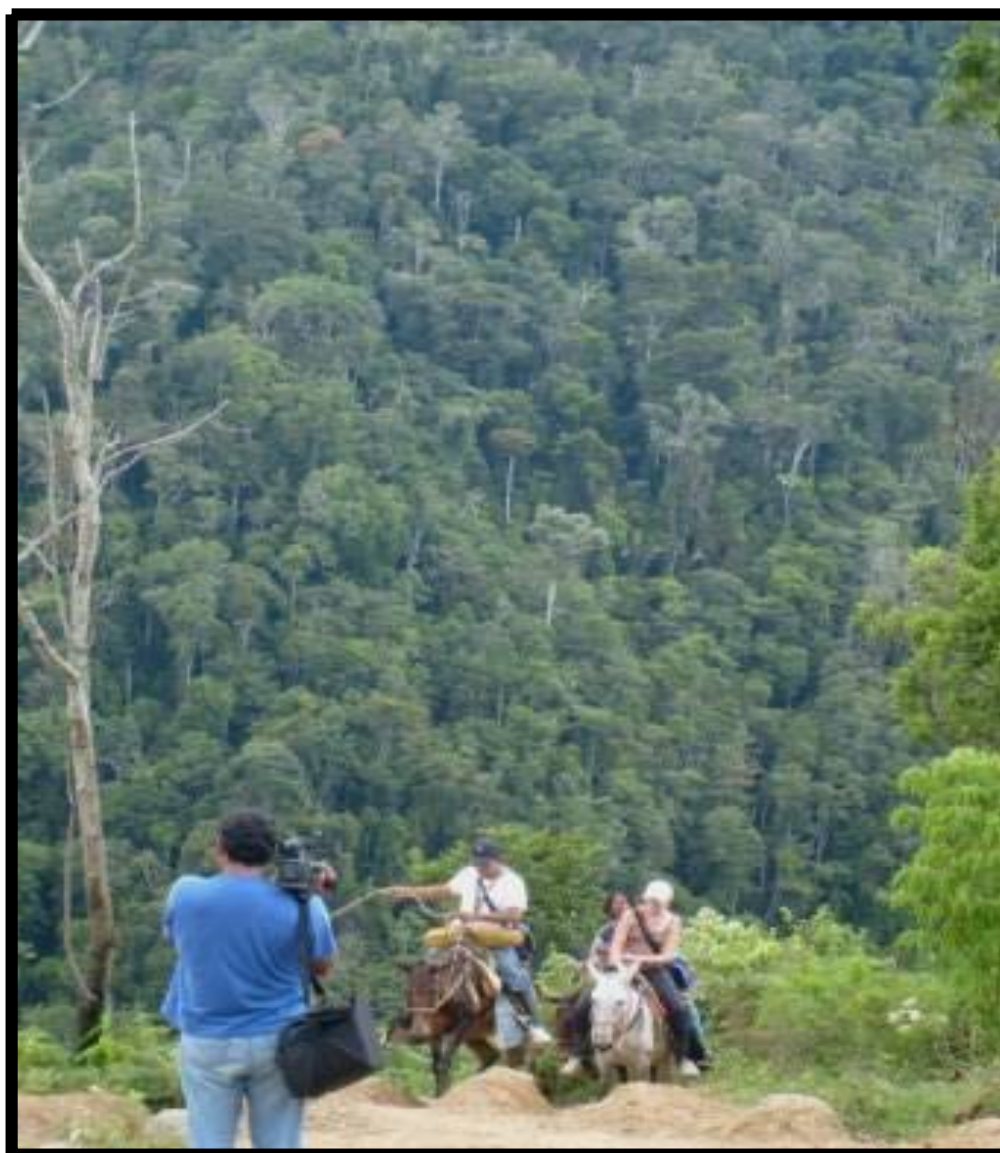


# Report on the National and International Agro-Mining Caravan, Colombia

**August 2007**

Compiled by Peter Bearder, January 2008





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### **Introduction**

Between August 16<sup>th</sup> and September 2<sup>nd</sup> 2007, the International and National Agro-Mining Caravan toured 5 of the most neglected and dangerous mining regions in Colombia. It was organised by La Red de Hemandad y Solidaridad con Colombia (The Network of brotherhood/sisterhood and Solidarity with Colombia) and was conceived under the backdrop of the mining session of the Permanent Peoples Tribunal on Transnational Enterprises and the Rights of People in Colombia. At this tribunal a panel of national and international jurists (made up of a panel of high level jurists, magistrates, academics and civil rights leaders) concluded that mining multinationals were benefiting from 'A well-documented relationship...on the development of the paramilitary strategy by the Colombian State'.<sup>1</sup> For an overview of the paramilitary question see the Appendix.

The Caravan visited five of Colombia's **departments (provinces)**

- Sur de Bolívar (Southern region of Bolívar department)
- Chocó
- Risaralda
- Cauca
- Nariño

The Caravan aimed to document and raise awareness about the concerns of the communities facing the arrival of large scale mining to their territory. While many environmental concerns were raised, these were harder to gauge as the projects were in a stage of exploration and application and not production. The Caravan noted with serious concern the recent militarization of the locations visited, both by state forces and the paramilitaries.

Among the delegates were national representatives from all the departments (provinces) visited. The international delegates consisted of 2 English, 2 Italian and one United States delegate. These were joined (in an unofficial capacity) by other foreign human rights observers and accompaniment workers from Peace Brigades and The European Network of Friendship and Solidarity with Colombia at various locations.

The Caravan visited **Artisanal and Small-scale Miners (ASM)** working on free gold from rivers or alluvial veins extracted with the use of tunnels. The report also refers to them as **agro-miners**, alluding to their dual activities as mining and farming communities. The form of organisation ranged from private individuals to community cooperatives of up to a few hundred people. This is in contrast to the more mechanised and large scale open-pit mines being proposed by multinational companies, particularly Kedadha, who have presented a new wave of mining applications in anticipation of the reform of the country's Mining Code.

