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The People Behind Colombian coal

Mining, Multinationals and Human Rights

The people Behind Colombian Coal

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¡Hasta la victoria siempre!

Timeline

1975	State-owned company Carbones de Colombia (Carbocol) signs a contract with Intercor, a subsidiary of Exxon (later ExxonMobil), for the development of Cerrejón North Zone as equal partners (50 percent each) in the Cerrejón Mine Company. The contract includes three phases: exploration (1977-1980), construction (1981-1986) and production (1986-2009).
1981-1986	During the construction phase, several indigenous Wayuu communities are displaced to allow the building of the mine's railroad and port.
1997	The Cerrejón Mine Company requests the expropriation of property, including the Afro-Colombian community of Tabaco, to allow the expansion of the Cerrejón North Zone open-pit mine.
1998	Residents of Tabaco establish the Committee for the Relocation of Tabaco in order to negotiate a collective relocation of the community with the Cerrejón Mine Company. The Committee represents 120 families. The mine refuses to negotiate with the community collectively, insisting on dealing exclusively with individual property owners.
1999	The Cerrejón Mine Company's production contract for the Cerrejón North Zone is extended from 2009 until 2034.

2000	The Colombian government privatizes Carbocol, selling the State-owned entity and its 50 percent share of the Cerrejón Mine Company to a multinational consortium made up of BHP Billiton, Anglo-American, and Glencore.
2001	In August, the residents of Tabaco are forcibly displaced by State security forces and the mine's private security personnel. The town is bulldozed.
2002	The Consortium acquires the other 50 percent ownership of the Cerrejón Mine Company from ExxonMobil's subsidiary, Intercor, becoming the sole owner.
2002	In May, the Colombian Supreme Court rules in favor of the displaced residents of Tabaco and orders the local municipal government to construct new housing for the former residents of Tabaco. The municipality fails to abide by the ruling.
2006	Xstrata acquires Glencore's 33 percent share of the Cerrejón Mine Company.
2007	The communities of Chancleta, Patilla, Roche, Los Remedios and Tamaquito continue to endure harassment by the mine and face future displacement. The residents of these communities insist on negotiations for the collective relocation of their communities. The displaced residents of Tabaco also continue to demand collective relocation by the mine and reparations.

Introduction

By Aviva Chomsky*, Garry Leech** and Steve Striffler***

This book, as the title states, is about the people behind Colombian coal. More precisely, it is about the people behind the coal produced at El Cerrejón, the world's largest open-pit coal mine, which is located in La Guajira, in northern Colombia. But the phrase "the people behind Colombian coal" does not only refer to the mining companies that exploit this natural resource in Colombia; it has a much broader meaning. This book aims to illustrate how the multinational mining companies that own El Cerrejón profit at the expense of the "people" of the Guajira region whose plight has remained hidden "behind the Colombian coal" that many of us in North America and Europe rely on to generate our electricity.

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Since the Cerrejón mine opened in 1983, initially as a joint venture between Exxon and the Colombian State, its operations and constant expansion have forcibly displaced indigenous Wayuu and Afro-Colombian communities. The reports and articles in this book, written by various Colombians, North Americans and Europeans familiar with the issue, document this process and the human rights and environmental consequences.

The book opens with an overview of the situation and a look at how the structure of multinational corporations allows them to engage in behaviors that would be considered unethical if perpetrated by an individual. The second part consists of a series of socio-economic and environmental studies that have been conducted at various times since the mine began operations. The next section contains health and human rights reports, documenting the consequences of the mine's operations. This section also includes a report by the Union that represents the mine's workers, which has taken a stand in solidarity with the affected communities. Combined, these socio-cultural, environmental, health and human rights reports clearly illustrate the multi-faceted nature of the negative effects that the mine's activities are having on indigenous and Afro-Colombian communities in the region.

The fourth section looks at the evolution of international solidarity with the Afro-Colombian residents of Tabaco, who were forcibly displaced in August 2001, and other communities currently threatened with displacement by the mine. It illustrates the strategies utilized individually and collectively by the people in the United Kingdom, the United States, Canada, Australia and Switzerland to pressure the Cerrejón Mine into agreeing to the collective relocation of communities displaced by the mine, as well as to address other problems resulting from its operations. The

book concludes with declarations from affected communities and the personal testimony of José Julio Pérez, a former resident of Tabaco who, along with the rest of his community, was forcibly displaced by the mine in August 2001.

It is our belief that this case study illustrates a much bigger problem with the global economy and our dependence, in the North, on the natural resources of the South. It describes the very real plight of people who want nothing more than to defend the social fabric of their communities and to live their lives with dignity. It is our hope that our work will contribute to the struggle of the affected communities in the Guajira to obtain the justice that they deserve. Their plight is the result of global economic policies and relationships, and therefore, the solution must also be global. After all, we are all connected. The forced displacement of these communities contributes to the mine's multinational owners earning record profits through the provision of coal to utility companies in North America and Europe for the generation of electricity that allows us to casually turn on a light or a television in our homes. Whether we are consumers of electricity generated with coal from El Cerrejón, or residents of the countries in which the mine's multinational owners—BHP Billiton, Anglo American, and Xstrata/Glencore—are based, we have a responsibility to fight this injustice being perpetrated in our names.

The Systematic Violation of the Human Rights of the Indigenous People, Black People and Campesinos by the Coal Mining Multinationals in the Department of La Guajira, Colombia

Remedios Fajardo Gómez
Yanama Indigenous Organization
Translated by Aviva Chomsky

The Wayuu people inhabit the Guajira Peninsula in the north of the Republic of Colombia, South America. Their presence in the region dates back more than 3,000 years. Currently, the government has legally recognized their territorial ownership of approximately 1.5 million hectares; however, the Wayuu occupy more lands than those legally recognized, which means that their struggles to recover the land are ongoing. There are currently 150,000 Wayuu in Colombia, and another 160,000 in Venezuela. We are the largest indigenous population in both Colombia and Venezuela.

In Colombia, the Wayuu are affected by the open-pit coal mine project begun in the early 1980s by Intercor, a subsidiary of the U.S. multinational Exxon. After 20 years, Exxon withdrew from El Cerrejón in December 2001, selling its shares to a consortium made

up of BHP Billiton, Anglo American and Glencore (later Xstrata), the current owners of the mine.

At the beginning of the 1980s, Intercor arrived in our lands interested in developing a mining project and plans designed in collaboration with the national government. On its arrival, the mining company offered the Wayuu participation in the benefits of the coal mining. This implied "development" and "progress," which for the Wayuu meant the solution to the problems of water supply, education, health and sustainable development. The plan offered us the possibility of reaping some of the advantages of an area as rich in minerals as ours. In Colombia, this was the first case of an open-pit coal mine on indigenous land.

We believed that the mining project would bring great benefits, and we ceded our ancestral land as a "loan" to allow the construction of a port on the Caribbean Sea (1,159 hectares), the construction of the train lines (150 km long and 250 m wide), and the excavation of what today comprises the biggest coal mine in the Americas, with a size of approximately 70,000 hectares.

We believed in the proposals of sustainable exploitation of these resources, and we believed that that the mining company would take our experience and knowledge of life in a semi-desert area, carried out over more than 3,000 years of occupation, into account, at the very least in terms of offering us employment.

- As time passed, the relationship (with the mining companies) deteriorated and the community slowly began to realize the implications of the mining company's proposals and their interests in our ancestral land. Each time the communities were affected by the companies' actions, we protested-but our protests were never heeded.
- The companies continually violate our social and cultural norms. They do not respect our traditional laws that must be applied to compensate the irreparable damage that they have caused to human beings and to nature.

- Our sacred places, like hills and mountains, were ripped open and their entrails exposed to extract coal and construct roads.
- Our cemeteries, which are for us sacred places where our ancestors' bodies rest, were moved from one place to another, as if they contained only meaningless material objects.

We realized that we had made a mistake:

- The contamination arrived as the mining operation advanced. Coal dust and the noise from the equipment and the explosions have affected human, animal and plant life in the villages and towns near the mine.
- Several Wayuu were killed and others permanently injured by poisoning, after eating garbage from the mining companies' dumps, which were located near their communities.[1]
- The imposition of new lifestyles different from our own brought us more poverty than before.
- Many foreigners arrived, which caused a cultural and physical mix that brought great damage to the cultural integrity and identity of the Wayuu people.
- The imposition of an economic structure different from our traditional subsistence economy ended up undermining the quality of life that we had worked so many years to achieve.
- Other significant projects, like the wind farm built by the Public Enterprises of Medellín, followed the construction of the coal port. The Wayuu, once again hoping for the arrival of "progress and development," gave up their land, and received in return eight houses and a desalinization plant. The much-awaited wind-generated electricity was transported out of the area by

1 Yanama carried out a demographic study in 1992 that mentioned this case; it was inserted as part of Constitutional Court Ruling T-528 ordering the relocation of the communities of Caracolí and Espinal.

Cerrejón's network system. In exchange, Cerrejón received a year of free electricity. The owners of the land where the project is located are still waiting for the long-announced "progress and development" in the form of electricity for their villages.

Media Luna's Resistance

The community of Media Luna, to its misfortune, was chosen as the spot to construct the port to export the coal from Cerrejón.[2] The national government, through the Colombian Institute of Agrarian Reform (Incora), passed Resolution 067 of September 3, 1981, granting Intercor 1,195 hectares for the development of infrastructure such as the port, the airport, the train terminal and the industrial complex.

In 1980, 750 Wayuu people lived in Media Luna. They raised livestock, fished, and farmed the community's 32 hectares of land during the rainy season.

In 1982, the mining company started construction work. The company and the community of Media Luna carried out negotiations, punctuated by loud arguments and physical threats, to arrive at a fair settlement which would allow the community to relocate and to move its cemeteries. The community finally gave up without having achieved its goals.

The affected Wayuu families relocated to an area immediately next to the one they had initially asked for. The problems caused by the air pollution and the company's need to expand caused another relocation of the families that were living closest to the construction works. But this time some refused to abandon their homes and move their cemeteries again. Seven families (42 people) stayed on their land, ignoring the company's demands.

2 Media Luna is a coastal area inhabited by the Wayuu at the southern end of the Bahía de Portete. A large portion of this ancestral land was usurped to build the coal loading port, today known as Puerto Bolívar.

Faced with this situation, the mining company opted to enclose the area where the families were living, placing a chain-link fence around it, with locks on an entry door and armed guards to report each move the inhabitants made. Furthermore, any person who came to visit, even family members, had to ask the directors of the camp for permission to enter. Residents were often denied access to water and the company made a policy of refusing to employ any of them. It also prevented the construction of houses and wells. These were acts of harassment against the community, aimed at forcing them to leave. Still, they have stayed. The community has continued to resist for the last 14 years, locked inside a chain-link fence, as if they were in a Nazi concentration camp.

The Wayuu families inside the fence will not give up their land at any cost. They are not hoping to hold out for a better price. The truth is that the Uriana and Epinayu families have nowhere else to go. All the nearby lands are occupied, and by larger populations than they had in the past. If Media Luna's inhabitants leave their lands, the neighbors won't let them settle in their land. They will wonder, "Why did you give up the land that juya [the water] gave you? Do you want them to come after our land next?" A Wayuu who gives up his land loses status in the community, and is considered a beggar, and loses the credibility to assume community responsibilities.

The Destruction and Relocation of Caracolí y Espinal

Caracolí and Espinal, formerly home to 350 Wayuu people, no longer exist. 1,000 hectares of their land were usurped by the mining company Intercor. The environmental pollution, the noise, the continuous explosions, the disappearance of creeks including Rosita, Araña e Gato, Bartolico, La Latica, San Vicente and Reserva beneath the avalanche of overburden, in addition to the accumulation of rubbish and toxic waste, led to the Ministry of Health issuing Resolution No. 02122, on February 22, 1991. The Resolution:

> "1. Declares the zone from the outer edge of Cerrejón's southern pit waste dump to be uninhabitable, due to the high concentration of particulate matter in the area, which puts the health of the people who live inside this area at risk.
> "2. Declares that conditions in the strip between 1,000 meters and 4,500 meters from the dump pose risks to human and plant health… According to the results of the evaluation study and the southern pit's Environmental Control Plan, the concentrations of particulate matter there are significantly above permissible levels. These facts are corroborated by measurements taken by Ministry of Health officials."

The community hired a lawyer to pursue legal action in order to defend their violated rights. Among other things, they filed an Acción de Tutela on February 12, 1992, before the Riohacha Superior Court, arguing that the mine had violated their right to life and physical integrity, the right to habitable surroundings and the collective right to a clean environment. They sought "a temporary measure to avoid further irreparable harm because of the presence of unbearable and impermissible levels of particulate matter, noise, and vibrations caused by the southern pit area of the Cerrejón coal complex." The mining activity and the inaction on the part of the Ministry of Health threaten the lives of Caracolí's and Espinal's inhabitants and subject them to degrading and subhuman treatment by the Colombian State.

A long and tortuous process ensued. The Riohacha Superior Court denied the community's claim, and the case was appealed to the Supreme Court, which likewise denied it. Finally the Constitutional Court ruled in favor of the community with Sentence T-528, on September 18, 1992.

The Court ordered "all of the competent authorities at the Ministry of Public Health and the Ministry of Mines and Energy, within 30 days of this ruling, to implement the measures, orders, resolutions and provisions necessary to guarantee the effective

protection of the fundamental constitutional rights to life and physical integrity of the persons and families affected by contamination in Caracolí and Espinal, Barrancas Municipality, Guajira Department. These authorities must ensure the conservation of the quality of life and a healthy environment in this area with respect to all types of environmental contamination caused by the coal mining activity, taking into account that the Ministry of Health, in Resolution 02122 of 1991 (February 22) has declared these areas to be uninhabitable and ruled that conditions there pose a high risk to human, plant and animal life."

As a result of these legal actions, under pressure and with the complicity of Mario Serrato, head of the Ministry of the Interior's Office of Indigenous Affairs of Uribia, Caracolí and Espinal's residents were loaded into trucks with all of their belongings in a most inhuman way and deposited on two plots of land donated by Intercor. Today these plots have been declared the November 4 Indigenous *Resguardo*. (A resguardo refers to land legally titled to an indigenous people.) The people continue to live there in subhuman conditions, with unmet needs and without hope. Although 25 years have passed, they have not been able to recover from the blow to their economy and way of life.

How the Companies Continue to Violate People's Rights:

- The companies refuse to recognize the existence of Tamaquito as an indigenous community, thus denying their responsibility to relocate and provide compensation for the people there. The companies went so far as to pay Marcela Bravo, the Director of the Ministry of the Interior's Office of Indigenous Affairs, to contract an ethnographic study to determine the ethnic composition of this community. In November 2000, when anthropologist Weildler Guerra presented his report, Bravo demanded that, as a condition for receiving his honorarium, he revise its conclusions and deny that the people of Tamaquito

were indigenous. Since then, the companies have maintained an inordinate influence over that office, and continue to deny the existence of the indigenous community of Tamaquito. Furthermore, they claim that they have no responsibility towards this community, because they are not planning to use its lands. Serious challenges lie ahead to defend the rights of Tamaquito's inhabitants. Today, they are isolated, without employment, and without access to transportation, schooling, and health services. The absence of these services violates their right to a decent life.

- The companies have bought all of the pastures and farms around Roche, Chancleta, Patilla, and the former community of Tabaco, in order to expand their mining operations. The loss of this land has significantly affected employment opportunities for the residents of these communities, creating great uncertainty about their future. The companies have occupied 100 percent of the farms near Tamaquito, leaving its inhabitants isolated and without means of subsistence. The male population currently seeks seasonal employment as day laborers in the Serranía de Perijá, on the Venezuelan border, a six hour walk from the village. The journey often results in problems with the military authorities, who harass them and accuse them of being guerrillas, just because they seek to work or cultivate land in this region near the border.
- Since 1980, the mining companies have been systematically violating the Wayuu people's territorial, economic, social and cultural rights. The multinationals follow no code of conduct; they attack human life, the natural environment, and all living things. They have exceeded the limits of tolerance and social justice. Judges, magistrates, journalists, national and local government officials, the police and the army sing their praises,

and the companies exercise considerable influence over them. Government officials act as spokespeople for the companies; they bow to them and collaborate with the companies against the communities affected by the mining operation.

