombian worker and human rights including genocide, as well as large-scale environmental destruction and displacement. Canadian companies feel no hesitation now in publicly encouraging the murders of Colombian unionists and Indigenous leaders, as well as destroying entire Colombian towns and crucial ecosystems. With the government of Canada backing them more than ever before, there appears to be no limit to the destructive practices of Canadian companies in Colombia. As detailed above, the objections of Canadian and Colombian unions and human rights groups to the CCFTA have already come true. The Agreement has clearly worsened the state of labour rights and human rights in Colombia.

The Canadian labour movement’s objections to the CCFTA stressed the facts that more labour leaders are killed in Colombia every year by paramilitary death squads than in the rest of the world combined, that these paramilitary murders and Colombia’s regressive labour laws have the effect of suppressing union formation, that Colombian unions reject the CCFTA because it legitimizes killing unionists, will increase unemployment, poverty and hunger, subjugates the Colombian economy to multinational corporations and allows Canadian mining companies to take over more land.

While increasing poverty, hunger and unemployment in Colombia, the CCFTA encourages Canada’s enhancement of the Colombian state’s repressive powers. Since 2001, Canadian military exports have been going directly to Colombia and not just through the U.S. Canada is thus now making a clear military contribution to the Colombian civil war on the side of a highly repressive government. As explained in the trade section, the worth of Canadian exports of military goods and technology to Colombia has increased dramatically from \$4.8 million in 2007 to \$7.6 million in 2009. Comparing the figures for 2001 and 2009, the worth of Canadian military exports to Colombia has more than tripled. Thus while worsening social conditions in Colombia which will lead to violence (as Colombian Senator Robledo explains in the trade section), the Canadian government is encouraging the Colombian one to deal with this situation through more official repression by strengthening the latter’s repressive power through more military exports.

The three leading Canadian imports from Colombia are coffee, coal and oil. As seen above, the extraction of oil is marked by massive official repression. Considerable state repression also accompanies the production of coffee and coal in Colombia. As stated in the trade section, given the substantial human rights violations linked to coal production and export in Colombia, Canada is certainly importing “blood coal” from there. By doing so, Canada is contributing to the killings, impoverishment and displacement of Indigenous people, Afro-Colombians and other Colombians in Guajira and Cesar and the militarization of these coal zones. Since many Indigenous peoples in Colombia are threatened with extinction, Canadian coal imports from there are also hastening this catastrophe.

Thus Canadian investment in and trade with Colombia have gone much beyond having the effect of the companies involved just “profiting from repression” and are in the process of creating a national catastrophe for Colombians through the promotion of genocide, complicity in multiple murders and in significant military/paramilitary repression, involvement in large-scale displacement, and in environmental destruction on a massive scale as well as in labour union busting, strike-breaking, and worker exploitation. This is a highly alarming and unprecedented level of Canadian corporate destruction in Colombia.

EPILOGUE:

Canadian Imperialism: The Second-hand Variety

Joan Kuyek, the former National Coordinator of MiningWatch Canada said to the author during his interview with her “Colonialism and neocolonialism are what Canada is all about.” Just as European settlers created Canada by stealing and plundering native land, its mining and oil companies today continue these practices all over the Global South. Canada, however, is itself a colony of the United States, the dominant Western imperial power, and its corporations penetrate economies of southern countries usually once these have been subjugated to U.S. military and economic control. Canada does not have the military or economic power to ensure that most southern countries will obey its dictates and so depends on U.S. power to open these economies up to its companies. Once Washington has set up a client

government in a southern country through the Pentagon and the CIA, Canadian corporations are then able to take over parts of its economy as in Colombia. In this sense Canadian imperialism is second-hand or dependent on much more powerful U.S. imperialism.

This Western colonial model was created by the U.S. following the Second World War. After 1945, Western countries functioned as a mafia with the U.S. as their Godfather. During 1914-1945, some of these same Western nations had fought two world wars against each other due to inter-imperialist rivalry. After 1945, the U.S. emerged as the dominant Western imperial power and was able to impose its will on the European countries and Japan and integrate them and Canada, Australia and New Zealand into a coordinated imperial system in which U.S. military power would open up southern economies to European, Canadian, other Western and Japanese companies. Western countries and Japan that were former imperial rivals would no longer fight against each other for the resources of the Global South but rather share them with each others' corporations though not with the people of the South. This arrangement ended inter-imperialist wars but sparked a series of wars fought between the West/North and the southern states and liberation movements in Asia, Africa and Latin America. The U.S. either fought directly (and continues to fight) in these wars or through proxies.