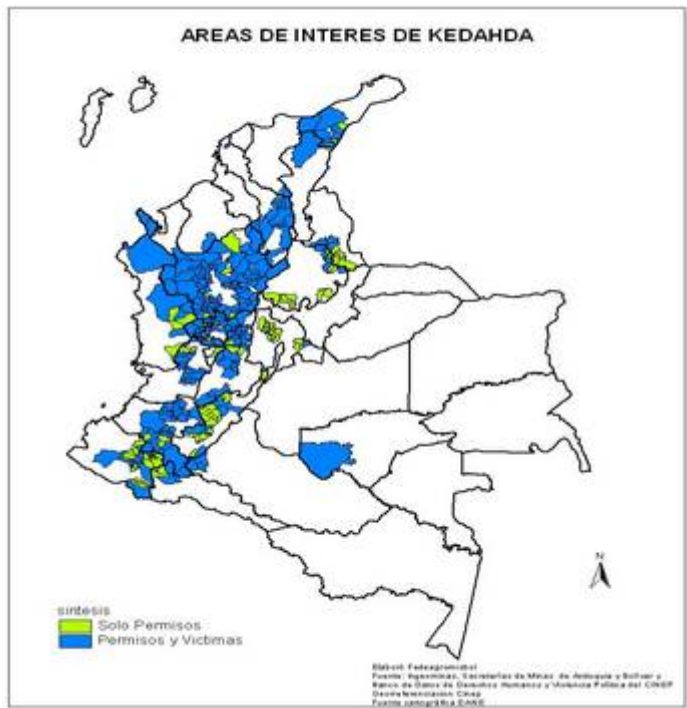
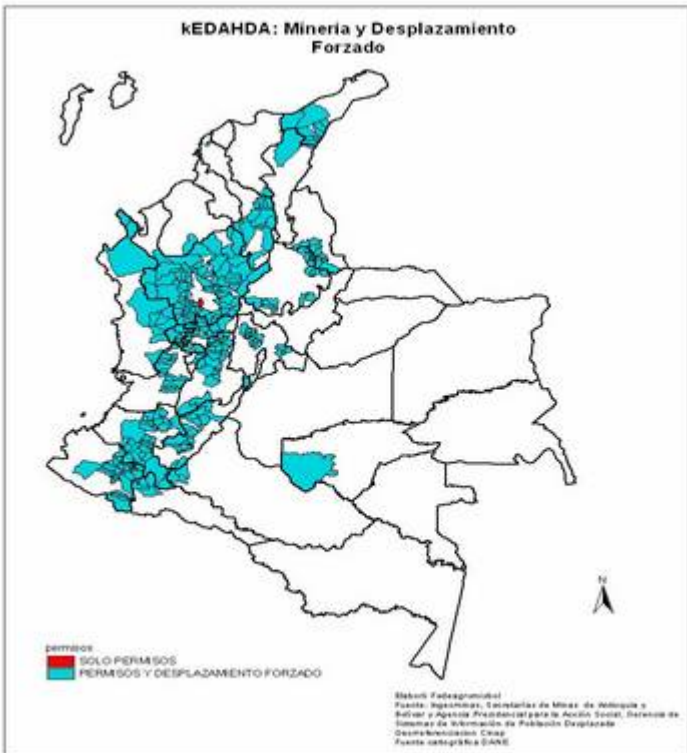
## **Kedadha**

By far the largest player in the new Colombian mining landscape is Kedadha S. A (*Sociedad Anonima*). Kedadha is a subsidiary of **AngloGold Ashanti (AGA)** which has applications which are estimated to be around 4 million hectares.<sup>2</sup> AGA is one of the principal gold producers in the world, with operations in the Americas, Africa and Australia. Though its headquarters are in Johannesburg, it is composed of a fusion of British and South African capital. Its largest shareholder is the British Anglo American plc which owns a 17% share.

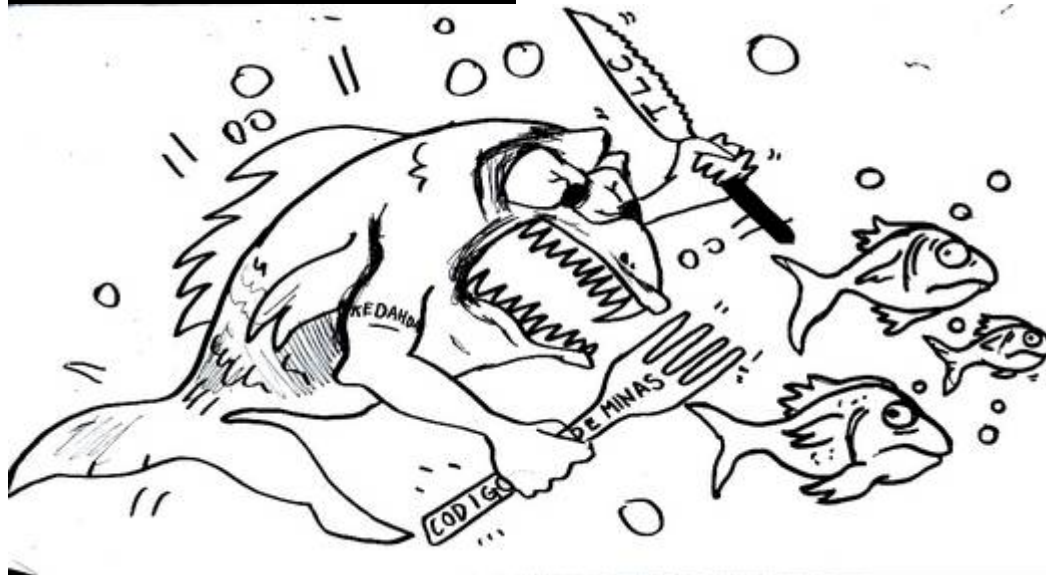
The company has now secured massive tracts of land through Colombia's largest greenfield exploration in nearly 40 years. The exploration projects began in 2004 and nearly \$63 million dollars had been spent by the end of 2007.<sup>3</sup>

It should be noted that at Kedadha are currently in a stage of exploration and application and not one of production. Their presence in these territories is, however, very real and of great concern to local inhabitants. Before production can start land and mining titles are gained and lost. The company also has a physical presence indirectly in the form of geologists carrying out examinations and third party companies. The effects on local power politics and the sense of security and cohesion within the communities, is very apparent.