- Tabaco was the community closest to the mining operation, as it was situated practically in its backyard. The companies refused to acknowledge the right of Tabaco's inhabitants to continue the collective life that they had enjoyed for over 50 years. The judge of San Juan del Cesar authorized an expropriation proceeding to be carried out on August 9 and 10, 2001. It included an "anticipated surrender" of their properties, which did not authorize forced removal nor the destruction of the houses. "Anticipated surrender" is not the same as "anticipated destruction" or "anticipated eviction." Tabaco has a strong legal defense, because expropriation cannot be used to justify the kind of abuse and destruction of real property that occurred in Tabaco.
- Tabaco suffered a systematic violation of its fundamental rights. Its inhabitants were displaced from their community, their homes destroyed, and these humble Colombian families were thrown to the street.
- In the months after August 9, 2001, Tabaco's inhabitants sought refuge in overcrowded conditions in the community's former school, health post, police station, and Telecom offices. All of these buildings belonged to the community. Nevertheless, Intercor's constant pressure to get people to leave their town was enforced when the Mayor of Hatonuevo sold these buildings. Since then, the national government has refused to relocate Tabaco's residents. Municipal, departmental and national authorities refuse to act against the mining companies. The government fails to respect the lives and dignity of the

people. Because they are socially vulnerable, many people affected by mining in the Guajira have been left in poverty.

- Tabaco's residents were forced, under the threat of having their children removed and turned over to the Family Welfare Agency, to sign a document that Intercor called a "transfer voucher." Family Welfare officer Albin Gámez Pérez openly offered her services and contributed to this abuse.

  The fundamental rights that were violated and threatened were the right to a healthy environment, the right to life and personal integrity, the right to a decent life, the right to a home, and the right to health and education.
- On the days before and after August 9 and 10, 2001, Tabaco's residents were subject to continuous threats, terror, force, and psychological pressure aimed at forcing them to leave their town. Nevertheless, the people stayed in the school, the health post, and the municipal and Telecom offices until these were demolished. People were left outside with the few items that they could save, and their animals were let loose. Five years later, the belongings confiscated by the company are still locked in a warehouse in Hatonuevo.

The crimes committed can be identified as the following: conspiracy to commit crimes, damage to property and homes, illegal detention, forced displacement, personal injury, extortion, abuse of public office, and abuse of authority.

The companies' actions are indefensible. The Guajira people have been tricked into believing a false promise of development. The company has no friends in the Guajira, only interests. Already Manantial, Caracolí and Espinal, Sarahita and Tabaco have been destroyed. The indigenous and campesino communities of Tamaquito, Provincial, Roche, Patilla and Chancleta are next in line.

The mining companies have used the following strategies to take people's land and violate their fundamental rights:

- Divide the community. The first method that they use is to seek allies in the community itself and weaken the chances for social and organizational development among the affected groups. This process allows the mining company to penetrate the areas occupied by natives of the region.
- Generate pro-company sentiment. As a way of softening up the communities that are slated for displacement, the mining companies approach residents by offering them jobs, painting the school buildings or building fences, carrying out vaccination campaigns, publishing pamphlets in their native language, offering training, etc. These "favors" will be reversed later on, when the communities begin to denounce the company's abuses.
- Attempt to take over governmental services. The companies make alliances and agreements to penetrate the communities in their campaign to neutralize any opposition. They lure the communities and their leaders to their side, and hide any kind of protest.
- Manipulate public opinion.They offer publicity contracts to local, municipal and provincial media. They use these to broadcast biased information, always hiding the truth. Thus they misinform the public, or create ambiguities that lead to speculation and confusion about the news. The large amount of money that they spend on publicity exceeds what they spend in their so-called "aid programs."
- Work with the army and the police. The companies try to create a cover of legality by working with the police and army in their abuses against defenseless peoples in their rush to usurp the land. They also maintain their own private security forces

that intimidate the population, as they are trained to do.

- Gain the support of the local, municipal, departmental, and national authorities. The government turns over the land and accommodates all of the companies' requests. The mine frequently invites government officials to events and meetings in their compound to curry their favor. Judges, magistrates, high officers, clergy, etc., always justify the mining company's actions as what they call "progress" and "development." With the support of local governments, they carry out small investments in the communities affected by their operations in order to neutralize any opposition.
- Take advantage of society's lack of consciousness. Using the mass media, the companies neutralize any response by civil society. People who are not involved and have no independent knowledge of the conflict are easily swayed in favor of the companies' actions. The companies always attempt to control the media and public opinion, which they consider the easiest means of justifying their abuses against the defenseless communities of the region.
- Make legal recourse impossible. The mining companies do not allow the communities access to legal help. They maintain a continuous persecution against anybody who tries to use the legal system to defend the rights guaranteed by the Constitution and the country's laws. They expect people to accept their decisions, calling those who agree to negotiate with them without legal representation "good people," and stigmatizing those who seek legal representation to defend their fundamental rights.

As concerned citizens, we believe that the social injustices generated by the Cerrejón project against the inhabitants of the region is becoming better known. Even the companies' allies are no longer

willing to believe everything they say. The Guajira society and the international community must consider the reasons for these abuses. No mining operation can justify so many violations, including the displacement of a hundred families from their homes and lands, with nowhere to go and no way to maintain collective and family relations, as happened with Tabaco and Tamaquito.

It is now more important than ever to promote a global movement to bring to justice the mining companies Intercor, Exxon, and BHP Billiton, Anglo American, and Glencore/Xstrata. They must be held legally responsible for the damages that they have caused to human, plant, and animal life, and for the harm caused to nature itself in the mining zone.

The Ethics of Cerrejón and the Multinationals

*By S. L. Reiter***

The Cerrejón Company is currently a joint venture formed by BHP Billiton plc (United Kingdom), Anglo American plc (United Kingdom), and Xstrata (Switzerland).[1] These three parent companies are some of the largest multinational corporations in

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1 The mine was originally a 50-50 joint venture between Carbocol, a State-owned enterprise, and International Resources Incorporated (Intercor), a subsidiary of Exxon. In October 2000, the State sold its share of Cerrejón to a consortium consisting of Anglo-American plc, Billiton plc, and Glencore International AG, which was a step in the IMF-mandated economic structural adjustment program. In March 2001, BHP of Australia merged with Billiton. In January 2002, Exxon agreed to sell its 50 percent share of Cerrejón to the consortium, giving Anglo American, BHP Billiton, and Glencore 100 percent ownership of Cerrejón. In the spring of 2006, Glencore agreed to sell its 1/3 share of Cerrejón to Xstrata. The current president of Cerrejón, León Teicher, assumed this role in November 2005, replacing Alberto Calderón Zuleta, who was promoted to a London-based position in BHP Billiton.

the mining industry with annual revenues ranging from $8 billion to $36 billion. The actions of Cerrejón have received international attention due to the human rights violations that have occurred against the people in the communities near the perimeter of the Cerrejón Coal Mine, located in the Guajira region of Colombia. Because of the company's actions, the people of the Guajira have been denied access to water, food, and to their livelihood. They have been forcibly removed from their homes, and their communities have been razed.[2]

The newly appointed Cerrejón management team argues that they have done nothing wrong: they are not responsible for the actions of their predecessors, and they have acted in accordance with Colombian law. If the human rights of the people in the nearby communities are being violated, it is the responsibility of the government of Colombia to protect its citizens, says Cerrejón's president León Teicher. In fact, if Cerrejón has any obligations, claims Teicher, they are to its shareholders.[3] Teicher does not want Cerrejón to be viewed as insensitive, however, and reminds those who criticize the company of its history of voluntary local community support. He points out that the company has provided water, electricity, educational scholarships and has sponsored health clinics. However, Cerrejón is a for-profit entity, and, according to Teicher, it is bound by its fiduciary responsibilities to the shareholders, which must be its primary concern.

This is a common argument used by corporate managers to justify their actions, particularly those that do harm. The social arrangement between the manager and the shareholder allegedly

2 These human rights violations are discussed in great detail in the following articles in this book.

3 León Teicher meeting with the *International Commission in Support of Sintracarbón and the Communities Affected by Cerrejón (ICSSCAC)* at the mine on October 31, 2006.

justifies questionable action. In this paper, I intend to explore the validity of this claim and argue that while the corporate structure may present a manager with special obligations to the shareholders, it does not reduce his or her obligations towards everyone else.

In his book *World Poverty and Human Rights*, Thomas Pogge disputes Teicher's form of reasoning.[4] He asks us to consider the following example: the owner of an apartment complex is presented with an idea to convert the building into luxury apartments and double the rent. The owner is torn because most of his tenants have been there for a long time, they are old and have a fixed income. If he made the renovations, his tenants would be forced to move out. In good conscience, the owner is unable to carry out this idea on his own because he feels it is morally wrong. However, he decides to hire a lawyer and entrust the apartment building to her. The lawyer feels obligated, by virtue of the social arrangement made with the owner, to do what she can to improve the return on the owner's investment. The lawyer has the building renovated into luxury apartments, the tenants are forced to move out, and the owner's return on the property is increased. The lawyer might consider herself free from any wrongdoing because of her special obligation to the owner. Moreover, the owner might consider himself free from any wrongdoing because the decision to renovate was made by the lawyer. Both might agree that the outcome was morally objectionable, but something for which neither is responsible. It is the social arrangement that has created a loophole which allows actions that are morally objectionable but for which none of the parties feel responsible. Pogge argues that when there are loopholes due to social arrangements that allow these sorts of objectionable actions, these acts are morally

4 Pogge, Thomas, *World Poverty and Human Rights* (Malden, MA: Cambridge Press, 2002).

unjustified. "Should the minimal moral concern tenants are owed vary with whether the building is managed by a lawyer in the owner's behalf or by the owner himself?"[5]

In the Cerrejón case, we have a similar principal-agent social relationship. In this case, the agent is Teicher, representing the company. Because Cerrejón is a joint venture that is owned by a consortium, is seems that there is another layer of social arrangements. Teicher has been hired by the corporate executives of the consortium, that is to say, Teicher is working for the CEOs of each of the multinationals. The CEOs, in turn, are agents working on behalf of the shareholders. Thus, the CEOs represent the principal in the relationship with Teicher, and they represent the agent in the relationship with the shareholders. The question to be asked is this: would the principals in these two arrangements be willing to carry out that which their agent Teicher has done, and would Teicher consider himself to be morally justified in carrying out these acts if he was not an agent in this social arrangement?

The multinationals' public websites, annual reports, and CEOs' speeches give us an indication of the type of moral standards to which the corporate members aspire. While some might argue that this information is merely marketing propaganda and does not reflect the principles used to run the business, it does tell us what the CEOs believe is the public's perception of a moral and good company. Each of the parent companies and Cerrejón have posted on its website its position with regard to the company's social responsibility and business principles. BHP Billiton's "Business Conduct Guide" states that "wherever we operate we

5 Ibid, p. 85.
6 Ibid, p. 11.

will … respect the traditional rights of indigenous peoples; care for the environment and value cultural heritage."[6]

The CEO of BHP Billiton, Mike Oppenheimer, spoke at the International Society of Business, Economics, and Ethics World Congress Luncheon in 2004. He reiterated the emphasis his company places on its commitment to health, safety, environmental responsibility, and sustainable development. He stated that BHP Billiton values integrity- "doing what we say we will do." He said how the company achieves its results is important because "good behavior enhances our license to operate, communities value companies that value them, and shareholders value companies that set up and live up to high standards."[7]

Similarly, Anglo American has a corporate responsibility webpage that states:

"Ensuring good relations between our operations and those communities that are affected by them is a key business priority for Anglo American. Prosperous and stable communities will support the success of our business."[8]

Finally, Xstrata also has a website that details its commitment to sustainable development and social responsibility. Its 2004 Sustainability Report States:

"At Xstrata we are committed to the highest standards of health, safety and environmental performance, community co-operation and to the principles of sustainable development.

"Our Health, Safety, Environment and Community (HSEC) Management System enables us to:

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7 The International Society of Business, Economics, and Ethics World Congress Luncheon, July 15, 2004, retrieved January 19, 2007 from http://www.bhpbilliton.com/bbContentRepository/Presentations ISBEEWorld CongressLuncheonGlobalBusinessEthicsPolicyIntoPractice150704.pdf.

8 Anglo American corporate web site; retrieved on January 26, 2007 from http://angloamerican.co.uk/cr/businessprinciples/.

"Uphold fundamental human rights and respect the traditional rights of indigenous peoples.

"Engage and communicate with communities, with due regard and respect for local interests, cultures and customs, and contribute meaningfully to the economic, social and educational well being of the communities in which we operate."[9]

Based on these public affirmations, one could conclude that the CEOs of the parent companies of Cerrejón would consider actions that run against these stated values as morally objectionable. In fact, a potential shareholder might use these pronouncements to help determine whether the company's values and strategies were compatible with hers and worthy of her investment. As a shareholder, she would expect the company to live up to the stated values.

Given the values and strategies that BHP Billiton, Anglo-American, and Xstrata have publicly endorsed, it does seem that the CEOs and their shareholders would consider denying the people of the Guajira access to water, food, and their livelihood as morally objectionable. It also seems that forcibly removing the people of Tabaco from their homes and razing their community would be considered morally objectionable.

The second aspect of the social arrangement in the example given by Pogge is that while the owner (i.e. principal) considered the act morally objectionable, he was looking for a loophole to remove himself from having to perform the morally objectionable act. Hiring the lawyer created a social arrangement that allowed the lawyer (agent) to act with a clear conscience because of the special obligations created by the relationship. Is there any evidence of a similar sentiment from the principals in the Cerrejón case? Are the

9 Xstrata web site; Xstrata Sustainability Report 2004; retrieved January 27, 2007 from htpp://xstrata.com/assets/pdf/x_sustainability_20040420.pdf.

CEOs and shareholders trying to use the loophole that has been created by the principal-agent relationship to their financial advantage? There is some evidence that suggests that this is the case.

First, the former Cerrejón president, Alberto Calderón Zuleta, left this position in November 2005, because he was promoted to a London-based position within BHP Billiton. Generally, a person moves up the management ranks when superiors are pleased with his performance. We can only assume that the corporate executives were pleased with Calderón's actions during his tenure at Cerrejón, in spite of the fact that they consider actions such as the forced displacement of the people of Tabaco to be morally objectionable.

More evidence suggesting that the loophole in the principal-agent relationship is valued can be viewed in the response by the BHP Billiton Chairman of the Board to a question at the shareholders' meeting.[10] When Don Argus, the Chairman, was questioned about the treatment given to the people of Tabaco, he responded: "We leave it up to the individuals who are running the mine over there. They're best placed to do that." When pressed as to whether he would commit to negotiate collectively with the communities who wish to negotiate, Argus responded: "The only commitment that I'll give you is that we leave it in the hands of the person in charge of the mine to be able to deal with the local communities as they see fit to give a proper resolution."[11] One may infer from his response that the Chairman valued his ability to

10 A corporation's Chairman of the Board of Directors represents the shareholders and is obliged to represent the interests of the shareholders. This defines the official principal-agent social arrangement between shareholders and the corporation.

11 BHP Billiton Annual General Meeting, 26 November 2006, Don Argus, Chairman, ref: http://www.stream.com.au/bhbbilliton/agm06/webcast/index.htm?media=sas&etype=archive.

separate himself from Cerrejón's morally objectionable acts. In this way, Argus considers himself free from any wrongdoing, because he is not the one who is denying the people of the Guajira the human right to negotiate collectively.

It seems clear that the directives in the Cerrejón case, the CEOs and the shareholders of BHP Billiton, Anglo American, and Xstrata, would consider the human rights violations that have occurred against the people in the Guajira region to be morally objectionable. It also seems clear that the agent, León Teicher, considers himself free from wrongdoing because of the special obligation to the parent companies. Moreover, the CEOs and the shareholders consider themselves free from any wrongdoing because they did not personally carry out these morally objectionable acts. It is the social arrangement of the corporation that has created a loophole which allows these morally objectionable acts to occur but for which none of the parties feel responsible. Should people's fundamental human rights hang on the social arrangement of the corporation?