The Canadian role in this imperial system has been to take over parts of mainly the oil and mining sectors of Southern countries with its corporations, to supply the U.S. with oil, (Canada is the U.S.' largest oil supplier in the world), support U.S. imperialist invasions with troops as in Afghanistan and Libya, and supply military components for the Pentagon's war machine (80% of Canada's military exports go to the U.S.).³¹⁶ Such shameful subservience to U.S. imperialism has today made Canada a corrupt petro-state on par with Saudi Arabia and the United Arab Emirates similarly dominated by Washington. In fact, Saudi Arabia is more progressive in the oil sector, highly crucial to both countries. Saudi oil is partly publicly owned whereas all of Canada's oil is privately controlled and most of it by foreign oil companies.

³¹⁶ Government of Canada, "A Unique and Vital Relationship", <http://www.canadainternational.gc.ca/can-am/offices-bureaux/welcome-bienvenue.aspx?lang=eng&view=d>; Richard Sanders, "Stoking the Tsunamis of War and Repression: Canada's Military Exports Arm World's Most Belligerent Nations", *The Canadian Centre for Policy Alternatives Monitor*, May 2011, <http://www.policvalternatives.ca/publications/monitor/stoking-tsunamis-war-and-repression>

Canada is formally a democracy whereas Saudi Arabia is not but the former's democratic credentials are suspect with its current Conservative government embroiled in the "robocall scandal" in which it has been widely accused of having taken power through electoral fraud. Even with the alleged fraud, the government got only 39.6% of the vote in the 2011 election in which only 61.1% of eligible Canadian voters bothered to vote.³¹⁷

In this sense, Canada is not that different from Colombia. Both states are dominated by Washington and foreign multinational corporations with both economies being resource-based and largely de-industrialized and both political systems representing rather narrow sections of the population. Canada does not have death squads killing thousands of people a year because it has a higher standard of living due to its more advantageous position within the U.S. imperialist system. In other words, Canada does not have death squads because Colombia does. The death squads ensure the flow of cheap resources to the Northern/Western countries thereby allowing a greater redistribution of income (than in Colombia) and obviating the need for extreme repression to control the population. So-called Western democracies rest on a bedrock of genocide and plunder in Southern countries committed by the former governments directly or through proxies. This situation has prevailed for the last 500 years.

Lately though, the Western imperialist system has entered a period of prolonged crisis partly due to increasing resistance from Southern countries to their extreme exploitation. The U.S.' massive loss of manufacturing capacity and its resulting chronic economic weakness together with the emergence of militarily and economically powerful states in China and India threatens to overshadow the West/North completely. Combined with this, eleven countries in Latin America now have left-wing governments decisively ending U.S. domination of what it calls its "backyard".³¹⁸ Europe and North America are in the throes of economic stagnation made worse by austerity

³¹⁷ "Robocalls: Thousands Expected to Rally Across Canada to Denounce Robocall Scandal", *The Toronto Star*, March 11, 2012, <http://www.thestar.com/news/canada/politics/article/1144442--robocalls-thousands-expected-to-rally-across-canada-to-denounce-robocall-scandal>; "Vancouver Robocall Protesters Demand Public Enquiry", *CBC News*, March 3, 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/03/03/bc-robocall-rally.html>; Parliament of Canada, "Electoral Results By Party: 41st General Election: 2011-05-02 Spring", <http://www.parl.gc.ca/parlinfo/Compilations/ElectionsAndRidings/ResultsParty.aspx>; Elections Canada, "Voter Turnout at Federal Elections and Referendums", <http://www.elections.ca/content.aspx?section=ele&dir=turn&document=index&lang=e>

³¹⁸ These eleven countries are Venezuela, Bolivia, Ecuador, Argentina, Brazil, Peru, Paraguay, Uruguay, Cuba, Nicaragua and El Salvador.

measures with no solution in sight. The imperial system that Canada and Colombia are part of does not appear to have a future and is teetering on the verge of collapse. In spite of this, Canada remains wedded to U.S. imperialism more than ever today. Instead of reaching an accommodation with the progressive Latin American governments and shifting its trade to China and India, Canada has moved closer and closer to the U.S., the weaker that Washington has got.

This losing, destructive, profoundly immoral and irrational strategy has embroiled the Canadian state in U.S. imperial wars and made it increasingly subservient to resource-based corporations both domestic and foreign. Serving such corporations and the U.S. requires that Canada participate in the genocide of the Colombian people and the plunder of their resources. Can Canada change its sub-imperialist status? If Latin American countries have broken away from the U.S., then there is some possibility that Canada can. Many Canadians especially in the labour movement are opposed to their country's second-hand imperial role and are working to change it in different ways. They can learn much from the eleven left-wing governments in Latin America that have freed their people from U.S. domination. The key to their success has been broad-based mobilization of the population and the political participation of the poor majorities that had not taken place before. This required strong social movements and well-organized progressive political parties that offered real alternatives to entrenched right-wing elites and to failed neoliberalism. In other words, the Latin American people really wanted to change their societies and created the forces to do so. It is now up to Canadians to do the same.

END OF REPORT

ISBN 978-0-9731900-1-4