According to figures compiled by FEDAGROMISBOL, in 70% of the municipalities where Kedadha have worked there have been torturing, disappearances and massacres at the hands of paramilitaries; crimes against humanity that total in their thousands. What is more, in 335 of the 336 municipalities where the company has a presence, people have been forcibly expelled for the appropriation of their land. AGA's decision to move into these areas is potentially explosive. Many other companies have avoided mining in Colombia because of the armed conflict which often flares around the incursion of large scale mining operations.



## Reforms to The Mining Code



Small miners being eaten up by Kedahda with the help of the Mining Code and the new Free Trade Treaty (TLC – *Tradado de Libre Comercio*). Courtesy of La Red de Hermandad.

The current Mining Code was drafted by Luisa Fernanda Aramburo who is now on Kedahda's board of Directors. It included articles that favoured the large mining company which she then represented (including Corona Goldfields). In 1996 it was declared unconstitutional by the Constitutional Court but it finally passed in 2001 under the Pastrana administration. At a mining fair in the city of Medellin (November 2005), President Uribe proudly promoted new tax incentives. Industry insiders already consider Colombia to have some of the world's most competitive taxation conditions.

The current reforms look set to consolidate AGAs stranglehold on exploration rights - favouring applications from companies with economic and technical advantages. The government line is that it is aimed at illegal miners who, it claims, comprise 30% of the sector.<sup>4</sup>

Of particular concern from the perspective of small miners and environmentalists are changes to Article 31, Chapter 3 of the code which protects the *Reservas Especiales*; 'zones reserved, excluded and restricted' to protect 'traditional and informal mining' from new applications. These look set to be opened up to macro- strategic mineral projects. As such, they will be handed to the biggest investors.

To facilitate this, public resources such as water and transport will be made freely available even if it is at the expense of local competitors and inhabitants. Taxation will also be made more flexible; if no deposits are found, all taxes for the period of exploration will be dropped. To compound this, the reform will further repress Colombia's famously brief prior consultation process. This amounts to a clear violation of the right to territory and participation for countless communities across the country.

AGA will not disclose the type of mining operations that will come into effect as the projects are still in a stage of exploration. It is anticipated that they will be almost exclusively open pit mines that leave a far greater scar on the landscape.



*Examples of the destructive potential of open pit mining taken from Kedahda S.A*

## **The Big Mining Debate**

Colombia is one of the mining industry's 'new frontiers' and has become a case study of increasing importance over the debate concerning the benefits brought by large scale mining.

High level reports seriously question the World Bank's assertion that mining brings prosperity and alleviates poverty in developing nations. In 2004, the World Bank's own Extractive Industries Review provided damning evidence of what is often referred to as the 'Dutch Disease'. The economic impacts of this 'resource curse' on poorer countries can be summarised as follows:

- Significant dependence on extractive industries (EI) and fluctuating EI commodity prices
- Decreased tax revenues
- Increased economic dependency on primary commodities (with the manufacturing of value added goods decreasing)
- Domestic private sector development stifled by significant concentration of foreign-controlled EI assets
- Concentration of economic power to 'oligopolistic' institutions and the exacerbation of corruption and bad governance.
- The shift of labour away from sustainable occupations to the extraction of finite resources.

AGA counter these objections by promoting the benefits to 'nations, communities, employees and suppliers' by the influx of foreign capital by way of investment.<sup>5</sup> However, assessing the impact of mining in this way is highly controversial as it fails to account for the distribution of that income. Prior experience of large scale mining in Colombia shows only a small percentage of mining profits actually reaching the regions affected by exploitation.<sup>6</sup> It is estimated that 2,240 million dollars are lost to corruption each year in Colombia.<sup>7</sup> This has ensured that royalty payments serve to strengthen existing elites and deepen inequality. Civil society groups in Colombia argue that very little of the money generated by booms in the oil, gas and mining sector have bettered the plight of Colombia's endemic poverty. In December 2007 one of the world's largest gold reserves was discovered in the department of Tolima. The local Secretary of Mining expressed scepticism at the benefits of the find:

“Being optimistic, the maximum that Tolima will receive would be 20,000 million pesos a year. This figure is insignificant taking into account that we receive 80,000 million for petrol. The financial situation of Tolima is so grave that these amounts only allow us to pay some debts”<sup>8</sup> give pound or dollar equivalent to peso amount

International financial institutions also point to the increased GDP of countries exploiting new mineral resources. However an in-house study by the World Bank, ‘Where is the Wealth of Nations?’ questioned the validity of using GDP as a measure of human development. The report stated that ‘natural capital’ such as forests, pastureland, protected areas and minerals had been greatly undervalued. It concluded that preservation and not the depreciation and destruction of these would be of great importance in reducing poverty.<sup>9</sup> Globally the mining sector has come under heavy pressure from NGOs who say that benefits are often negated by the negative impacts of large scale mining: environmental damage, displacement of communities, massive health complaints, high levels of industrial accidents and the contribution to climate change.<sup>10</sup>

### Mining and Militarization

A recent report by War on Want, ‘Fanning the Flames: The role of British mining companies in conflict and the violation of human rights’ (November 2007) cites Colombia as a case study of how mining companies can fuel armed violence. AGA was one company that the report concluded ‘can be considered complicit in these crises insofar as they have benefited directly from the intimidation and human rights violations suffered by local communities opposed to their activities’.<sup>11</sup> An official response by AGA on this issue read as follows:

...It is also well understood the National Government’s policy is to place government security and administrative presence in all outlying areas of Colombia that formerly had no government presence and were therefore controlled or influenced by illegal groups. When these areas receive adequate security they attract investment in various sectors of which mining is one. As is the case in any area recovering from a period of political instability, commercial activity is an essential component of the process of peace-making, but this must be conducted in a way which ensures equity, the growth of democracy and respect for human and labour rights. (1 August 2007)<sup>12</sup>

Under this analysis mining activity follows in the wake of conflict and the army’s militarization and stabilisation of a region. Yet in all 5 regions visited by the Caravan, with the exception of Chocó, strong evidence was presented that Kedahda’s presence was accompanied by the destabilising arrival of military and paramilitary forces.