As Thomas Pogge argues, while this social arrangement may increase what members owe each other, it should not reduce what the members minimally owe everyone else. Members of Cerrejón and the parent companies are responsible for their actions that have led to serious human rights violations against the people of the Guajira region. They are blameworthy and have a responsibility to remedy the situation.

Socio-cultural And Environmental Studies
Impact of the Cerrejón Mine on the Wayuu, 1983

Deborah Pacini Hernandez[*]

Construction has recently begun on a large-scale coal strip mining project in the Guajira Peninsula of northern Colombia. This project, the Cerrejón, is being undertaken in the homeland of the Wayuu, Colombia's largest group of indigenous people. This report evaluates the impact of the project on the Wayuu.[1]

A project of this size would have a profound impact on any region. A large part of the Cerrejón project, however, is in Wayuu territory, which these people have inhabited since before the European invasion began in 1499. So far the Wayuu have successfully resisted the pressures of 500 years of "contact," which

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1 The original version of this essay used the older term "Guajiro" to refer to the indigenous group who today are more commonly referred to by the name in their own language, "Wayuu." With the author's permission, we have standardized the terminology to correspond to that used in the other essays, and replaced "Guajiro" with "Wayuu" in this chapter.

have included varying degrees of warfare, disease and cultural oppression. While they obviously had to adapt to the presence of European, and later national culture, they have nevertheless maintained a distinctive lifestyle. More importantly, they have retained a large degree of autonomy.

Until the construction of Cerrejón's support road, only trails existed in this region. For this reason, few whites entered the Guajira territory. Now, however, because of the nature and magnitude of the Cerrejón's project, the Wayuu will almost certainly experience a severe cultural crisis, which may indeed result in their extinction as a culture.

The entire Guajira Peninsula was, until relatively recently, indigenous territory; this does not mean, however, that it has remained unchanged or untouched by international conditions or events. The European invasion, beginning in 1499, was devastating. While the desert environment offered little appeal for colonization, Europeans (Germans as well as Spaniards) found that kidnapping the local population to sell as slaves in the Antilles was a sufficiently profitable endeavor, adequate at least to finance the costly expenditures of more lucrative campaigns into the interior of the continent.

The indigenous inhabitants resisted these intrusions through their indomitable belligerence and through a radical transformation of their economy and society. They quickly learned livestock herding and animal product processing from the Europeans, realizing that this mobile and readily available food supply would greatly facilitate their avoidance of slavers and their guerrilla-style wars of self-defense.

The Wayuu wars of self-defense continued intermittently throughout the succeeding centuries. Neither the Spanish nor the republican Colombian government was able to subdue or control the Wayuu. Largely because of their ability to adapt to the challenge of the European presence, the Wayuu have survived

as an ethnic group and maintained, to a degree, their autonomy and ethnic integrity.

El Cerrejón-August 1983

Much of the infrastructure is already in place. The road has been completed since 1981, and the construction of the port, warehouses, workers' camps, hospital, water treatment facilities, etc., is considerably advanced. Less construction is visible at the mine area, where the task of clearing the land of vegetation for the mine and mine infrastructure is immense-much greater than that required for the port. Once production begins in 1985-1986, the permanent work force will be housed in several towns located along the southern part of the mine-port road. The infrastructures of these towns will be expanded to accommodate the influx of workers.

In the southern region, where the mine is located, the indigeno us Wayuu presence (28 percent of the population) is much less visible than in the central and northern regions, where the majority of the population is Wayuu. While there is no formal boundary between the two regions, the Maicao-Riohacha blacktop road serves as a convenient marker to distinguish them. North of the road, the visible signs of Wayuu culture—the herds of goats, women in traditional dress *mantas* and typical Wayuu homesteads (*rancherías*)—can be seen, and it is readily apparent that this is Wayuu territory.

The Colombian government is aware of the potential negative impacts that will accompany the benefits of the increased employment and cash flow, yet the speed with which the project is progressing far outstrips the government's ability to prepare an infrastructure capable of absorbing the immigrant population. Nor has it developed a way to buffer the Wayuu from the shock of this explosive and uncontrolled intrusion.

The Cerrejón Social Impact Statement

The Environmental Impact Statement-Social Impact Statement (EIS-SIA) prepared for the Cerrejón project is an important public document and says a great deal about the significance (or insignificance, as is the case) of the Wayuu role in the development of the project. The EIS-SIA is impressive. It is a hefty four volume set (excluding two volumes addressing the archaeological impact of the project). Anyone seeing the eight- to ten-inch high stack would guess that a thorough study had been completed.

The indigenous part of the Guajira region, however, was practically omitted from the report. In fact, the Wayuu are not even referred to by name. Their existence is acknowledged by such terms as "indigenous population" or "indigenous community." They are acknowledged with such belittling and derogatory statements as:

"The human settlements in the study area are not well developed… The only population along the railroad line is Uribia, which is a small indigenous community with a primitive infrastructure. At Bahía Portete the human settlements are limited to a few isolated dwellings belonging to small indigenous families… The Middle Guajira has settlements and dispersed rancherías and extensive uninhabited (unused) land… The Upper Guajira… is an extensive arid plain with scarce vegetation… this zone is mostly inhabited by indigenous inhabitants."

Thus is the Wayuu culture dismissed: the land the Wayuu have occupied and depended upon for centuries is called "*vacante,*" (vacant) the vegetation is simply "*escasa,*"(sparse) their social organization is "*no bien desarrollada*," (not well developed) their population, "*aislada*"(isolated) and "*pequeña*"(small). The overall impression is of a wasteland inhabited by a few unorganized and insignificant indigenous groups, in which the construction of road, railroad, port and workers' camps can proceed without problem. Not a word is said about Wayuu history.

Given the practical invisibility of the Wayuu, it is not surprising that the social impacts assessed by this SIA should be presented as minimal. For example, the discussion of impacts on the Portete region are limited to predicting conflict with the *contrabandistas* (smugglers). The report's recommendations are that such commerce should be stopped or at least forced to move elsewhere. As to the rest of the Upper Guajira, it acknowledges that there will be changes "in the mentality and rhythm of the traditional life of the Indian," which it does not elaborate on in the least, and merely continues: "And consequently, on his disposition to integrate himself into and accept the project." The impacts it is assessing, then, are those upon the project, not upon the Wayuu.

The social impact assessment restricts its evaluation of the impacts to citing the potential benefits of the project upon the region that are usually cited for development projects in "underdeveloped" regions: jobs, cash, modern health facilities, educational opportunities, etc. While all of these benefits may indeed materialize in the Guajira, there are other problems that the Cerrejón project will probably incur that have not been considered. They should alarm anyone concerned about cultural survival. There are four areas in which the effects of the Cerrejón project upon the Wayuu seem most likely to be severe: land use, rights and tenure; health; social change; and self-determination.

Land

There has been and will continue to be loss of territorial rights as the project and others like it intrude into the Guajira. In addition to the loss of land to development projects (whether mining, tourism, military or otherwise), there will be loss of land to entrepreneurs and opportunists who will be moving to the Guajira and will be expropriating, legally or illegally, Wayuu traditional territory.

Land not lost directly to this project or others will be lost through environmental degradation. The dust from the road and

the coal dust blown off the railroad cars traveling to Portete will deteriorate land on the windward side. Increased vehicular traffic will disturb the fragile desert environment.

The loss of coastal land will result in the loss of offshore marine resources, such as fish, shellfish, turtles, etc., that the Wayuu rely upon to supplement their diet and income. These coastal resources will be further reduced as increased commercial maritime activity results in the deterioration of offshore waters. Around Portete the effects of dredging the bay have already been noticed by fishermen in the area. The loss of coastal land will also have negative consequences upon Wayuu commerce.

The bisection of the peninsula by the road/railroad and the settlements that will inevitably spring up alongside, will disrupt the traditional patterns of Wayuu transhumance, as they move with their herds in search of water and pasture.

Traditional land management techniques and knowledge will be lost as the Wayuu are pressured to abandon their traditional subsistence strategies and work for the Cerrejón project and others that will follow. Techniques for efficiently using desert resources without destroying or depleting them, which have allowed the Wayuu to remain self-sufficient for so many centuries, have already been weakened by the effects of migration, and may be lost forever.

The loss of this knowledge and of the land on which to practice it will probably result in the further proletarianization of the Wayuu, leaving them at the bottom of the socio-economic ladder, without their culture for support. This process has already begun in the case of many Wayuu who have migrated to urban centers, in particular Maracaibo, where the result has not been beneficial. The Wayuu have become slum dwellers, with unemployment and underemployment rendering them vulnerable to all the social problems typical of such conditions. Colombia cannot afford to increase its population of displaced and socially marginalized persons and would do well not to discourage its indigenous populations from continuing their traditional, self-sufficient way of life.

Health

The dust from the road has already affected Wayuu living to the windward. At the Riohacha Office of Indigenous Affairs there have been complaints of increased eye and lung problems, both in humans and in livestock. The effects of the coal dust will be more serious. The project plans to moisten the coal before sending it north, but given the extreme insulation, the lack of water and the constant strong winds, it is unlikely that the dust problem will be avoided.

Dietary alterations are likely to result as more processed food is introduced into the Guajira. While it is true that imported soft drinks and alcoholic beverages have been common in the Guajira for some time, it is also true that the Wayuu diet does not rely on processed foods. The results of increased use of processed foods, especially sugar, are known to be undesirable.

The rapid arrival of a transient, largely male population in search of work will also result in the proliferation of *cantinas* (saloons), and social problems related to them: prostitution, venereal disease, alcoholism and violence. Increased alcoholic consumption in the *chozas* (huts) along the Cerrejón road has already been noted by local inhabitants, as well as an increased incidence of Sunday drunkenness, fights and vehicular accidents.

The strains of rapid and uncontrolled social change will bring increased stress into Wayuu life, resulting in increased violence and mental disorders.

Social Change

The chozas along the road selling beer and soft drinks to project workers will be foci for the introduction of the dominant culture—its values and its vices. Traditional indigenous values, typically scorned by Colombians, may be relinquished by Wayuu wishing to avoid abuse. One can observe already that many of the women

who own the chozas have abandoned the traditional dress, the manta, and are wearing western dress, makeup and jewelry.

The penetration in the Guajira of a culture that despises the indigenous one will result in the degradation of Wayuu self-esteem and the devaluation of their social identity. These changes will widen the gap between aspirations introduced by the intruding culture and the achievement of these goals, which is practically impossible for individuals or groups whose culture has not prepared them to achieve these goals.

Self-determination

As the materially and technologically more powerful representatives of the dominant culture intrude upon the Guajira, the Wayuu will lose the autonomy that they have maintained for so long. At the moment, important decisions about the future of the Guajira Peninsula are being made in Bogotá and Barranquilla, in the offices of Intercor and Carbocol and other government agencies. The Wayuu have absolutely no say in these decisions, and the history of the project, so far, indicates that their needs and well-being are not being considered. The Wayuu's sense of powerlessness over their own lives may well give way to anger.

While there might be a temporary "boom" during the project's construction phase (e.g., a large number of Wayuu employed and much cash in circulation), once construction is over, one can predict that the local economy will slump. If traditional forms of subsistence have been abandoned or undermined during this period, considerable social disruption is likely to occur. This will be aggravated as soon as Exxon and all of its formidable economic resources leave the region.

One should not underestimate, however, the cultural resourcefulness and creativity that characterize the Wayuu, who have proven their flexibility and adaptability in the past. It is entirely possible that they will attempt to find their own way of

dealing with the reality of the Cerrejón project. Already one can see that some Wayuu, in response to coming changes, have begun to reaffirm and protect traditional Wayuu values. For example, the indigenous organization Yanama is taking steps towards cooperative community action to insure bilingual education in Wayuu schools, to insure that adequate medical care reaches the more isolated Wayuu, and to reaffirm Wayuu cultural heritage through such activities as sponsoring weaving cooperatives and craft fairs.

Nevertheless, the magnitude and speed of the intruding project is almost certainly going to prove overwhelming to the Wayuu. The nascent Yanama organization cannot counteract the cultural and economic forces introduced by the Cerrejón project.

The Guajira Indigenous Communities and the Cerrejón Coal Project, 1991

*By Weildler Guerra Curvelo**
Translated by Aviva Chomsky

Introduction

The Cerrejón, Colombia's most ambitious mining project, operates in the Guajira peninsula. Planning experts characterized the Guajira as a region with a previously low level of development in which the State has had very little institutional presence. One third of the department's 255,310 inhabitants are indigenous Wayuu, who live primarily in the arid northern part of the peninsula, where the coal port and most of the railroad are located. There are also indigenous settlements in the more fertile southern portion of the peninsula, where the mine itself is located. Most of the southern population, though, is made up of whites and *mestizos* who live in small towns and rural communities. These communities have long harbored great hopes for the economic benefits the Cerrejón would bring.

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As the first decade of the mine's operation draws to a close, it is an appropriate moment to examine the social and environmental costs, as well as the social and economic benefits, that the project has brought to the region. Whatever the ultimate results of this project, understanding the range of positive and negative effects at this stage can be useful for planning future development projects in the country. It is not too late to make changes that would reduce the inadvertent harm that this project has caused, and to increase the possibility that its benefits will reach a broader sector of the indigenous and non-indigenous populations of the Guajira.

Negative Impacts of the Coal Project on the Indigenous Community

Some of the Cerrejón coal project's negative effects were not expected. The Environmental Impact Study (EIS) carried out by Integral, Ltda., at a cost of over $2 million (USD), examined aspects such as hydrology, land and water ecology, air and water quality, and archeology, but did not consider the Wayuu indigenous population. There was no ethnographic study done, nor any acknowledgement of the socio-cultural variables that could be affected, in spite of the fact that this type of environmental study is required by Colombian law, and must be completed before any potentially irreversible environmental or social costs can be incurred. Integral's study was delivered in February 1982, when the road from the mine to the port had already been completed, and many indigenous families already had been displaced from their traditional settlements. In addition, Integral itself admitted, in the socio-economic technical appendix to the EIS, that it did not analyze the socio-cultural characteristics of the Upper Guajira's indigenous population in any depth.

The Wayuu constitute one of the largest and most complex tribal groups in Colombia. In the past, the Wayuu model of social and political organization gave them an advantage in resisting

Spanish conquest. Today, it weakens their ability to confront external pressures. The Wayuu have no centralized political power. Their largest political units are kin-based clans. Their lack of political coordination allowed the coal project to proceed without consulting them, and it has hindered their access to the highly-centralized decision-making process that has imposed measures that might affect them.

The first negative effects that the indigenous population experienced from the project were related to their ancestral land. Although the Wayuu had occupied the peninsula since before the Spanish conquest, the Colombian government declared that their lands were *baldíos*, or not in productive use. In contrast, the government judged the coal project to be "of public utility," and thus 29,704 hectares of indigenous lands were granted to Carbocol, the Colombian state partner in the Cerrejón venture. The value of the houses, cemeteries, and farmland was assessed by the Agustín Codazzi Geographical Institute (IGAC), a state agency whose overly technical criteria for indemnification failed to take into account the intangible values important to the Wayuu (tears shed, memories of the dead).

110 indigenous families were displaced from the lands turned over to the mine. Indigenous fishermen in the area near the port continue to suffer displacement because of the coal dust raised by the strong winds in the region. The total number of indigenous people displaced by the effects of the project comes to 1,091: 827 in 1981, and 192 who have been forced to leave the port area.

The construction of the 167-mile road and the railroad parallel to it affected the symbolic value of the land, as well as the tribal economy. The indigenous people had to remove many of their ancestors' remains from their cemeteries in order to accommodate the road. Traditional names of places have been replaced by numbers, and the landscape was anthropically transformed with the appearance of giant fences and immense communications towers.

So far, there is no evidence of the introduction or increase in disease attributable to the project. This issue, however, requires ongoing monitoring, for many of the environmental effects and their relationship to health may manifest themselves over time. In contrast, some symptoms of collective stress and anxiety among the indigenous people are evident in phenomena like messianic movements, an intensification of ritual dances and shamanic rites, and stories that blame the coal project for the recent prolonged summers. These attitudes can be explained as collective efforts to turn the clock back and preserve the tribal group from the deleterious effects of accelerated social change.

Negative Impacts on the Rural Communities

Although to a lesser extent than the indigenous population, some non-indigenous rural communities in the vicinity of the mine have also been affected by the project. To facilitate the coal exploitation, small villages like Roche and Manantial were evacuated and their inhabitants forced to relocate individually elsewhere in the region. The construction of the mine facilities, and the enormous area that the mine occupies, destroyed old networks of roads and water supplies, thus weakening the traditional neighborly relations and reciprocity among the inhabitants of the local communities. Some towns, like Albania, lost their surrounding farmlands to the mine. Today their inhabitants, formerly farmers and ranchers, share their town with numerous migrant workers who hope to obtain temporary work with companies subcontracted by the mine.

In the area around Caracolí and El Espinal, proximity to the mine has entailed negative effects like noise pollution (explosions, machinery), and limits imposed on access to water sources. These problems have created friction between the peasant and indigenous families and the project's employees. Although it is inevitable that these families will have to leave the area, no agreement has yet been reached between them and the project's owners.

Social Benefits to the Indigenous Community

There have been some important social gains that have partially attenuated the negative impact of the project, especially with regard to the designation of indigenous territories. With the participation of Carbocol-Intercor and some government agencies, the Upper and Middle Guajira Resguardo was created, covering 925,040 hectares. Of the 29,705 hectares originally allocated to Carbocol, the company voluntarily returned 23,000 hectares to the indigenous people to be incorporated into the *resguardo*. The road from the mine to the port has improved communications for the nearby Wayuu settlements, allowing them to transport products from their traditional economy to the markets of Riohacha, Uribia, and Maicao. At the same time, the wells that the company has built along the road have mitigated the chronic problem of water shortages in the region.

The company's policies have contributed to an ever greater recognition on the part of governmental agencies of the need to design policies aimed specifically at the indigenous population. Aid, however, is not distributed directly by the company but rather, through Yanama, a private entity that the company recognizes as "the indigenous organization in the Guajira." It is undeniable that in spite of the company's efforts, Yanama's support base in the indigenous community is small, and that there are significant limitations on its ability to grow. Wayuu society is divided by clan, and there are no supra-clan political units that transcend blood ties. The tight relationship between Yanama and Carbocol-Intercor could create the mistaken impression that the Wayuu community is in support of the mining enterprise.

Benefits for the Rural Communities

The main positive effects of the coal project in the region have been the creation of jobs, the payment of royalties, the strengthening of

government institutions, and the economic aid given by Carbocol-Intercor directly to the communities. Some 2,082 Guajirans worked for Intercor in 1986. The royalties that the company pays to the Department of La Guajira and to the Municipality of Barrancas, although they have not reached the levels hoped for, due to the low price of coal in the international market, could be used to provide the region's urban centers and rural communities with basic services.

Other government institutions have been strengthened by economic contributions from the project, which should strengthen the institutional presence in isolated areas. The project has transformed the public image of the region, which used to be associated with drug trafficking. It has stimulated tourism to the peninsula, which makes use of the coal complex's infrastructure.

Finally, the company makes some occasional one-time contributions to the communities aimed at fulfilling specific immediate needs. The communities often do not acknowledge this type of aid, which company employees mistakenly take as a sign of ingratitude.

Conclusions

Part of the negative impact of the coal project is due to the company's lack of understanding of the indigenous population's ethnic and socio-economic characteristics. The company needs to improve its attention to these issues in order to ease the tensions created by undesired effects of the mine, as well as to design and deliver aid to the communities. The indigenous communities' lack of access to the project's decision-making levels has undermined their autonomy and their rights, allowing measures that affect them to be implemented without their input.

The State must establish whether the legal responsibility for repairing or mitigating the project's negative social and environmental effects lies with the project's owners or with the Colombian government. The State's multiple roles with respect to

the coal project exacerbate the confusion: it is at once a partner in the project, and at the same time, the recipient of royalties, the provider of public services, and the regulator of environmental effects. This confusion only harms the Guajira population.

There is some room for optimism regarding the project's effects. The increase in the number of workers living in the region may enable a better integration between the native population and the mine's workers and reduce the enclave effect. Regional economic processes may develop links to the coal project's activities. The experience gained in this first stage could be used to avoid new social and environmental costs. In order for this to be the case, it is necessary to predict these costs in a timely manner, and to design measures that will benefit the interested parties in an equitable way.

Socio-cultural Impact of Coal Mining on the Indigenous People in the South of the Guajira, 1997

*By Robert V. H. Dover, Marla Zapach and Marta Rincón**

Translated by Aviva Chomsky

This preliminary and essentially descriptive study identifies the health, socio-cultural and environmental issues faced by the Wayuu communities in the mining zone. Most of these issues arise directly from the coal mining project, and indirectly from the absence of clear State policies to involve the Wayuu communities in national development plans. It briefly presents the physical and social environmental conditions in the indigenous communities of the Lower Guajira, specifically, the populations in the resguardos of San Francisco, Provincial, Trupiogacho, Zaino, Lomamato, and settlements like Barranco Alegre.

* Robert V. H. Dover and Marla Zapach worked at the University of Alberta, and Marta Rincón, at CENSAT Agua Viva, when they researched and wrote this study.

The Wayuu are one of the largest indigenous groups in Colombia. A 1995 survey by Intercor found 350,895 inhabitants in the Guajira, 143,663 of them (42.3 percent) indigenous. Until a short time ago, the Wayuu constituted a visible majority in the peninsula. However, the influx of mestizo workers contracted from other parts of the country to work in the mines has changed the ethnic makeup of the population.

The Wayuu move freely around the region, including into Venezuela, and consider the entire peninsula to be their traditional territory. Nevertheless, the Wayuu have recently lost access to much of their land in the south of the Guajira, due to the large amounts of land bought by the mining company for the Cerrejón North Zone and the Cerrejón Central Zone projects.

The elders in San Francisco describe the area of the Lower Guajira as a region populated by many Wayuu settlements. The Wayuu used the land for pasture and food cultivation. One elder described a visit to the Lower Guajira as a child, "when Barrancas was a very small town." He described Wayuu settlements in Zaino, La Gloria, and Barrancas. He also explained how his previous familiarity with the area encouraged him and his large extended family to settle here, when they had to leave the Upper Guajira because of a conflict among families (Interview, 1996).

Today the Guajira is experiencing an exodus of the Wayuu into its urban centers, in part because of the illnesses that have ravaged the communities. Indigenous people who had previously not suffered from afflictions like smallpox, measles, or flu, found themselves obliged to migrate to areas near urban centers to have access to *alijuna* (non-Wayuu) medicine, to cure these new diseases. This meant they had to change their place of residence.

The national economic need to extract fossil fuels has contributed to a situation in which in general, the Wayuu communities have not been considered, or have been considered

only as impediments to the economic progress of the region. This attitude has its origins in the idea that indigenous land use is not economically productive, or is characterized as "non-use." As Luis José Azcarate, ex-Director of the Division of Indigenous Affairs, wrote in a letter to María Cristina Vivas de Cerón, head of the Land Titling Division of Incora on August 4, 1988:

> "Incora's socio-economic and legal study states that the aboriginals have occupied these territories from time immemorial. The lands constitute their habitat. Recently, due to colonization, their possessions have been challenged. To prevent these developments and avoid the pernicious influence of acculturation that the alijunas bring to these communities, which are truly proud of their ethnic identity and which resolutely defend their organizations, language, customs, and other traditions, it would be advisable to create resguardos in this area" (Incora file 41.555:160).
>
> He added:
>
> "The Cerrejón coal mine's large infrastructure and industrial complex in the Barrancas Municipality, and the large number of people employed in the project, worry the Wayuu from these communities. Naturally they see these developments as a threat to their lands and culture. This problem can be partly ameliorated by the creation of indigenous resguardos as a legal tool for the protection and defense of their settlements" (160A).

From another perspective, though, the creation of the resguardos could be seen as a state strategy to marginalize the indigenous communities from their traditional lands and thus minimize the problems created by exploiting these lands. It might seem that the resguardos provide a solution to reduce the impact of the coal mining on the Wayuu communities of the region. But other communities nearby, and in the mine's area of influence, were not included in the resguardos. Today their inhabitants are flooding the slums of Barrancas, as they have practically been expelled from towns like Manantial, Espinal, Palmarito, Cabeza

de Perro, Caracolí, Patilla, Chancleta and Oreganal. Not all of the inhabitants of these settlements were indigenous, but the great majority were.

Since 1988, the Wayuu in the south have been relegated to five resguardos: Zaino (1,175 hectares), Trupiogacho (2,308 hectares), Lomamato (2,267 hectares), Provincial (447 hectares) and San Francisco (54 hectares). These resguardos are surrounded by dust, noise, and other impacts of the mines. Their inhabitants are not employed in the mines, and so far they have received little benefit from the presence of the mining operations in their traditional territory.

Furthermore, the environmental, social, and cultural impacts of the mine are not avoided by the formation of a resguardo. It appears dubious that the government ever really intended the resguardo to be a serious strategy for preserving the communities.

An Incora study examined the impact of the mining companies' land acquisition policies and colonization in the region. It emphasized the need to seek cultural solutions for the Wayuu communities, "who are confronted with a culture completely different from their own" (Ibid: 10). The communities are suffering land pressure as the mining companies gradually buy the land around the resguardos wherever there are coal deposits. Nevertheless, the conditions in the Wayuu communities that Incora described in 1986, which gave rise to the legal process of forming the resguardos, are exactly the same conditions that the Wayuu describe today. If anything, they have been exacerbated by the expansion of the mining zone, which now includes the companies of the Cerrejón Central Zone.

The environmental contamination resulting from the coal mining, on top of everything else, is creating a situation of physical and cultural death. In this respect, we must raise an alarm about the genocide that is occurring, slowly but effectively, in the Wayuu

communities. The coal industry contaminates the water sources, the air, the land, and significantly reduces the contribution that these elements can offer to Wayuu survival. The Wayuu moreover confront the problem of political will, discrimination, intolerance of difference. What is needed is not just tolerance, but rather to rectify the invisibility of the communities insofar, as government plans and programs, and to allow them to develop their own plans and programs, not have them imposed from the west. The indigenous communities also require a solution to the overcrowding that they have been subjected to in the resguardos.

The mining operations have had a serious impact on the natural environment in the Lower Guajira, and therefore on the lives of the Wayuu whose lives depend directly on this environment. One community elder explained:

> "Before, because of the natural resources, you could live better. When you went out into the forest you could find rabbits, iguanas, everything, that is, hunting. You had a space to be able to go out, out of the village. Before you could go out, out to the forest, and wherever you went, you would come back with your rabbit, your animal. Before, but not now. Now there is no place to go because wherever you go, you run into the [mining] company. Now they are working throughout the land. There is no more forest. It's prohibited to go out there to hunt, to look for what you can find. Everything is changed. And also because of the company, a few things are better, but not enough. We can't say that we are better off. For example, sometimes there's a job that can pay for your household needs, so… That's a little better, that's the only thing. But not everyone [from the community], it hasn't benefited the whole community; the jobs, no, only some. What is ours, what is our own, and that kind of thing [our customs], we've lost, in order to go to work, that is to be employed. If we could work in our traditional way, we wouldn't have to go to work for one of those companies, we could maintain our traditions. Before -we could always survive in our traditional way- raising goats, taking them

> to pasture, hunting too, that always provided, or agriculture… Hey, we've tried to recover them [our customs] but we haven't been able to, that is, go back to them" (Oral testimony, 1996).

The Wayuu report many deaths from causes like diarrhea, vomiting, headaches, fevers, and general poor health. Official mortality and morbidity statistics do not give the whole picture of the seriousness of the problems afflicting them. Because of their traditions, deaths are seldom recorded even by the priest, particularly in the case of young children. They only go to a doctor too late, when the situation is critical.

Children and the elderly are the most affected by these types of illness. The administrators of the modern medical system in a department like the Guajira, with its high levels of indigenous population, are still not aware that almost half of their users are not part of the western culture. Either they are not seen at all by a system that is incapable of addressing their problems within their cultural context, or, what is worse, they are treated, but without respect for their cultural practices.

This type of health management that ignores the cultural context has led to increasing mortality levels in the Wayuu community. In many cases people prefer to put up with a chronic condition rather than visit a doctor and enter a world that they do not understand, especially, when faced with obstacles like the need to pay a doctor, or practices that go against their cultural norms.

If you ask Wayuu women how many of their children are living and how many have died, most will respond that almost half of their children died between six months and a year after birth. It is quite evident that problems related to childbirth, pre-partum and post-partum, are very prevalent everywhere in the Guajira.

Problems of malnutrition and health due to the lack of potable water, of productive land, and of vegetable and animal sources of food, together with cultural decomposition, are the causes of the

slow genocide that the Wayuu communities of the south of the Guajira are experiencing.

The Wayuu also suffer from conditions caused directly by the coal mine. Headaches, respiratory infections, asthma, diarrhea, parasites, and malnutrition are the main causes of morbidity in the resguardos. During July 1996, the Barrancas Hospital reported that 60 percent of its patients suffered from respiratory tract diseases, and 90 percent of the cases were children. The majority of the patients were not Wayuu. The statistics reflected the people from the local community who use the hospital. The three primary causes of hospitalization in the past five years in the Barrancas Municipality were abortions, respiratory problems, and intestinal infections. Directly or indirectly, many of these problems can be linked to the mines.

In the resguardos, of 71 people who received medical attention, 32 suffered from respiratory illnesses, 20 from intestinal problems, and 19 were suffering from illnesses caused by unhygienic living conditions. Dr. Guerra, of the Papayal Health Post, believes that the contamination caused by the mine is negatively affecting the population, and specifically, the Wayuu. He attributes the respiratory and intestinal problems directly to the Cerrejón Mine.

The Wayuu themselves complain of a deterioration of their health since the mine opened. They say that they used to be healthy. Their goats are also suffering from new illnesses since the mine arrived. They say that children in their communities used to get colds once a year, while now they are constantly suffering from runny noses and hacking coughs.

It is impossible to attribute all of these problems to a single cause. But there are at least two factors that are directly implicated in bringing about such changes. Indisputably, one of them is the advance of the coal industry. It is responsible for the direct contamination of surface water sources, like the Ranchería River, and underground sources, with serious health consequences. The

mine is also responsible for the displacement of communities in its area of operation. These displacements were carried out covertly, and without taking into account the people's traditional uses of the land. One example is the case of Palmarito, an indigenous and mestizo community, whose cemetery is now a few meters away from a mine waste dump. Government authorities also share part of the responsibility for the deterioration of the population's health, because of their lack of political will to address the issues.

Social Study of the Town of Tabaco in 2000

By María Cristina González Hernández

Translated by Aviva Chomsky

The town of Tabaco, municipality of Hatonuevo, Department of the Guajira, is bordered on the north by land belonging to Carbocol and Intercor, on the southwest by land belonging to Carbocol and Intercor, on the east by the Tabaco Brook and by land belonging to Carbocol-Intercor, and on the west by Carbocol-Intercor.

Population and History

At the end of the War of the Thousand Days, around 1902, the area now called Tabaco was settled by a group of peasant families who chose it because of its soil conditions and potential for agriculture, livestock, and hunting. Inhabitants say that there were several indigenous families in the region that had fought battles in which many lives were lost, and who had therefore left the area. The new settlers found abundant tobacco and squash growing there, and the name "Tabaco" comes from the former.

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Life in Tabaco was peaceful, though lacking urban amenities. The inhabitants lived in harmony with the natural environment. The Tabaco Brook played an important role in the community for recreation, meditation, and in supplying water and food. Residents recount many myths and legends regarding the physically and spiritually curative properties of the water. They believe the water can stimulate and preserve positive ions.