Vehicle of the heavily armed ESMAD public order squadron stationed in the mining community of Suarez (Cauca) during a public assembly. Indigenous Nasa demanded their right to prior consultation on the use of natural resources. The vehicle was without markings of identification and was interpreted by many as an act of provocation and intimidation. 13 July 2007.



AGA defends its record with the assertion that they are signatories of the Universal Declaration on Human Rights and the principles of the UN Global Compact. The company are signatories to an array of voluntary schemes and corporate social responsibility initiatives. These include: the Voluntary Principles on Security and Human Rights, published by the US and UK governments in December 2000 and the International Council on Mining and Metals which is a participant in the Initiative for Responsible Mining Assurance. Such bodies have come under sustained criticism from civil society groups who attack their voluntary nature and the reliance on self-regulation. Corporate responsibility, they say, must make way for strong legally binding and governmentally enforced sanctions.

## **Small Scale Mining in Colombia**



Small scale mine tunnel in Sur de Bolívar

This report does not intend to be a comprehensive report on the state of ASM in Colombia. The information is largely based on testimonies, interviews, forums and workshops with small scale and artisan miners facing the entrance of Kedahda to their territory. This sector is the least vocal and the most under-represented of all actors in Colombian mineral extraction. The Caravan convened under a belief that they form a valuable, legitimate and sizeable (though heavily neglected) sector of the Colombian workforce.

The report does not condone the use of child labour or environmentally unsound practices. Indeed it recognises that this is a problem that exists in many small scale mining operations. Nevertheless, these shortcomings should not be used to justify the usurping of lands belonging to some of the poorest and most vulnerable sectors of Colombian society for the use of large scale mining projects when it leads to displacement or the loss of livelihoods. The Colombian Government has repeatedly closed down small scale mining operations to pave the way for large mining companies on the justification of bad practice whilst consistently failing to remedy the problems. Colombia's leading environmental NGO – CENSAT (Friends of the Earth Colombia) - contrasts:

... the importance of small scale mining with the scarce attention paid to it, principally in aspects of social security, labour rights, prevention of environmental impacts, training and education, among others, to those that dedicate and sustain their lives in such activities.<sup>13</sup>

Much of the financial technical and training help that the sector receive is from NGO's and international cooperation. In all of the communities visited by the Caravan, miners made pleas for international assistance – something we were unable to provide as delegates. The report recognises the ancestral claim that small scale miners have over their territory and sovereignty they hold over their natural

resources. Under current changes to the framework of Colombian mining practices they are now facing extinction.

AGA's approach to the handling of the small scale mining controversy is articulated in its 'Good Friends and Neighbours' programme. In the company's 2006 Report to Society the scheme is described as being:

*...designed to protect and assist small miners in their efforts to legalize the existing workings. This program has been successfully implemented in many parts of the country. At the heart of the programme is the allocation of ground to artisanal miners, giving them legal mining title over the property. In return for this, the miners have to register in terms of the local mining regulatory framework and comply with some basic health and safety and environmental requirements. For the most part, the property identified for disposal to small-scale operators is restricted to narrow high-grade veins or alluvial- colluvial deposits, which are generally not of interest to the company in the short term. However, one of the key advantages of the approach is that it gives the operators a real, value-based, commercial interest in the property. In the event that the company, at some future date, were to wish to incorporate it into a larger-scale mining operation, it can re-acquire it, at a market-related price. Explicit to this programme, and all our activities in Colombia, there is no attempt to remove the rights or displace existing inhabitants of an area. In most cases the size and potential of such small miner workings are of no economic interest to AngloGold Ashanti, although the company is quite prepared to work with small mining communities believing that it can contribute to promoting safe, sustainable and environmentally responsible mining practices, even in isolated regions of the country.<sup>14</sup>*

In none of the regions visited by the Caravan did we come across evidence that the programme was benefiting small miners. Those interviewed expressed little faith in Kedahda's granting of land to small scale miners. The local mining federation in Sur de Bolívar (FEDAGROMISBOL) considers it a way to bring opposition into Kedahda's framework of 'legality'. They reject it as an attempt to involve them in a process of dialogue and negotiation that will ultimately be used to justify acquisition of land from existing miners. The long-term viability of such schemes is certainly questionable given the tendency of mines to expand. Moreover, large scale mining operations bring irreparable damage to the social fabric and cohesiveness of small scale mining communities. One miner in Sur de Bolívar described the 'encirclement' of existing operations by Kedahda applications which he described as being a form of 'exhausting the people economically'.

## Stage 1. Sur de Bolívar



Welcome to the heart of the mountain range of San Lucas International and National Caravan

In week 1, the Caravan arrived my mule to the mining villages north of Santa Rosa in the mountains of La Serrania de San Lucas (South of Bolívar).

The local agro-mining federation FEDAGROMISBOL (Federación Agro-Minero de Sur de Bolívar), administers mining titles, environmental plans and taxes. It is also the

custodian of the rights and security of the miners and has 27 affiliate organisations. Their slogan is 'for the right to life, integrity and permanence in our territory'. They claim that Kedahda are benefiting from the militarization of the region by the Colombian Army who have displaced 2,300 people.<sup>15</sup>

The region is politically unstable as many armed groups and powerful financial interests are in competition. Armed groups often compete for a protection tax that endangers the security of the civil population. The regular armed forces of the State appear to be uninterested in tackling those armed groups from the right. On the contrary, they have been heavily implicated in direct cooperation with them and numerous testimonies tell of their harassing of civilians.<sup>16</sup>

On the 6th and 7th May 2007, the mining community of Mina Mocha held an assembly on the human rights situation in the region. It was attended by 22 mining communities plus two mining associations. Also present were representatives from 17 human rights, social and peace organizations – national and international. 'Is it legal that the army carries out patrols with civilians and demobilized paramilitaries (sometimes masked) – uniformed with garments and arms designed for the private use of the National Army?' asks the subsequent report by the national and international commission. The report went on to conclude that civic activities are being controlled and monitored by intelligence agents; children youths and women are being used as civilian intelligence actors in counter insurgency operations [in violation of the Geneva Convention] and that public resources, as well as locations of residence, were being used as part of a military build-up to protect the entrance of large scale mining from guerrilla attacks.<sup>17</sup>