In 1997, Carbocol-Intercor approached Tabaco's inhabitants with proposals to buy their town, in order to permit the expansion of the mining operation. The company carried out a census -which was disputed by the community- and sought to convince the inhabitants to sell their plots individually. The company offered residents a better life as conceived by the technical and rational vision of its engineers and technicians. Its socially irresponsible proposal to pay residents a sum of money for their homes and land divided the community among those who were fooled into selling and who left, and those who refused to leave. The latter demanded that the town be relocated, that its social unity and historical traditions of neighborhood, friendship, and solidarity be conserved, and that people's desire for common future based on their generations of agricultural and livestock-raising traditions be respected.

At the beginning of 2000 there were still about 100 families living in Tabaco. They and their relatives, living and dead, maintain a strong relation with the natural environment typical of strongly-rooted peasant communities. This relationship is reflected in the prevalence of farming activities, the high esteem in which they hold the land, and a sense of their common history, ancestry, and hopes for the future.

This community maintains close relations with the Wayuu population living in the nearby community of Tamaquito. Residents of these two communities are connected by family relations, economic relations, and mutual support. It could not

be otherwise: Tamaquito's inhabitants pass through Tabaco whenever they leave their town or return to it. Before the displacement and expropriation began, Tamaquito's children attended Tabaco's schools, and its residents received health and other services there. It is logical, then, that these two towns have joined forces to defend their right to survival against Carbocol-Intercor's pretensions.

The companies are clearly receiving faulty advice regarding their social policies towards these two villages.

Children under 12 who now lack access to basic primary education represent 40 percent of Tabaco's population. The school was closed for the 1998-1999 school year, and it remains an empty building that the children use in the afternoons for its playground. As people started leaving the town, the teacher began to miss work occasionally, and finally stopped going at all.

The uncertain situation is affecting the children's families, their autonomy, and their social development. The model of the male provider and the protection of the family are undermined by the parents' impotence before the company's actions that deprive them of their homes and their workplaces. This leads to a compromised educational experience, and aggressive social behavior. The children perceive their parents' levels of frustration, and react impulsively, trying to attack the person or object that they see as the cause of such frustration. Without institutions like the school and the church, their psycho-social development is threatened.

With the reduction in family income and in the contributions of hunting and fishing to the family food supply, the children's nutrition is also at stake. Only occasionally do they get protein, usually in the form of meat.

In Tabaco, each house includes a yard or a small plot of nearby land where fruits and vegetables are grown and animals are raised. Part of this production is consumed, and part is sold to buy other products that can not be grown at home. Household production

does not provide enough income for all of the household's expenses, so some household members also work on neighboring farms.

As the land began to be bought up by Carbocol-Intercor, the surrounding farms began to disappear, and prohibitions on movement were imposed. This caused a decrease in income, as well as increasing difficulty in access to hunting and fishing. Now family members are compelled to seek work in distant towns or farms.

This situation has provoked the break-up of families, as a result of the displacement. Community cohesion has weakened, and mechanisms of reciprocity and redistribution have been affected. As individuals sell their homes and relocate, following the coal companies' proposals, the community of Tabaco as a social entity is disappearing.

The people of Tabaco have a strong sense of rootedness that is evident in the meaning with which they infuse concepts and terms like "stream" and "cemetery," and their family histories. This rootedness comes from a long history of cooperation, solidarity, and a common sense of belonging based on the long-term ties of settlement on the use of the land by relatives in the past and the present and on the integration of man and nature.

Because of this connectedness, even now that there is no school, nor any health or communications services, and despite the restrictions on freedom of movement and the risks caused by the pollution, the people who still possess land in Tabaco are pressuring for a collective relocation that will allow them to nourish their own way of life.

Tabaco's residents' hopes for a decent life in no way encompass the model of a move to the city, as Carbocol-Intercor seems to be proposing. It is absurd to imagine that Tabaco's inhabitants should aspire to the behaviors, values, and ideas of an urban atmosphere and lifestyle.

Economic activities

Economic activities in Tabaco include small-scale livestock-raising and farming. Cattle and goats provide milk and meat for consumption or sale. Families also raise pigs and chickens. They grow corn, yucca, beans, pumpkins, plantains, oranges, annatto, and medicinal plants. Residents also engage in hunting and fishing.

These activities no longer provide the income that they did before 1997, when Carbocol-Intercor began to prepare for the expansion of its enterprise. The companies' purchase of the surrounding lands has left the livestock with no pastureland, and no room for expanding the herds. Further restrictions on hunting and fishing, and the company's inappropriate social management policies that are creating uncertainty about the future by pressuring people to leave their land, have also undermined the economy.

Public Services

Since 1997, public services have deteriorated significantly. Education, health, and Telecom services have been cut off. Electricity and water are the only public services that Tabaco receives; the water is non-potable and the electricity is irregular.

In terms of health, the community suffers from frequent skin disorders, colds, and respiratory problems,, as well as headaches. The coal dust and the noise from the constant blasting appear to be responsible for these conditions.

Conclusions

The population is surrounded by the coal complex. In economic terms, the restrictions on livestock-raising, loss of pasture land, loss of neighbors to ally with, and the diminution of hunting and fishing, have compromised the community's economic survival. This situation has been aggravated by the State, which has declared the land a mining reserve, approved the town's expropriation, and suspended health, education, and Telecom

services. Altogether, these factors have brought about pathologies and crisis for the community. The world seems a dangerous place on the verge of dissolution. This can be seen in the loss of flexibility in communication, and in the impoverishment and fragmentation of daily life, which result from the contradictions in government policies.

On one hand, the Ministry of the Environment requires the company to provide adequate social management; on the other hand, the Ministry of Mines declares the land to be unoccupied and approves the expropriation of the town. Thus, public services and roads disappear, entry and exit from the town are restricted according to the needs of the coal project, and part of the community is sold. Under these circumstances the adults develop high levels of uncertainty that challenge their sense of belonging, their community relations, and their confidence in a common future.

This situation, which has been going on for almost three years, is also progressively affecting the psycho-social development of the community's children. Its effects can be seen in their levels of aggressiveness, their games, their language, and in the incorporation of stereotypes in which the roles of good and evil flow together. Their developing autonomy is affected by their perception of the vulnerability of the model of the father-provider and the family-protector, which has also been threatened by the contradictory policies.

The family in Tabaco fulfills a role of economic, material, and psychological protection. The family is the basic productive unit, whose members work together to sustain the family and share the product of their efforts. This model is clearly different from the one used by Intercor. For modern societies, the family is an economic unit of consumption. Intercor's proposal, while it offered a remuneration, ignored the necessary social components to preserve Tabaco's community. As long as this cultural gap

persists, the two parties will not find the way to an agreement that satisfies both of their interests.

The State's role is contradictory. On one hand, it appears as a partner of Exxon/Intercor, but at the same time it is responsible for regulating the social and environmental impacts of the mine. It receives and distributes the income from the royalties, and it is responsible for the development of social policies and providing services like health and education. The State took on its participation in the coal project under the pretext that it was a socially useful activity, but its actions towards the community of Tabaco are not congruent with this vision.

Report on the Community of Tamaquito, 2000

By Weildler Guerra Curvelo

Translated by the Uniting Church in Australia, Melbourne, Victoria

This anthropological report was prepared for the General Directorship of Indigenous Affairs of the Interior Ministry (DGIA), which aimed to establish the ethnic membership of the inhabitants of the rural settlement of Tamaquito, Barrancas Municipality, in the Guajira Department. The institutional guidelines for determining the indigenous ethnic classification of a given rural community can be found in Decree 2164 of 1995.

Tamaquito's land is currently untitled. A document formalizing possession of the land, in the name of José Alfonso Epieyuu, community elder, was presented on 23 November, 1999, before José Henrique Gómez, Notary of Barrancas. The inhabitants of the settlement in question claim that they have had collective possession of the land for the past 35 years.

The rural settlement of Tamaquito is mainly inhabited by indigenous people belonging to the Wayuu ethnic group, who principally belong to the Epieyuu, Pushaina and Iipuana clans.

There are no bus routes to Tamaquito, but the nearby centers of Roche, Chancleta, Patilla and Tabaco are serviced by public

vehicles from the urban areas of Hatonuevo, Barrancas and Albania. Using private transport, the trip from the community to Hatonuevo can take 48 minutes.

The absence of national, departmental and municipal levels of government is evident in the rural settlement of Tamaquito. The inhabitants do not have access to schools, electricity, health programs or social services such as childcare.

Ethnohistory of the Rural Settlement of Tamaquito

Narrated by José Alfonso Epieyuu, approximately 75 years old, community elder:

> "I remember that when I was young I lived with my uncle, Alirio Epieyuu, on a hill near Lagunita. Later, we went to live near Papayal. From the age of 14, I started work with Mr. Efraín Ucroz, brother of Lucas and Antonio Ucroz, who were very respected in the Barrancas area. My employer Efraín had two properties in Oreganal; one was called El Descanso. Later, he came to this area around 1966, and what is now Tamaquito was then a wasteland. He told me to fence it in, but I went to work in Venezuela as I didn't have the money I needed to build the fence. My employer promised to give me a part of the land he owned as I had worked for him for a long time, but he died in Valledupar 18 years ago, and I was left without the land he offered. I was then working for his daughter, María Ucroz, who had me looking after cattle with a one-third share; in other words, for every 10 calves born, three belonged to me. Some time later, I fell out with her and I left that work, staying on a part of her property called Las Mallas. My family was already in Tamaquito.
>
> "Don Efraín's sons didn't want me to build a house on that part of the farm. A while later, in 1985, they sold the property to a mining company and I had to leave in a hurry as they didn't even inform me about the transaction. I came here with 60 goats that I bought with the million pesos that they gave me as compensation for a whole lifetime of service at their father's side, and later with them.

> I established myself at Tamaquito where my children, nieces, nephews and grandchildren were settled. The goats died soon after, because the wooded mountainous climate, which is very wet, isn't the best for them.
>
> Here, there is plentiful water but there is no work, as the company has bought almost all the properties. It's not possible to sow, nor to put animals to pasture, nor hunt, and the nearby villages such as Tabaco, where we used to get occasional work as day laborers, are becoming depopulated. There is no work, no schools, no neighbors. We are alone and isolated. That's why we want to leave."

The Wayuu indigenous community of Tamaquito is made up of 114 persons who live in 34 houses. The inhabitants are clearly linked by both family ties and residence, and have created an extended family group held together by the brothers Manuel and José Alfonso Epieyuu. José Alfonso Epieyuu can be regarded as the person who maintains the group's strength, unity and identity.

Since 1999, the community of Tamaquito has organized an Indigenous council in accordance with Law 89 of 1890. José Manuel Epieyuu is Governor of this Council within the Municipality of Barrancas. The Governor of the Council lives outside the community in the Papayal area. Like many indigenous communities in the south of La Guajira, these types of organizations are necessary for managing the communities' external relations, especially with private or governmental institutions.

Unlike the indigenous communities in the Upper and Middle Guajira, the Wayuu communities located in the south of the Department find themselves in a relationship of political and demographic asymmetry with respect to the creole population of those municipalities. Relegated, in some cases, to the most arid regions of those municipalities, the indigenous settlements of Barrancas, Hatonuevo, Fonseca and Distracción now constitute cultural enclaves subject to intense pressure from colonists, mining projects and large landowners. This has impinged upon

the cultural autonomy of the indigenous group and, in some cases, it can be considered that they are immersed in a process that is progressively transforming them into non-ethnically defined peasantry.

The inhabitants of these communities have found it necessary to respond to these social circumstances by looking to non-traditional organizational models, as is the case of the indigenous councils established within Law 89, of 1890. Although these councils are foreign to the communities' own socio-historic processes, they have provided an effective legal tool and means of community mobilization for interlocution with government entities and in the defense of their collective rights.

Economic and Productive Activities

The male population of Tamaquito fundamentally derives its subsistence from seasonal labor such as day work on the neighboring properties of Tabaco, Roche and in the Serranía de Perijá, in Venezuela. The accelerating disappearance of farming and pasture land, due to increased mining activity, has considerably depleted the employment opportunities of the inhabitants.

Another significant economic activity is small-scale agriculture, especially cassava, pumpkin, corn and plantain. These crops, however, are limited by the scarcity of appropriate land, given that 10 hectares (+2505m^2) is clearly insufficient to guarantee the subsistence of the 25 nuclear families in the settlement.

The most significant women's activity is customized handicraft production, such as hammocks and bags, some of which are for their own use. The resources obtained from productive activities allow the inhabitants of Tamaquito to obtain salt, coffee, rice, corn flour, meat, vegetables and other products from markets in the urban centers.

The geographic isolation of Tamaquito in relation to other Wayuu indigenous communities, the scarcity of land in which to

carry out subsistence activity, the decrease in agricultural and livestock-rearing activity in nearby rural villages that would offer job opportunities, the absence of government programs in health, education and social services and the increase in mining activity are realities that are interpreted by the members of this community as potential threats to the physical and cultural continuity of the group. From this arises their proposition to migrate from the area and their aspiration to be relocated in more favorable conditions.

Conclusion

The people residing on the Tamaquito land consider themselves to be Wayuu and are recognized as such by other indigenous people and by members of nearby non-indigenous communities. The population preserves its ancestral language (*Wayuunaiki*) as well as the funerary rites, rites of passage, and traditional mechanisms of social control. As indigenous Wayuu, they understand that they share a common historical origin and they perceive themselves to be persons different from the rest of the members of Colombian society whom they identify with the term alijuna, or "non-indigenous persons." Therefore, there exists a self-recognition and clear consciousness of their indigenous identity.

The inhabitants of the rural settlement of Tamaquito cannot be catalogued as a simple sum of individuals belonging to Wayuu ethnicity, since they make up an extended family group very similar to others existing in that society (this similarity includes the acceptance as kin of non-indigenous husbands of women belonging to this social, economic and political unit). This statement is based on the following verifiable situations: (1) The ability of the members of the extended family to reconstruct the genealogies of at least three generations of ancestors that enables them to identify common human ancestors; (2) the preservation of the ethnohistory of the group; (3) the existence of ties of cooperation, solidarity and reciprocity among its members; (4)

the common territorial claims to both the place of origin and to the place they currently occupy; and (5) the usage of consensual and direct forms of management of internal disputes.

Based on what has been set out above, it can be said that the group of nuclear families that live in the Tamaquito land fits the characteristics established in Decree 2164 of 1995 to refer to an indigenous community or grouping.

Coal and its Effects: Case Study: Cerrejón Zona Norte, 2003

*By Alejandro Pulido**

Translated by Aviva Chomsky

Local environmental aspects

The massive transformation of the soil conditions is a critical factor in the environmental impact of the mine in the region. It affects everything from the vegetation cover and the related ecosystems to the water sources that in some cases supply the mining activities.

The methods that the company uses for evaluating the soils are inadequate. The objective of returning the soil to its original conditions ignores the complexity and fragility of the process of ecosystem recovery, which go well beyond reforestation. If we accept that the mining activity is important for the region, and that its environmental effects are inevitable, we should also acknowledge

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that its environmental impact is irreversible. In the best-case scenario, it would take three to four decades to achieve a partial recovery.

In the western pit, the first to be opened and which has been in operation since 1983, 3,518 hectares have been deforested. These areas include grasslands and forested regions. Tractors raze and remove all plant material from the surface. 998 hectares, or 28.3 percent of the total, have now been reforested. An average of 53.3 hectares are deforested *every month*, contrasting with the average rate of re-vegetation of 50 hectares *a year*. The slow pace of re-vegetation in the older mining zones can only be explained by a lack of will on the part of the company, which seeks above all to reduce its costs.[1]

Table 1. Total Area Operated by Intercor[2]

	Hectares
Deforested Area	5,752
Prepared Land	1,520
Stabilized Soils	1,393
Reforested Area	998
Active Area	4,232

998 hectares out of the mine's total of 5,752 hectares under operation have been recovered. We have some reservations about the conditions of these recovered lands, given that the area was previously more than just grassland. We may hope that the land's enormous capacity for recovery of life in all its complexity will be

1 Interviews with former employees of the Company mention the Company's lack of will regarding land recovery, evident also in the slow pace of recovery activities.