On the 19th September 2006, Alejandro Uribe Chacon (president of a mining federation affiliated to FEDAGROMISBOL) was shot dead by the Batallon Nueva Granada of the Colombian Army. FEDAGROMISBOL and the local community claim he was executed extra-judicially by the Battalion. The Army claim he was a functionary of the ELN guerrillas and was killed in combat. One of the justifications for this position is his work organizing against Kedahda. The enquiry is ongoing.<sup>18</sup>



Such incidences (by no means a precedent in a region with a history of bloody conflicts involving mining companies) appear to be compounded by a judicial campaign against the Federation. On the 26th April 2007, its President - Teofilo Acuña, who now resides in Bogotá for security reasons, was violently arrested by members of the Batallon Nueva Granada. He was detained without warrant until the 5th May 2007 when he was released with the help of

local mobilisation and international pressure. The Federation says this forms part of a strategy of detention and stigmatisation directed towards its leaders. It has to constantly reassert its legitimacy and its right to resist the entrance of multinational interests. It complains that its activities are monitored, tracked and photographed by authorities who carry out regular stops and searches.<sup>19</sup>

After decades of neglect, the state has arrived here in the form of a high mountain battalion – at exactly the same time as the Kedahda applications. In response, AGA claim that they come invited by the national government to build peace and development in areas where insurgent groups have been defeated. Yet the miners here say the region de-stabilized shortly after their geologists were brought up by Kedahda. In the words of one local leader:

“The soldiers have arrived in this region with the pretext that they come following the footsteps of the insurgency. But we see that they are not coming for the insurgency, they come contracted by Kedahda as the most effective resolution to divide us so that we leave our territory and de-occupy our land.”<sup>20</sup>

## **Stage 2. Chocó**

### Background

Chocó is one of Colombia's most resource rich regions yet also one of its poorest. It has a majority afro-Colombian population and a large and vulnerable Embera indigenous population who occupy 80 reserves. Of the Department's 350,000 population the capital city Quibdó is home to 120,000 and is experiencing a rapid influx of displaced persons from the outlying



Quibdó from the air

riverside communities. Alongside the highest rates of violence, poverty and state neglect in the country, one of the greatest concerns for social organisation here is that the laws protecting the land titles of afro-Colombian and indigenous groups were not being respected. One such law - Law 70 of 1993 - pertains to afro-Colombian land rights. It marks ancestral lands as inalienable and places them outside of the market. This has been consistently trampled over to the detriment of the Department's rich rainforest as has been seen in the spread of controversial African Palm plantations in the region. Recent draconian legislation such as Law 42 (Forestry Law) declares that everything over 1 metre of vegetation belongs to the State. Such controversial legislation has been used to consistently over-ride Law 70. In accordance with the Colombian Constitution of 1991, the subsoil of Colombian land belongs to the State. This, coupled with the nation's famously brief prior consultation process, makes the territorial rights of Chocó's large ethnic minority populations particularly vulnerable to extractive industries. The Diocese of Quibdó is the principle human rights organisation of Chocó and has denounced the entrance of large scale foreign capital to the region as 'illegal' due to the use of corruption, force and paramilitary intimidation.

### The Mining Question

In Quibdo (the capital of Chocó) delegates were invited to a mining forum in which several Afro-Colombian, miners', women's and indigenous organisations were present. Among them was the Association of Displaced Afro-Colombians of Chocó. The Caravan heard how local delegates believe Kedahda were arriving in the region through the use of third parties including Servicios Logísticos de Colombia. Kedahda have applied for 40,000 hectares in the region.

The delegation was informed that the region was experiencing an influx of medium scale mining operations owned mostly by business interest from the Antioquia region that have started production on a dubious and uncertain legal footing. This has violated the process of prior consultation for the local communities. Labour for these mines has been brought in from outside and many locals consider them to have paramilitary links. These open pit mines use heavy machinery with run off from the tailings [deposited excavated rock] going directly into the river. It is contradictory therefore that the local ASM titles have been consistently denied.



Medium scale open pit mine in Chocó

The delegation interviewed a coordinator of a local evangelical team in the Community of Pedro Castañera. He lamented the community's deep problems of poverty and lack of infrastructure. Communities are often without any form of education or healthcare. In many cases patients must travel up to 2 hours by boat and car to reach medical attention. Inhabitants seek to better their conditions by increasing artisan mining, logging and subsistence agriculture. Yet the State has refused to grant them titles to 170,000 hectares of uncultivated land under Law 70. The land contains around 30 minerals including gold, silver, nickel and uranium.

Much of it has now been applied for by Kedahda. One local resident expressed his concern:

“If Kedahda come to this land it will be a grave problem for us because they will say *chao*, get out of here.”

### **Stage 3. Risaralda**

#### Background

The hilly landscape of the Department of Risaralda is situated in the Coffee growing axis (The Three Caldas) in Central Colombia. In the principle city of Quinchía the Caravan convened a mining forum attended by over 150 miners from various mining associations.

Risaralda is the only department where ‘Special Reserve Zones’ have taken root. These zones represent the little protection offered to small scale and artisan mining under the Mining Code of 2001. (see 'Reforms to The Mining Code')



Indigenous Embera Miner

#### Security

Kedahda has reportedly benefited from paramilitary crimes directed towards the inhabitants and indigenous people around the municipality of Quinchía since 2001.<sup>21</sup> This was backed up by accounts made in private to the Caravan. The paramilitary group Bloque Central Bolívar has reportedly consolidated its presence directing its operations at potential opposition from small scale miners.



Indigenous Embera Miner

#### The Problem of Mining Titles

In spite of this the largely indigenous Embera mining population are having serious problems gaining new programmes of work and protecting existing ones. In 2002, Colombia's mining and geology institute Ingeominas rejected the legalisation of a collective Embera mining concession. Today they are applying for a much smaller amount of land. One of the underlying changes of the current reforms to Colombia's mining code is the favouring

of companies with an economic and technical advantage.

One mining representative told us that of the 5,000 + hectares in his region, 4,500 hectares had been applied for or had operations by transnational mining corporations. A mere 585 hectares had been set aside as ‘special reserves’ for the communities. These communities hoped to gain collective titles to a further 138 hectares. ASM workers expressed increasing desperation about not being able to afford to travel to the office of Ingeominas (Colombia's new mining administrative and

regulatory body) and pay the 500,000 pesos (over 250 dollars) needed to place a mining application. The miners expressed a need for technical and mechanical training that was not being provided by the Government.

We were taken to an ore processing plant built in 2004 with 500,000,000 pesos (250,000 dollars) of national royalty funds. To date it remains unused. It is badly designed and located away from the mining communities. In talking to the miners the Caravan saw little faith in the benefits brought to them by royalty payments from the mining multinationals. To the contrary, the overwhelming majority of those interviewed believed that the arrival of the multinational capital (referred to interchangeably as Kedahda), will displace more miners who will lose their independent concessions. In the words of one local miner:

“The royalties might benefit us, but what happens to our children when there is no gold to mine.”

## **Stage 4. Cauca**

In Cauca the Caravan was in two municipalities (Buenos Aires and Suarez), both located in the northern part of the department. It is a zone inhabited by afro-Colombians and indigenous Nasa. Delegates came from other municipalities to participate in the exchanges and activities. In mid- 2007 the reformed paramilitary group the Aguilas Negras arrived in the region which has led to a marked deterioration in the human rights situation which local residents say is related to Kedahda’s interest in the territory.

### **Buenos Aires**



Family co-op sifting for free gold

On the 29<sup>th</sup> August the Caravan held a mining assembly in the afro-Colombian community of Mina Dirillo, Buenos Aires. Miners also came from neighbouring Cerro la Teta. In this part of Cauca, communities mined in an artisan way organising into cooperatives.

With regards to the environment some local mining cooperatives had been closed because of

environmental reasons. We were told that environmental regulation was scant and irregular but that this was “not our fault” and that they have been looking for help to improve this though it was not forthcoming from the powers that be. They are now seeking short, medium and long term environmental policies with the help of funds from the municipal administration, the mining cooperative and the Corporacion Autonóma Regional del Departamento del Cauca (CRC). The CRC is the environmental authority of Cauca.

The delegates found that whilst Kedahda had some strong promoters in local political offices the company did not enjoy the same support with the communities. The

sentiment of many was that local political offices had been “bought”. Suspicion and unease was expressed that Kedahda geologists had been taking mineral samples and carrying out censuses in the area and the overwhelming majority rejected the arrival of the multinational and called for total disengagement from it. One miner predicted that open pit mining will result in the displacement of over 7000 people in Buenos Aires.

In the village of La Toma, Buenos Aires, the inhabitants do not have access to drinking water. According to information obtained by the Caravan, Kedahda have promised to solve the problem - provoking divisions within the community. There have been other occasions when the company have made a daily presence in the community. On one occasion Kedahda funded a party in the community that lasted two days.



Assembly in Buenos Aires

At 2:30 the local Mayoral candidate (now Mayor) – Clemente Lucumi - arrived at the Assembly at Buenos Aires with 3, 4-wheel drive vehicles full of armed Police. Their arrival caused a huge distraction of heated questioning and discussions between the Mayor and local residents which completely halted proceedings. After 25 minutes they left after stating that he had just wanted to know the reasons for the gathering to ensure that it was not a subversive event.



Assembly in Buenos Aires

proceedings together:

It cannot be confirmed that the mayoral candidate supported the arrival of Kedahda. Yet he is in alliance with the current departmental governor who is pro – Uribe and therefore almost certainly in agreement with the President’s measures to open the path for multinationals into the country. The delegates of the Caravan felt very strongly that this was a cynical act of intimidation to a community that was already disempowered and disengaged from civic participation. One local organiser tried to hold

“This is a community event and today [Colombian President] Uribe has spoken and he wants to keep us in poverty.”



## Bolívar

According to information gained by La Red de Hermandad from the communities visited on the Caravan, Miners in this municipality work independently or in families. Negative environmental impacts are not seen here because few work with mercury. Dynamite is difficult to get here so few use it. Kedahda arrived in May of 2007 presenting plans of work and assuring the community that they would bring many benefits. Among such promises is the construction in three months of a road for which the community has been waiting for 3 years. The company has made assurances that it does not want to supplant the State but expedite the project to the community. The exploration phase would cover more people and more territory and as such the benefits to the community would be greater. The reply of the people was to not accept anything from Kedahda. Since then it has not returned but orders of eviction from the mines has arrived from La Procuraduría (State legal authority) alluding to the illegality of existing mining activity for not having titles.

## Suarez

The municipality of Suarez is home to the Salvajina hydro-electric dam. The dam (now owned by Spanish multinational Union Fenosa) was built in 1985. It provides electricity for much of Colombia and Ecuador but has generated few jobs locally. The local population live with high levels of unemployment and poverty and those living on the banks of the dam have no electricity. The increasing military presence has prevented the locals from mining on a neighbouring hill where Kedahda have an application. Artisan, afro-Colombian gold miners have worked in Cauca for 200 years; Kedahda is now set to finish with these reserves in just ten.



Lisifrey Ararat from the Inter-Ethnic Commission of Cauca described the desperation:

“In the early 1980’s the hydro-electric plant came and took everything but our souls – farmland, fishing, cultural identity. We were agro-fishing communities. We still had the hills so that we could mine gold. Now Kedahda wants those, so what does that leave us?”

Other interventions at the mining forum in Suarez expressed the frustration of

community members:

“None of the miners that have been working here year after year have legalized concessions...we don’t have the resources to present what is needed for these applications”

“We don’t feel illegal here, we were born here, we have grown food on this land for generations!”

## Stage 5. Nariño



Displaced villagers arriving in Samaniego

Nariño is very rich in minerals. In many of its municipalities 70% of the population rely on the sector, the majority of these are small scale miners. In various zones of Nariño, Kedahda has made 28 applications in the department and has already carried out exploration and utilised police protection. The arrival of a new high mountain battalion has been announced in the zone with the highest amounts of gold.