2 Intercor, "Informe de gestión ambiental," Segundo Trimestre de 2002 (Albania, 2002), 32.

fulfilled a decade or two later in the areas that the company currently considers to be reforested.

Effects on the Ecosystem

The disappearance of the vegetation cover and the land that sustained it has caused the irremediable disappearance of the region's ecosystems. Although we have no systematic data on the environmental conditions of the zone prior to the beginning of mining operations 30 years ago, it is known that it was a fertile region, nourished by the Ranchería River that descended from the Sierra Nevada de Santa Marta, and that some parts of it contained forests of great ecological importance.

As exports have grown, the rate of land intervention has also increased. Three years ago the mine expanded into new areas, which had previously been occupied by peaceful settlements of Afro-Colombian peasant communities, which based their livelihoods on consumption of native plants nourished by the abundant water in the region. A forest inventory of the new mining areas reported forested areas of "high biological diversity" including secondary forests. Despite its focus on the potential for lumber extraction, the study indicates the ecological importance of these areas.

"We recommend avoiding the alteration of biologically important zones like the Tabaco Brook, the Bruno Stream, and the secondary forests, since these zones include an important wealth of flora and fauna."[3]

The study reported 90 species of trees belonging to 72 different genuses. Even though the study acknowledged the ecological importance of the zone, it also reported that the forests could provide 14,064 cubic meters of available lumber.

3 Gómez, Cajiao y Asociados, "Inventario forestal, nuevas áreas de minería, Informe final" (La Guajira, May 1998), 88.

Effects on the Water

"The Ranchería River is perhaps the richest and almost the only source of fresh water in the Guajira. According to environmental evaluations it is also the source most at risk of contamination by the coal industry. The process of coal exploitation has, in many cases, failed to provide means of environmental controls to protect the air, water sources, and the health of the inhabitants of the surrounding zones, including the indigenous people."[4]

The mine is located in the central Ranchería River basin. The alteration of a significant part of the river's activity has not been adequately evaluated yet. The water quality is monitored for Dissolved Oxygen (DO), pH, Five-Day Biochemical Oxygen Demand (BOD), and Fecal Coliform bacteria. This type of testing does not correspond to the kind of contamination that a coal mine causes. Coal and the overburden (surface soil) removed are essentially inert and insoluble. Thus, they would not create quantifiable impacts in any of the areas that are being measured.[5] This type of mining activity requires a different kind of environmental regulation. Existing regulations and testing regimes are methodologically inadequate.

Another important factor to monitor would be the fuel discharges into the river. It would be appropriate to implement some preventive controls on the discharges of greases and oils, especially into the region's underground water sources.

Environmental evaluation should be aimed at protecting the river from a broader and more holistic perspective. This would

4 Robert Dover, Marla Zapach, and Marta Rincón, "Estudio: impacto socio-cultural en los indígenas del sur de La Guajira, generado por la explotación minera del carbón" (University of Alberta- Censat Agua Viva, Bogotá, 1997).

5 The overburden may increase the levels of carbonates or other water-soluble minerals in the water. Water contamination reports do not show high levels of hardness.

enable the protection of a river basin that 300,000 people depend upon, and which is indisputably affected by the mining operation.

Existing research does not examine the loss of the water volume as it crosses the deforested zone, with high levels of evaporation and leaching. Nor has it attempted to quantify the impact of the radical change currently underway on the river's eastern bank, visible in the massive deforestation and the reorientation of surface streams.

The communities recognize the enormous importance of this resource for the life of the department. A study of the impact of the coal industry on the indigenous communities states that "water supply has been one of the most critical problems in the Upper, Central, and Lower Guajira. The water problem affects the entire region, not only the indigenous communities, but all of the population."[6] There is an urgent need for a complete study of the river basin to determine the impact of the mine, and to conclusively determine the causes of the exhaustion of the Ranchería River.

Effects on the Air

The case of Puerto Bolívar

Although most of its activities are concentrated in the Cerrejón Zona Norte, the mining operation also has important effects in the region of the port where the coal is loaded for export. The stockpiling and loading of the coal create large amounts of dust. An indigenous community was displaced for the construction of Puerto Bolívar. Since then the Wayuu community has refused to leave the area and it coexists precariously with the port activities. Part of the population lives in subhuman conditions isolated by a

6 Dover, Zapach, and Rincón, "Impacto socio-cultural."

fence surrounding their community, but they refuse to leave their land.[7]

The lack of social services in the communities and the absence of natural barriers that would protect the community of Media Luna from the coal dust create a high level of exposure to environmental conditions dangerous for health and for the way of life of the inhabitants.

Although the emissions measurements consistently fall within established norms for maximum concentrations of particulate matter, there are serious doubts about the veracity of their findings, considering the following facts:

- The evident lack of objectivity and reliability of measurements carried out by personnel affiliated with the mine, with no oversight to guarantee that they use and follow methodologies appropriate to the situation.
- The norms for particulate matter were established in 1982 (20 years ago), meaning that revisions in the standards for allowable particulate matter have not been incorporated. Therefore, it is uncertain how appropriate the norms are for the particular circumstances.
- There are problems with the distribution of the environmental monitoring stations such as temperature inversions, and proximity to roads, that lead one to believe that the results of the monitoring system are not highly reliable.[8]

7 Although from a Western perspective moving to a new area is not considered traumatic, Wayuu communal life is intimately linked to the land. To leave the land is to cease to exist as a community and a culture; it is to reject one's ancestors and deny the very meaning of one's life.

8 José Miguel Dau, "Modelación del material particulado suspendido total de Puerto Bolívar para el año 2000," (Universidad de La Guajira, Ingeniería del Medio Ambiente, Riohacha, 2002), 72.

The above problems suggest that the Wayuu indigenous community that lives in the port is at risk, especially the families who refuse to abandon their lands and who are inside the immediate area of influence within the port.

In addition, the expansion of the mine to a final capacity of 41 million tons a year will radically affect the environmental conditions of the region. The communities that live near the mine will have to leave their lands because of the destruction of the natural environment caused by the uncontrolled generation of coal dust.

The people we interviewed in the indigenous communities reported serious deterioration in their health situation. They relate the beginning of the mining operation directly with the appearance of respiratory and auditory problems, especially among children and the elderly. We conclude that the local environmental problems have not been studied adequately, even though they have an enormous impact on the neighboring communities. Their effects would only be truly visible through epidemiological and mortality rate studies.[9]

Social Aspects

Social structure in La Guajira

Prior to the construction of the mine, the Guajira was characterized by a low rate of population growth and high levels of emigration and mortality, due to the difficult living conditions in the north and center of the region. From 1985 to 1993, however, there was a drastic increase in the population, about 8 percent a year. During this period, approximately 161,350 people, or 46 percent of the current population, arrived. These arrivals are related to the growth of the mining activities, even though only about 9,000 are directly employed in mining.

9 Unfortunately, these reports cannot be compared with information from the departmental Health Ministry, which ignored our repeated requests for information when informed of the purpose of our study.

The mine cut its workforce from 9,300, in 1988, to 4,600, in 1996, which corresponded to lower rates of population growth during the 1990s. The Department's social indicators are clearly related to the mine's activities.

The mine's activities did not ameliorate the problems of poverty and social exclusion in the region. Because the workers have been immigrants from other regions of the country, the native population did not even benefit through access to jobs. Rather, the new situation has accentuated the problem of marginalization and social exclusion for the natives of the Guajira.

In the 1980s the region was predominantly indigenous. The continuous immigration of alijunas and the difficult environmental conditions, aggravated by the mining operation, have significantly affected the lifestyle and population growth of the indigenous population.

Despite the difficulties, the Guajira's approximately 140,000 Wayuu constitute the largest indigenous population in Colombia. The ethnic group extends beyond national borders into Venezuela, where about 160,000 Wayuu live.

Forced displacements

The mine has a voracious appetite for land: it consumes about 600 hectares per year. This has led to all kinds of conflicts with the communities. The communities report collective displacements that have been carried out under disadvantageous conditions for peasants and indigenous people, who have not had access to the state's legal and economic procedures.

The abuses recently carried out against the community of Tabaco stand out. Tabaco's residents were displaced under completely unacceptable conditions. Cira Ortiz, a noted community leader, describes the constant unjust treatment that the population has experienced since the mine began its operations. Residents describe forced displacement based on unjustified practices ranging from the

drying up of local streams to the use of the "public" forces (army and police) to violently remove the inhabitants.

The mine claims that it has offered substantial reparations, and that it has allocated $7.7 million U.S. dollars for this purpose.[10] The communities, however, know nothing about it. They do not even know how much this would be worth in pesos. The community's demands for reparations, which were never fulfilled, come to approximately $3.5 million (USD). In fact, the community of Tabaco only received $350,000, according to Intercor's own records.[11]

The campesinos of the Tabaco region did not oppose the mine, for they recognized the extent of the company's power. Nevertheless, they have consistently asked for a decent relocation that accommodates their lifestyle. The campesinos in the region have asked to be relocated to lands where they can continue to farm and to raise animals. However, the company's logic, despite its reliance on professionals like sociologists, has been to provide reparations in cash, to people who have never earned more than the poverty level.

Although the Colombian Supreme Court ruled that the families had been unjustly and forcibly displaced, the Hatonuevo city government did not interpret the ruling as applying to the community as a whole. The struggle of the people of Tabaco and the other communities in the region for adequate reparations for the damages they have suffered continues.

Many communities also gave testimony about the environmental degradation they are suffering from because of the effects of the mine, although Corpoguajira denies that these effects exist. (Corpoguajira is the local government agency in charge of environmental and natural resource issues.)

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10 Letter from Anglo American explaining its social policies, April 5, 2002.
11 Letter from Intercor, 2001.

Although in some cases the company has carried out negotiations and consultations as prescribed by law, it has taken advantage of the communities' inexperience and fragility in this process. Several studies have shown the enormous inequity in experience and power underlying these negotiations. The native populations have always been the losers.

For example, when the company was in the process of obtaining the necessary permits for its mining activities, it gained legitimacy by offering a development program that would provide public services like education, health, farming, and recreation infrastructure. Nevertheless,

"After several years the indigenous authorities have reflected on the procedure used in this consultation. They have concluded that there was no conscientious consultation with the communities, because the leaders did not have any information. In addition, there were intergenerational conflicts within the communities-power struggles that turned out to favor the mining company, as it got what it wanted without any objections."[12]

Thus, the circumstances of the negotiations and the giving up of lands should be reviewed. It is urgent to find mechanisms that allow the communities to define their real interests, and arrive at appropriate positions and mechanisms in order to defend their rights and demands.

12 Gladys Jimeno Santoyo, "Possibilities and Perspectives of Indigenous Peoples with Regard to Consultations and Agreements Within the Mining Sector in Latin America and the Caribbean: Thematic Exploration," (North-South Institute, August, 2002), 55. http://www.nsi-ins.ca/english/pdf/colombia_final_report_eng.pdf.

El Cerrejón and its Effects: a Socioeconomic and Environmental Perspective, 2004

*By Jaime Ernesto Salas Bahamón**

Translated by Aviva Chomsky

Positive Effects

Economic Aspects

Gross Domestic Product: The 3.5 percent GDP growth rate in the Guajira prior to Cerrejón was lower than the national average. The mine's opening reversed the situation. Since 1985, the Guajira's per capita GDP has been higher than that of the Caribbean region and that of the country as a whole. Between 1980 and 1994, the Guajira's growth rate was consistently above the 11 percent national average.

Exports: Coal was Colombia's second largest export in 2001, ranking above even coffee. Cerrejón supplies about 50 percent of Colombia's coal exports, and about 5 percent of the country's

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total exports. Exports contribute to currency stability, helping to control devaluations by maintaining a stable balance of trade, and contributing to lower interest rates on foreign debt. They also contribute resources that invigorate the economy.

Royalties: Between 1985 and 2002, Cerrejón generated over 500 billion pesos (US $240 million) in royalties, contributing a significant proportion of the departmental budget and the budgets of the mining municipalities like Barrancas, Hatonuevo, Maicao, and Albania, as well as Uribia, which includes the port. In the case of Barrancas, for example, royalties represent 50 percent of the general municipal budget.

Foreign investment: Cerrejón invested about US $3 billion in the early 1980s in infrastructure like housing, roads and airports for the mine and the port, mining equipment, the railroad, and other investments. In 1999 the company also invested in expanding its coal crushing and transport capacity, which along with its other purchases came to around $80 million. In 2000, with the sale of Carbocol and the purchase of equipment, Cerrejón attracted about $400 million in investment, representing one fourth of all foreign investment in the country. Since then Cerrejón has accounted for about 5 percent of the country's total foreign investment.

Contracted services and purchases: The company spent over 2 trillion pesos ($770 million) in domestic contracts and purchases, between 1982 and 2002. Some 245 billion (US $120 million) of this was spent in the Guajira. Principal purchases included fuel, mining equipment, support equipment, vehicles, tires, emulsion explosives, and safety and personal protection equipment. Contracted services included private security, cleaning, food services, hotel administration, mining equipment maintenance, and plumbing services. Most of these services were contracted with domestic companies, many of them in the Guajira.

Institutional development: The company has contributed over 2 billion pesos ($900,000) to Colombian government agencies like the Social Security Institute (ISS), Health Promotion Services (EPS), the Family Welfare Institute (ICBF), and the National Training Service (SENA). In the Atlantic coast, Cerrejón has pioneered cooperation and training agreements with the State, contributing resources to building modern facilities for the SENA in Riohacha and developing training programs that have prepared technically qualified employees for Cerrejón and the rest of the region.

Attraction of services to the region: Travel agencies, banks, supermarkets, telephone companies, EPS offices, Pension Funds, and other related services have all opened offices in the region due to Cerrejón's presence. These agencies benefit the population in diverse ways. For example, the bank serves only company workers and contractors, while telephone companies like Telecom, Orbitel, and cellular phone services benefit the local community, because they provide services that did not exist previously.

Taxes: The company has contributed over a billion pesos in taxes to Barranquilla and Bogotá since 1982, including industry and commerce, land, and vehicle taxes. The Guajira Department has received 8 billion pesos in taxes from the company over the same period. Including income taxes, the company's total tax contribution between 1982 and 2002 comes to 250 billion pesos (US $120 million).

Social Aspects

Reduction in the level of the population with unsatisfied basic needs (NBI): Due in part to the company's royalty payments, the NBI rate in the Barrancas Municipality declined from 90 percent in 1973 to 44 percent in 1993. This is the greatest reduction in NBI rate in the Department.

Jobs, wages, and benefits: The mine generates 7,000 jobs, including 4,000 direct employees and 3,000 subcontracted

positions. 55 percent of these workers come from the Guajira, 32 percent from the Atlantic Coast region, and the rest from other parts of the country. Fewer than 1 percent of the company's employees are foreigners. The company pays about 300 billion pesos (US $140 million) in wages and benefits every year, which means that Cerrejón contributes 500 million pesos (US $240 million) to the demand for goods and services in the Guajira every day. Other important benefits include 1 million pesos (US $45,000) per semester for university tuition for workers' children, and no-interest loans to workers for university education.

Contribution to the non-profit sector: Cerrejón provides one of the largest and strongest employee savings funds in the country, FONDECOR, which funds training, recreation, sports, and insurance programs, as well as events and fairs. The fund's social welfare program supports scholarships for outstanding students. Other projects, like the Intercor Workers Cooperative (Cootraintercor) and the Cerrejón Miners' Cooperative (CoomiCerrejón) provide home, vehicle, and student loans, as well as school materials. Thus, Cerrejón contributes to the third (non-profit) sector of the economy, as formalized in Law 454 of 1998. (The first two sectors of the economy are the public and the private sector.)

Education and training: As part of its personal and professional development program, Cerrejón continually offers courses in conflict resolution, technology, ethics, environmental management, and industrial health and safety. For example, the company promotes the use of appropriate sports equipment in order to reduce sports injuries. The company also maintains an experimental farm, Paici, which trains indigenous groups in raising goats and farming techniques.