Again we saw a big problem with existing *creole* miners being declared illegal. In one testimony a magnesium miner described how he had spent three years trying to legalise a magnesium zone without success.

“With the Mining Code it is very difficult to legalize an area here. We have to unite ourselves, there are coops, there are associations.”

*(intervention of local miner in Pasto, Nariño)*

In the town of Samaniego (in the South East of the department), the Caravan arrived at a very tense moment because paramilitaries were carrying out displacement of mining communities. Hundreds of residents of local rural communities arrived in buses and jeeps to demand their right to “life, peace and defence of our ancestral territory”. Among the chants of the protestors were “PARAMILITARIES OUT OF OUR



March of displaced villagers in Samaniego

VILLAGE!”. It was a brave and tense display of resistance in a town that had recently been swamped by the paramilitary group known as the AUC Nueva Generacion. At a public forum held that day, delegates were told that this group was working in conjunction with the high mountain battalion of the National Army.

These are just some of the impassioned interventions from ordinary residents at the public forum:

“Please help us, the large scale mining is going to bring us more poverty, we are in a very critical situation”, said one young mother.

“I want us, alongside the national and international delegates, to form a proposal for legislation that will protect our natural resources”

“We want life, peace and the defence of our ancestral territory”

“If you make a denunciation you often end up dead. This is why many feel strongly but do not protest... This territory is sacred as life is sacred. We were born here, we have grown here and here we remain.”

“The paramilitaries come accompanied by the army. These crimes against humanity with the cooperation of the state security forces...this territory is sacred as life is sacred. Here we were born, here we have grown and here we remain



*‘Community Linda del Decio present. We are the owners of our natural resources. Our children will be the stewards of the riches given by the earth. We go on being the owners the green and all the colours. Colombia is sovereign and we our sovereign of what is ours. We are inhabitants and we demand our rights in peace.’*

## Summary

Based on the findings of the Caravan it is possible to place Kedahda well within the *modus operandi* of transnational mining corporations in Colombia as outlined in the Permanent Peoples Tribunal on Transnational Enterprises and the Rights of People in Colombia (2006):

- The benefiting from the repression that exists in Colombia as a mechanism to guarantee its processes of exploitation
- The utilization of state security forces as part of its security apparatus
- The adjustment of internal legislation to benefit the interests of the transnational
- The freezing of land as an act of dispossession<sup>22</sup>

### Security of Communities Visited

The Ministry of Mines and Energy has confirmed that soldiers are deployed to mining zones and that mining firms contribute “a minimal cost” to their presence. It rejects suggestions that paramilitaries provide security because the mining firms are using their own private security.<sup>23</sup> However, in each department the Caravan visited it heard reports of waves of paramilitarism around the same time as Kedahda’s applications. This report does not accuse Kedahda or any other mining company of financing paramilitary structures. It does present case studies of how they are benefiting from the climate of fear and oppression that civil opposition suffer in opposing business interests. The relation between paramilitary structures and the Colombian state is well documented in this regard [see Appendix]. This relation was also clear for many people who were brave enough to talk to delegates about it.

### Sustainability

In contrast to the effects of ‘Dutch Disease’ [see ‘The Big Mining Debate’], small scale mining cooperatives and localised trading agreements can weave a fabric of self-sufficiency that aids sustainable development. Shortcomings in environmental and labour regulations should certainly be addressed. Yet the prevalent approach to their problems seems less than constructive. In all of the locations visited, miners expressed a need for international help in environmental and technical training. The few advances in technical and environmental capacities that do exist have been achieved through their own initiatives. As such, the Caravan denounces the campaign of stigmatisation directed towards the small scale miners on environmental grounds. Such attempts to deem them illegal will affect the survival of thousands of Colombian families.

Furthermore, the Caravan denounces the stigmatisation on grounds of hypocrisy. Open pit mining is understood to be immeasurably more damaging to the environment. The Caravan calls on the companies concerned to avoid the use of practices in large scale mining such as riverine waste dumping that have proved so damaging in the past. We also call on them not to operate in protected environmental areas and to avoid the use of legal loopholes that allow the manipulation of national legislation, the Mining Code and the National Constitution that protect them.

### Economic and Social and Cultural Survival

It is of great concern to the Caravan delegates that small scale mining as a sector of the Colombian workforce is facing extinction under current changes. This will do nothing to empower the grass roots of some of Colombia's poorest communities. These communities (though not always their political representatives) are rejecting the arrival of Kedadha to their territory. Their wishes have to be considered as key to achieving social stability and peace. The report calls on the companies to respect the right to self-determination and Free Prior Informed Consent of the communities affected. Specifically we call on them to adhere to the dictates of the International Labour Organization Convention 169 regarding the use of natural resources on indigenous lands.

The arrival of large scale mining will not only affect agro-mining work practices but also territory to which the communities have a historical and constitutional claim. The incursion of the ancestral lands of indigenous peoples is of particular concern. In all of the locations visited, the social cohesion of the communities had been greatly affected by the impending presence of big mining projects. The delegates denounce any attempts to divide these communities.

### Sovereignty over Natural Resources

Colombia's agro-mining settlements currently look set to lose sovereignty over their land and the distribution of its wealth. Asserting 'permanence in our territory' is a key principal for them. This is now endangered by the arrival of foreign capital to their lands and the destabilizing effects of the accompanying militarisation. None of this fosters sustainable healthy ethno-territorial development.

We must not let the multinationals enter and loot our territory. Nor must we let the Government criminalize us for defending these natural resources that can be the solution to many of our problems.