Construction and infrastructure: Cerrejón has contributed to the construction and paving of the road from the mine to Cuatro Vías, to the paving of the Cuatro Vías-Uribia road, and to maintenance of the Uribia-Puerto Bolívar road. Cerrejón also

built the 110-volt transmission line from Cuestecitas to Puerto Bolívar, which enabled the construction of the Jepirachi wind farm project. This wind generator was inaugurated at the end of 2003 by the Public Enterprises of Medellín, and is one of the most important renewable energy projects in the country, with an installed capacity of 20 megawatts. The mine has also participated in the construction of the Municipal Educational Resources Center (CREM), and invested in equipping the Riohacha and Barrancas hospitals' emergency rooms.

Cerrejón Foundation and Our Lady of Pilar Foundation: The Cerrejón Foundation provided about US $10 million in individual and solidarity (collective) loans. The Our Lady of Pilar Foundation invests close to a million dollars a year in basic sanitation, training, and other programs.

Environmental Aspects

Knowledge of the environment: As a result of the Cerrejón project, a wide variety of environmental studies have been carried out on topics including marine ecosystems in Bahía Portete, howling monkeys, benthos (sea-bottom organisms), periphyton, and fish populations, birds, reptiles, and soil use. Climate stations have been installed and in general much more is known about the region's environment because of the mine's existence.

Air quality monitoring network: This network, built by the company, has clarified the true levels of dust generated by the project, as well as measuring the effects of other local sources of dust generation, like high traffic on unpaved roads, or cooking fires and open-air trash burning. Even though Colombian law did not require it, the company installed PM 10 (particulate matter smaller than 10 micrometers) monitoring equipment in compliance with U.S. law, which imposed higher standards than did Colombian law.

Recycling: The company's recycling program has created eight jobs and, through educating workers, contractors, and the

neighboring community, raised awareness of the advantages of recycling inside and outside the company. The program has contributed to creating markets for recyclables in the region, making recycling more economically viable for neighboring communities. For example, organic food waste is being used as fodder by a nearby pig farm, thus creating further indirect employment.

Soils: An open-pit mine's main environmental impact is the changes it brings about in the landscape and soil use in a large area. Cerrejón has carried out research on the most effective manner to rehabilitate areas that have been mined. This has required the study of the most resistant types of plants with the greatest level of adaptation to the climatic and soil conditions of the region. This knowledge has been spread to the community through workers, subcontractors, officials from other businesses, and environmental authorities, allowing it to be used in other similar projects. As part of the process of land rehabilitation, the company has developed erosion prevention techniques, which address one of the most serious problems confronting agriculture in the Guajira. Among other activities, the company maintains a nursery for experimenting with different plant species for the rehabilitation process. These activities have the potential to be used in the region for the reforestation process in the Ranchería River Basin.

Negative or Unsatisfactory Effects

Economic effects

Materials and contracts: Only 10 percent of the project's annual purchases and contracts take place in Colombia, and only about 1 percent in the Guajira. Although the national and regional markets have limitations, the company has not maintained a policy of trying to find local sources for goods that it imports

from other regions and other countries. Some products, like mining equipment, tires, and spare parts, must be bought from abroad because they are not produced in the country. But in some cases, regional products could be substituted for imports. For example, staff uniforms are generally contracted out to large companies in Colombia's major cities, even though there are several companies in the Guajira that could supply them. There has been little increase in the proportion of goods supplied by the Guajira over the course of 20 years of mining operations.

Social effects

Relocations: When communities are relocated by a large enterprise like Cerrejón, their way of life is irrevocably changed. Although companies generally provide compensation in the form of money and building new houses, such economic compensation does not prevent negative effects on the culture and customs of the people who are forced to leave their land. One notable case is that of Viejo Oreganal, a town that had to be relocated in order to develop the Oreganal coal pits in the Cerrejón Central area. The new town, located next to Papayal in the Barrancas Municipality, is known as Nuevo Oreganal.

The case of Tabaco presents an even more dramatic example. The company's negotiations began relatively late, and were further delayed by some of the homeowners who sought to obtain greater economic concessions by taking advantage of the company's need to have access to these areas in order to expand. The company was then obliged to resort to legal means of expropriation, which resulted in tensions when the community saw that some of its members were forcibly removed from their homes. While it may be true that the company's acts were in accordance with the law, this did not prevent the negative impact on certain families and the generally disagreeable atmosphere created. In addition, the

company compensated the expropriated families with money, which may not have been the most appropriate way to compensate people who had never earned more than the minimum wage.

Employment: There is insufficient native participation in the labor force. According to the company's 2002 Social Report, 55 percent of the work force comes from the Guajira. The company's figures do not indicate how many indigenous people it employs, but our figures show that indigenous people comprise less than 1 percent of the workforce, while they account for 30 percent of the department's population.

Raised expectations: The immigration of new people causes changes in the living standards, the security situation, and the customs of the communities near the project. This process has been particularly noxious for the surrounding communities. Expectations about the mine's expansion and possible purchase of new lands have brought many people to Patilla and Chancleta to build a large number of houses with no specifications and no inhabitants, in hopes of profiting if and when the company needs to negotiate for those plots, either because it needs to open new pits, or because environmental authorities order it to relocate the populations as a means of mitigating the environmental impact.

Indigenous communities: Even though the Wayuu represent one third of the population of the Guajira, and the railroad line and parts of the mining operation border indigenous resguardos, the total investment of the Paici program between 1982 and 2002 has been about $5 million, in 2002 prices, which represents about two and a half days of coal production. The Wayuu in the south of the Department live in five resguardos: Zaino, Trupiogacho, Lomamato, Provincial and San Francisco. Some of these have been affected by dust, noise, and other impacts. The mine does not employ their inhabitants, and the benefits the mining operation has brought to their communities could be considered insufficient.

Railroad and train: Over 20 Wayuu, and unknown numbers of goats and other livestock have been killed by the train. Some say that in certain cases people have found the train to be a quick method of suicide, when faced with family problems, despair, self-esteem crises, or the effects of *chirrinchi* (a local alcoholic beverage). Nevertheless it must be acknowledged that the railroad and the passage of the train represent a security risk that did not exist before. Because of these cases of people, livestock, and vehicles hit by the train, and the fact that members of the community have frequently come forth to demand reparations for their losses, the company has had to dedicate a High Rail vehicle to inspect the line prior to the passage of the train, which has reduced the number of such cases to a minimum.

Restrictions on movement: The creation of the mining areas has affected the natives' freedom of movement. The paths that they formerly used to travel among their communities have been permanently interrupted. The ability of the indigenous resguardos to trade with other towns has been affected.

Dust generation: One of the most significant environmental impacts on the surrounding community has been the generation of particulate matter, due primarily to the traffic of equipment and vehicles along the mining roads. Although the levels of particulate emissions as measured by the company's monitoring network are within the limits stipulated by national and international law, the dust clearly affects nearby communities that are downwind of the project, like the indigenous resguardos of Provincial and San Francisco. In Puerto Bolívar, the dust affects the Wayuu community of Media Luna, which is very close to the port operations. According to reports by the Health Departments of Hatonuevo and Barrancas, the principal cause of morbidity in their districts is acute respiratory infection, which affects children above all. Although contamination from the mine is not the only cause, it probably plays a role in this situation.

Gas generation: The mine creates gases through the operation of its machinery. Because of the size of the area involved, these gases are barely perceptible in the nearby communities. The gases created by the auto-combustion of the coal are different. In all of the open pits, layers of coal catch fire spontaneously and generate sulfur oxides, nitrogen oxides, and carbonic gas, among others, which are clearly perceptible in the surrounding areas. The auto-combustion increases when it rains. Neither the company nor the environmental authorities have taken responsibility for controlling this phenomenon.

Use of the land: The project's occupation of about 7,800 hectares of land has altered the landscape, displacing flora and fauna. During the rainy season, the run-off flows directly into the river because the vegetation that absorbed and regulated the water has been replaced by a network of drainage canals. Several animal species have been displaced from their habitats. Residents comment that the iguana has disappeared from the mining area because so much of the iguana population was displaced. The howling monkeys had to be relocated from the areas into which the mine expanded. Other common species that have been displaced, resulting in a possible reduction in their presence in the region, are anteaters, rabbits, and birds.

Vibrations: Daily explosions in the pits use over 200 tons of emulsion explosives to break up the layers of earth and rock that are layered among the coal seams. This activity creates vibrations at the surface. The company has been sued by residents of nearby towns like Papayal, Patilla, Chancleta, and Tabaco, because of damages to residents' homes. Although the company contracted a study which showed that the damages to the homes in Albania and Tabaco were due to the low building standards and the poor quality of the clay soil, it is indisputable that the blasting has effects that are perceptible in the nearby communities.

The Ranchería River: It is likely that the mining activities and consequent deforestation have contributed to a deterioration in the Ranchería River Basin. Streams and water bodies like the Aguas Blancas Stream and the Tabaco Brook have been altered. The project is probably affecting the hydrological cycle of the Ranchería River Basin and contributing to desertification. Even though the company is carrying out a rehabilitation process on about 1,800 hectares of land, environmental authorities have not determined the appropriate specifications for rehabilitation that will address the needs of the community, the physical environment, and the company. In addition, in spite of the fact that the company monitors the effluent of domestic and industrial waste water, during the rainy season the waste water from the explosives plant contains traces of ammonium nitrate, while the wastewater from the wash plant contains grease and industrial oils, and traces of fuel and coal.

Human Rights and Health Reports

A Legal View of the Case of Tabaco

*By Armando Pérez Araújo**

Translated by Aviva Chomsky

What I would like to do in this essay is to shed light on some of the most important and disconcerting aspects of the extremely serious events that occurred in Tabaco. These events are still unknown and hidden in some corners of the universe, but I feel that it is essential that national and international public opinion be made aware of them.

The case of Tabaco, known internationally as "the destruction of Tabaco," and the abuses committed by the Riohacha District Attorney against me, Tabaco's lawyer, imprisoning me without charges in a clear case of judicial corruption, have both received international attention, as a result of the solidarity campaigns carried out by NGOs in Europe, Asia, Africa, Canada, and the United States.

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* Armando Pérez Araújo, the lawyer representing the communities affected by the Cerrejón, is a member of the indigenous organization Yanama and the Mines and Communities Network.

Personally, I have stood side by side with the community since even prior to August 9, 2001. It is always difficult for me to say what is, or has been, the worst of the abuses in the Tabaco conflict. Was it the way that the planning and actual destruction of the town was carried out? Or was it what followed, as we struggled to have the Colombian Supreme Court decision ordering the reconstruction of the town, and the reweaving of its social fabric, carried out? Although we have been supported by international solidarity, and to a certain extent by some sectors of Colombian society, the exorbitant power of the mining companies and the prostration of the authorities have meant that the 2002 court sentence has still not been carried out. Our judicial triumph, rather than changing the course of the history of this conflict, has reinforced it. Nobody can understand how, five years after the Colombian court weighed the dignity of the Colombian justice system against the arrogant power of the mining companies, the balance continues to come out in favor of the companies. The Colombian legal system has not worked. As far as fulfilling the court's sentence is concerned, Colombian law lost out to the mine's power.

To understand the beginnings of the government maneuvers that led to the progressive irrational attacks on Tabaco's social and legal existence, we must begin by recalling that it was the Ministry of Mines and Energy that did something unheard, of on February 18, 1999, when it passed Resolution 80244 "decreeing the expropriation of a plot of land."

The "plot of land" that the dishonest document referred to was the social, geographic, and legal entity of the town of Tabaco, in the Hatonuevo Municipality. The legal documents hid, avoided, and disguised this fact, in a clear maneuver to undermine the fundamental rights of the property-owners there, as well as the essential collective rights and interests of the people who lived in this peasant community.

According to Colombian law (Article 183 of the Mining Code), a request for expropriation must indicate the "name, address, and residence of the owner or possessor." The request approved by Resolution 80244 obviously does not include these pieces of information. It thus violates the essential procedural obligation of determining the identity of the person who will be affected by the expropriation and allowing that person to mount a defense against it. Therefore the resolution represents an incredible and unacceptable violation of fundamental due process.

There is no way that the Ministry of Mines and Energy could have fulfilled the provision of Article 184 of the Mining Code that refers to the "inspection and examination of the good or goods whose expropriation is being solicited." It is not registered in any document that the property solicited was not a plot of land in the strict sense of the term. Rather, as was evident and can be clearly demonstrated, it was a town. As such, it contained all of its residents' different rights and obligations: public spaces and public property, among other things, and was the site of an active, loud, and public conflict with the mining project that had begun well prior to this administrative action.

If the Ministry of Mines and Energy had actually fulfilled its legal obligation and carried out the study and inspection called for, it would have discovered that the expropriation would inevitably affect the cemetery, the church, the school, the Telecom office, and the town's plazas, roads and paths, as in fact occurred. If the Ministry had investigated the situation beforehand, it would have created an even more extravagant and unprecedented situation, legally speaking, and constituted a severe violation of human rights. Subsequent events confirmed the unprecedented nature of the expropriation, and the violations of human rights that accompanied it.

The main, and surely one of the first, unsettling factors in Tabaco's saga comes from the national government, through the

then Minister of Mines and Energy, Carlos Caballero Argáez. Caballero Argáez, in a clear flouting of national laws, authorized and promoted the administrative phase of the improperly-tagged "expropriation" of what was disingenuously termed "a plot of land called Tabaco." The process willfully turned a blind eye to the evidence of Tabaco's legal, social, and political existence. The town was a fully-functioning institutional and social entity, with all of the administrative and political apparatus of a lively Afro-Colombian community. It enjoyed public authority in the form of a *corregidor* (district authority below the level of mayor), public government offices like the school, health post, and Telecom office, a church, a cemetery, streets, roads, parks, a plaza, gardens, houses, animal pens, and, obviously, human inhabitants.

Neither the town of Tabaco, through its legal representative (in this case, the corregidor), nor the humble and humiliated inhabitants of this Afro-Guajiran community as individuals, ever had the opportunity to exercise their constitutional, elemental and sacred right to defense. One of the most notable characteristics of the insane administrative procedure was the secretiveness maintained during the preparation and execution of the process. Under these conditions the "plot of land called Tabaco" was declared necessary for public and social use. The terminology suggested that the "plot of land" was an uninhabited rural area. It ignored the physical existence of an organized human community. The authorities trampled, with full knowledge of what they were doing, on the fate and the dignity of an important group of Afro-Colombian citizens.

Once we became aware of the unwarranted and vile attack on the social and juridical structure of Tabaco, we who have had the opportunity and the honor to do so have taken on the defense of this community in every way possible. We have petitioned the relevant authorities to revoke the illegal, unjust and arbitrary administrative act that set the process into motion. Invariably, we

have received a negative response that left us no doubt that we were facing a formidable web of lies designed to defend the illegal mining operation at the cost of the social stability of an obviously fragile community. This unacceptable situation led us to bring criminal charges against the two ex-Ministers involved, Carlos Caballero Argáez and Luis Carlos Valenzuela. The District Attorney's office made an inexplicable motion before the Supreme Court to dismiss these charges. That is to say, the charges were buried, along with any hopes of obtaining a timely and just resolution.

Another important battle, in which we have been witnesses and participants, has been for relocation. This battle aims to avoid Tabaco's utter and final disappearance. We have registered many types of legal complaints and appeals. The community of Tabaco has naturally demanded these two results: relocation, along with the elemental right to compensation for the damages it suffered.

All of the communities displaced by the mining operation have the same goals. But the mining companies, with no justification, have unreasonably clung to their position. Hernán Martínez, when he was president of Intercor, wrote to the Social Committee for the Relocation of Tabaco that he understood relocation as an individual act: a person could sell his property and "relocate" to another spot. This was a clumsy and irresponsible response. Even more irrational, given that the mining companies, through their agents, have rejected the possibility that eventually relocation, as we understand it and have officially requested it, could be carried out with the authorization and the financial resources of the Colombian State.

They are denying the government itself the right to fulfill its constitutional obligation to serve the community and promote the prosperity of the population, an obligation consecrated as one of the *essential obligations of the State* in the Constitution's Article 2. The author of the schizophrenic letter [redefining

"relocation"], who has defended tooth and nail something that has caused so much harm to society, to Colombia's institutions, and even to the public image of the mining companies, was recently rewarded for his achievements: in the summer of 2006, President Álvaro Uribe Vélez named Martínez Minister of Mines and Energy.