*Spokesperson at The 1<sup>st</sup> National Inter-Ethnic Agro-Mining Gathering (23<sup>rd</sup> July 2007)*

## **Appendix – Paramilitarism in Colombia**

The paramilitaries are private right wing armies and death squads. These outlawed Colombian militias are internationally recognized as terrorists. Fuelled by drug trafficking they grew into mafia-like organizations that unleashed terror across Colombia as they tried, with mixed results, to defeat leftist guerrillas. According to José Alvear Restrepo Lawyers Collective, they have committed over 14,000 human rights abuses including 3,300 homicides against members of civil society throughout their 16 year history.<sup>24</sup>

Amnesty International has denounced President Alvaro Uribe's attempts to demobilise the paramilitaries under the Justice and Peace Law as failing 'to meet international standards on truth, justice and reparation'. They continue to exercise mafia-like control over large sectors of civil society, the economy and political and administrative State entities. According to the latest Human Rights Watch report (2006), their influence persists with:

'paramilitary infiltration of the Intelligence Service; increasing threats against academics, union leaders, human rights defenders, and journalists; and the formation of new paramilitary groups, as reported by the Organization of American States' (OAS) Mission to Support the Peace Process.'

By February 18, 2007, two accusations regarding President Uribe had reached the Supreme Court Commission investigating the 'para-politica' or 'paragate' scandal. Opposition leader Gustavo Petro of the Polo Democratico party has presented evidence before Congress linking paramilitary structures to Liberal and Conservative politicians and even the President and his brother. Indeed, as the scandal has unfolded, state functionaries at every level (including the judiciary, military and Police) have been implicated and convicted of links to paramilitary terror and narcotics.

The economic power of the paramilitaries has grown in strength alongside the arrival of transnational finance following structural adjustment programmes in the 1990s. In March 2007, Chiquita fruit brands (formerly United Fruit Company) agreed to pay a fine of \$25 million to the US Department of Justice for financing the AUC paramilitary organization between 2001 and 2004. This is only one of a long line of high profile cases involving multinationals using paramilitaries to discipline Colombian society for exploitation, including Coca Cola, Drummond Coal, BP, and Nestle..

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<sup>1</sup> Permanent Peoples Tribunal Session on Transnational Enterprises and the Rights of People in Colombia, 2006 – 2008, Second Hearing Medellin Colombia, November 10<sup>th</sup> and 11<sup>th</sup> 2006, Jury's Decision.

<sup>2</sup> Public statement by Area Internacional, Sinaltrainal, December 24 2007

<sup>3</sup> Mining Journal Editors Note [http://www.mining-journal.com/Editors\\_Comment.aspx?JournalID=564](http://www.mining-journal.com/Editors_Comment.aspx?JournalID=564), (21st September 2007)

<sup>4</sup> As above

<sup>5</sup> p21, Powerpoint presentation, AngloGold Ashanti, Merrill Lynch Metals, Mining and Steel Conference (May 2007)

<sup>6</sup> 'Profits of Extermination: How US Corporate Power Is Destroying Colombia', Aviva Chomsky (Translator) and Francisco Cuellar, Common Courage Press (April 2005)

<sup>7</sup> Source: *Programma Presidencial Colombia, Joven Republica de Colombia*. Cited in: *Justicia, Paz e Integracion de la Creacion*.

<sup>8</sup> Quoted in: 'En Cajamarca (Tolima) reserve de oro que estaria entre las 10 mas grandes del mundo', *El Tiempo, Economia*, (December 21 2007)

<sup>9</sup> P36 'Rocks and Hard Places; the Globalization of Mining', Roger Moody (Zedbooks 2007)

<sup>10</sup> P14, 'Dirty Metals: Mining Communities and the Environment', No Dirty Gold Report, (2004), Earthworks

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<sup>11</sup> P30, Fanning the Flames: The role of British mining companies in conflict and the violation of human rights, War on Want (November 2007)

<sup>12</sup> <http://colombiasolidarity.blogspot.com/2007/07/gold-mining-in-colombia-cauca-assembly.html>

<sup>13</sup> p1 'Mineria de Pequeña Escala en Colombia', CENSAT AGUA VIVE – Friends of the Herat, Colombia – 2000)

<sup>14</sup> <http://www.anglogoldashanti.co.za/subwebs/InformationForInvestors/ReportToSociety06/principles/co/community.htm>

<sup>15</sup> 'Army Displaces Over 2300 Campesinos in Sur de Bolívar, Colombia', Press statement, Santa Rosa, Colombia, 25th (September 2006) Communities of the Sur de Bolívar in Forced Displacement, Commission of Communication for the Sur de Bolívar, Agromining Federation of the Sur de Bolívar, CAN, Corporation Sembrar, European Network of Brotherhood and Solidarity.

<sup>16</sup> Comunicado de Comisión de Interlocución del Sur de Bolívar, (CISB) Aguachica, Cesar, (23 y 24 de Junio 2007)

<sup>17</sup> Declaración Pública de La Asamblea General Extraordinaria de la Federación Agronómica del Sur de Bolívar (7 Mayo 2007)

<sup>18</sup> Informe de la Comisión de Seguimiento y Monitoreo a la Situación de Derechos Humanos y Derechos Humanitario de la Comunidades Agronómicas del Sur de Bolívar (6,7 Mayo 2007)

<sup>19</sup> Interview with Teofilo Acuña 15<sup>th</sup> July 2007

<sup>20</sup> Interview: Presidente Junta Acción Comunal Norte de Sur de Bolívar (10 Julio 2007)

<sup>21</sup> Article 5, Section 2, Cases Presented at the Hearing, Permanent Peoples Tribunal Session on Transnational Enterprises and the Rights of People in Colombia, 2006 – 2008, Second Hearing Medellín Colombia, November 10<sup>th</sup> and 11<sup>th</sup> 2006, Jury's Decision.

<sup>22</sup> Permanent Peoples Tribunal Session on Transnational Enterprises and the Rights of People in Colombia, 2006 – 2008, Second Hearing Medellín Colombia, November 10<sup>th</sup> and 11<sup>th</sup> 2006, Jury's Decision

<sup>23</sup> Mining Journal Editors Note [http://www.mining-journal.com/Editors\\_Comment.aspx?JournalID=564](http://www.mining-journal.com/Editors_Comment.aspx?JournalID=564) (21st September 2007)

<sup>24</sup> Los Desafíos en la Lucha Contra la Impunidad en el marco del Proceso de Negociación con los Grupos Paramilitares' (Corporación Colectivo de Abogados José Alvear Restrepo, March 2007)