Health and Health care Solidarity: La Guajira, November 2006

By W. T. Whitney, Jr. and Timothy Bood***

Sickness and premature death are correlated with poverty and attendant deficits in nutrition, education, and access to health care. Vulnerabilities are magnified when struggles for survival take place within a context of conflict.[1]

In the northeastern Colombian department of La Guajira, long oppressed indigenous Wayuu and Afro-Colombian peoples living in proximity to the Cerrejón Coal Mine are fighting to survive and to maintain their communities in the face of mine owner pressure for their removal. Additionally, air contaminated with particulate matter from the large open pit mine is suspected of contributing to sickness and early mortality. The assumption

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1 "Realizing the Right to Health in Chiapas, Mexico," Report produced by Physicians for Human Rights and by CCESC and ECOSUR (Chiapas). See also Fitzhugh Mullen, "Affirmative Action, Cuban Style," *New England Journal of Medicine*, 351: 2680-2682, December 23, 2004.

here is that together these factors exert major adverse effects on the health of the population under study, from both the short and long term points of view.

The setting is ripe for the provision of humanitarian relief, and calls too for measures of solidarity with people in struggle. Past experience elsewhere indicates that in La Guajira the provision of material aid and humanitarian assistance serves as currency, indeed as a tool, for the expression of solidarity.[2]

Leaders of the Wayuu and Afro-Colombian communities, joined by Sintracarbón unionists, requested that health workers join a delegation of activists organized by the North Shore Colombia Solidarity Committee visiting their region in early November 2005. Community and union leaders hosted the delegation which visited the affected communities in their small villages next to the mine and in nearby towns, where people displaced by the mine owners were living.

The health workers were asked to conduct a health survey and to carry out medical assessments and consultations. The three person contingent joining the group included a generalist physician from Nova Scotia with extensive medical experience in Central America, a physician from Colombia presently studying public health at Columbia University in New York, and a retired pediatrician from Maine.

We took as our goals:

- The Identification and evaluation of pressing medical needs of individuals;
- A look at patterns of illness and disability peculiar to the population of the region affected by the Cerrejón coal mine;

2 Mullen, "Affirmative Action, Cuban Style."

- An assessment of the health care resources available to the population.

Two of the physicians interviewed and examined individual patients. The other devised and administered a questionnaire as part of a health survey. Medical clinics were held in five Guajira villages: Chancleta, Patilla, Albania, Los Remedios, and Media Luna (Puerto Bolívar). All are communities located close to the coal mine, and its immense mountains of waste, or "overburden," with the exception of Media Luna, which is located next to the port where coal is loaded onto ships for export.

The participants were hopeful that information gained during three days of medical encounters might be useful both to Sintracarbón representatives preparing to negotiate with the mine owners, on behalf of the communities, and to the communities and their leaders working toward improved health care. The information may be of interest also to North American supporters of the affected communities, as they devise strategies for assistance and solidarity, especially in the area of health care.

The following observations are submitted:

_ The range of symptoms—respiratory problems, abdominal pain and diarrhea, fatigue, and skin ailments—was similar to other impoverished areas of Latin America, with the exception of more frequent complaints of eye irritation, skin rashes and respiratory complaints. In fact, in the community of Media Luna, where particulate matter pollution was thought to be the worst, we were told that "everyone has a cough."

_ Many people complained that using river water to wash clothes caused skin rashes.

_ Others complained that goats and chickens would easily become sick and die at higher rates than normal.

_ Several complained that a foul-smelling cloud would descend on their communities with rainy weather, presumably methane

and/or sulfurous gases caused by auto-combustion of coal dust, a well-known phenomenon. Exposure to this toxic "cloud" would cause nausea and headaches.

Families and individuals were unable to identify regular sources of health care except for hospitals in Albania, Maicao, and Barrancas. They were unable to provide the names of health care providers or evidence of immunizations.

Specific questioning gave rise to the conclusion that sick people characteristically have failed to return for medical follow-up to hospitals and health centers. They do not obtain prescribed medicines. The failures reportedly were due to lack of money and transportation.

Questioned by the physician, most parents and caregivers of children indicated that they do not engage in income-producing labor. The quality of care provided by families for their children in the face of marked privation, isolation, and marginalization, seemed to be extraordinary.

The few persons examined who were afflicted by chronic illness or disability were receiving apparently inadequate health care, in terms of social support, ongoing medical follow-up, and families' understanding of particular disease states. Two severely affected mentally retarded young people, for example, may never have been fully evaluated and have never attended school. A child with recurring convulsions had taken no anti-seizure medicines. A 50-year-old man suffering from chronic obstructive lung disease understood little of his debilitating disease, provided no evidence of adequate ongoing treatment, and lacked medical care other than that provided episodically by a distant hospital. Caregivers of the children and adults with medical problems were eager for explanation as to the causes and nature of illnesses.

In two instances, progress toward evaluations of complicated pediatric problems appeared to be stalled. An infant was seen presenting with chronic diarrhea and failure to gain weight. She

remained undiagnosed despite two hospitalizations and a physician's suggestion that the baby may be infected with the HIV virus. With that diagnosis neither confirmed nor rejected, the baby's mother was having to endure a purgatory of fear and hopelessness. Similarly, a previous physician's finding of a heart murmur in a school aged child, one that by examination probably represented a congenital heart defect, had not led to the pursuit of a definitive diagnosis. A 16-year-old with a disfiguring corneal scar on his right eye had never been offered a prosthetic replacement.

Other observations coming from the experience of providing medical care in La Guajira include:

- Separation from sectors of society where employment and educational opportunities are available and where health care exists, even if it is not readily available, suggests that isolation constitutes a significant impediment in access to health care for rural residents of the Guajira.
- Streams and river waters used by communities living in the Cerrejón area reportedly are polluted. The air that they breathe is contaminated by high levels of particulate matter. Environmental contamination almost certainly contributes significantly to the sum of ill health and disability affecting inhabitants of that part of the Guajira.[3]
- The probability is great that people in the area suffer from undernutrition, or worse. They are impoverished, and Cerrejón Company agents have deprived them of land that formerly served as gardens and as pasture for cattle, sheep, and goats. The necessity of securing food in an arid, semi-desert area likely contributes to nutritional deficits.

3 "Selected Key Studies on Particulate Matter and Health," American Lung Association, March 5, 2001.

- Adverse psychological effects related to the close proximity of private security forces, units of the national Army, and paramilitary elements are likely, in view of experiences under similarly oppressive conditions.[4]
- Background information as to people's living conditions, history, and community resources is lacking. Identification of gaps in knowledge may provide leads as to avenues of inquiry necessary for the planning and organization of solidarity work. Facts and data are needed regarding the population's education levels, literacy capabilities, and nutritional status. Epidemiological data relating to health outcomes are required, as is familiarity with the organization and range of existing health care services, including personnel. Acquaintance with Colombian NGOs and university outreach services active in the Guajira would be helpful; also familiarity with political support for the affected communities.

The findings noted above are the basis for some general recommendations regarding both improved health care for the communities affected by Cerrejón and support in their struggles. These recommendations include:

- The expansion of a corps of readily available health promoters, which is crucial, such as the nurse practitioners present in Los Remedios and Provincial. On a continuing basis, they would undertake health education, advocacy, first-contact medical care, and coordination of care. They would be skilled in teaching and community organizing.
- Community centered health councils should be formed to direct the formation and conduct of health care services.

4 Charles Clements, Witness to War, (NY, Bantam, 1985).

- Methods should be developed permitting ongoing contact between the communities and health care workers and activists in North America and elsewhere, including Colombia. They would undertake to assist the communities, and, if appropriate, Sintracarbón in developing a health care presence close to, or within the communities.
- Emphasis should be placed on identifying Colombian activists sympathetic to the cause of the affected communities and to the propagation of health care. Political organizations, labor unions, ethnic groups, and public health entities are likely resources. North Americans should organize delegations charged with specific tasks. They would include nutritional studies, educational surveys, medical care, the securing and analyzing of epidemiological data, studies of environmental health, and exploration as to unmet needs in early childhood education.

Campaigns should be organized for the donation of medical supplies and equipment for use in health care facilities in the Cerrejón area. Spanish editions of medical texts such as *Where There is No Doctor* and *A Community Guide to Environmental Health*, to be published this year by The Hesperian Foundation, would be useful. Solidarity relationships should be nurtured among other service providers in the area including teachers, rural nurses, nutrition workers, and sanitation experts.

This report attempts to identify lessons learned from our brief experience offering medical care to a few beleaguered people in northern Colombia. An effort has been made to differentiate that which is known from speculation and the unknown. The suggestion is that, under appropriate leadership, a campaign be initiated in North America and Colombia for the provision of medical assistance in the area of the Guajira affected by the Cerrejón Mine. The objectives would be humanitarian and

political. Task-oriented solidarity work might enhance the consciousness of participants, as well as accentuate the public visibility of the communities, in that way lending them a measure of protection. Essential to a campaign of support and solidarity is the gathering of additional information and knowledge.

Open-pit Coal Mining and Health; How Complaints of La Guajira Residents Correlate with Past Research

By Timothy Bood

The study of environmental health relies mainly on two primary disciplines: toxicology and epidemiology. Interpreting data in these two areas can be difficult due to such problems as the measurement of specific toxic agents, the long latency period of mutagenic or carcinogenic effects following exposure, and the confounding effects of intermittent or multiple exposures, to name only a few.

We know that increases in mortality and morbidity have been associated with contamination of the air. According to the American Lung Association, more than 800 new scientific studies related to the effect of airborne particles on human health have been published since 1996. Taken together, the studies confirm the relationship between contamination of the air by particulate matter (PM), illness, hospitalization and premature death.[1]

1 The American Lung Association, "Selected Key Studies on Particulate Matter and Health: 1997-2001."

Particulate matter: What is it and how is it measured?

Particulate air pollution is a mixture of solid, liquid, or solid and liquid particles suspended in air, which vary in size. Particles are sampled and described on the basis of their diameter, usually called the "particle size." Microscopic particles less than 10 microns in diameter (PM 10) can be breathed into lung tissue, causing respiratory disease and lung damage. Many experts believe that smaller particles (PM 2.5) may be more harmful to health.[2] Open-pit coal mines produce high levels of PM 10s in a variety of ways, including coal processing, topsoil and "overburden" removal, wind erosion and vehicle/machinery exhaust.[3]

Is there a safe threshold for particulate matter air pollution?

Both short-term and long-term exposure to ambient levels of PM 10 are consistently associated with respiratory and cardiovascular illness and mortality and other ill effects.[4] In addition, several studies show that children may be more sensitive to particulate air pollution than adults.[5] An analysis of data from the 20 largest U.S. cities from 1987-1994 regarding the effects of particulate air pollution and mortality showed no evidence of a safe threshold and the effects appeared to be linear down to the lowest levels

2 World Health Organization (WHO) Regional Office for Europe, "Air Quality Guidelines" (Copenhagen, Denmark, 2000).

3 T. Pless-Mulloli, A. King A, D. Howel, et al, "PM10 Levels in Communities Close to and Away from Opencast Mining Sites in Northeast England," *Atmospheric Environment,* 34 (2000), 3091-3101.

4 WHO, "Air Quality Guidelines."

5 World Health Organization (WHO), "Effects of Air Pollution on Children's Health and Development," WHO Special Program on Health and the Environment, Bonn, 2005.

studied.[6] A World Health Organization (WHO) paper on guidelines for air pollution standards came to the same conclusion.[7]

What are the health effects of particulate air pollution?

The American Lung Association has published an excellent review of the data on PM air pollution and its effects.[8] Some of the findings include:

- A strong association between PM air pollution and hospital admissions among the elderly for cardiovascular disease, pneumonia and chronic lung disease.
- Increased mortality rates for those with pre-existing respiratory or cardiac disease when exposed to high levels of PM 10s.
- Deficits in growth of lung function in children (a long-term effect).
- Consistent, positive association between PM10 levels and infant mortality.
- Increased rates of low birth-weight infants born to mothers exposed to high PM 10 levels.
- Increased emergency room visits and general practice consultations for children with asthma when exposed to high PM 10 levels.

Other studies confirming evidence for respiratory illness caused by PM pollution, include a study published in 1993 from

6 J. M. Samet, et al, "Fine Particulate Air Pollution and Mortality in 20 U.S. cities, 1987-1994," *New England Journal of Medicine*, Vol.343, No 24, pp1742-1749, December 14, 2000.

7 WHO, "Air Quality Guidelines."

8 The American Lung Association, "Selected Key Studies on Particulate Matter and Health: 1997-2001."

Liverpool, England. Students attending five schools within two kilometers of Liverpool's docks where coal is unloaded suffered more wheezing and coughing than students in ten other schools several kilometers farther from the docks.[9] A study from Wales found weekly rates for new asthma attacks increased from 4.4 to 7.9 after a nearby open-cast mine opened in 1990.[10]

How do complaints of residents of communities close to the Cerrejón Mine relate to the research?

Residents of the communities we visited presented the following health issues:

- High rates of respiratory complaints, from chronic cough to rhinitis and sinusitis.
- Frequent complaints of eye irritation and skin rashes.
- Complaints of nausea and headaches from a "toxic cloud" or fog which would come from the mountains of "overburden" or discarded earth and coal when it rained.

These complaints are in keeping with the known effects of PM pollution, especially respiratory disease. To quote a detailed report from the Department of the Environment in the UK: "Both short-term and long-term exposure to ambient levels of PM 10 are consistently associated with respiratory and cardiovascular illness and mortality as well as other ill health effects." It is a fact that dust in the eyes will cause irritation and pain. A review article based on 26 different studies, and published in the *Journal of the American Optometric Society,* found that the eye is vulnerable to air pollution, and that the ocular effects of air pollution are often missed by doctors when examining patients.[11] Also, skin rashes

9 Thorax, 1993, (Vol, 43, p. 417).

10 K. M. F. Temple and A. M. Sykes, "Asthma and Opencast Mining," *British Medical Journal*, 1992:305, p396-7.

11 J. Q. Klopher, "Effects of Environmental Pollution on the Eye," *Journal of the American Optometric Society*, 1989, 60 (10), 773-8.

are common in coal workers exposed to dust, and can be prevented by wearing protective clothing.[12]

The "toxic cloud" described by community members is likely due to spontaneous combustion of coal. A report published in the British journal *Public Health* documents an incident in which an open-cast mine in an unnamed region of the UK had accumulated 7,000 tons of coal over a period of five weeks. Villagers living downwind from the mine complained of a tar-like smell, as well as a " rotten-egg" smell. A few days later, complaints of upper airway and skin irritation were reported from the population.[13]

Recommendations from the report included the suggestion that evacuation of residents may be necessary in such cases. The gases present in this incident were thought to contain sulfur dioxide, hydrogen sulfite, bisulfite, carbon monoxide, and volatile organic compounds.

Is there monitoring of PM10s in La Guajira?

Colombian mining regulations require air pollution monitoring networks to protect populations from health problems, according to a report by Redaire, the Air Surveillance Network for the Aburrá Valley.[14] The Guajira mining corridor may have from 12 to 16 monitoring stations and air quality studies are conducted regularly. But according to the report by Redaire, "Quarterly reports are required but no technical audit had been done and it is common to find errors in site sampling and data collecting."

12 D. F. Scott, et al, "Disease and Illness in US Mining, 1983-2001," *Journal of Occupational and Environmental Medicine*, 2004, 46, 1272-1277.

13 U. Freudenstein, D. Crowley, and F. Welch, "Chemical incident management: gaseous emissions from a stockpile of coal," *Public Health*, 2000, 114, 41-44.

14 Red de Vigilancia de la Calidad de Aire en Antioquia, (Redaire), *Boletín Informativo* 13 (2003).

Conclusions

While independent monitoring of PM 10 levels in communities near Cerrejón would help in determining the degree of PM pollution, it is evident that contamination by the mine is causing health problems in residents who live in communities close to the mine. These health problems add to the many stressors such as poverty and unemployment with which the people there are struggling. A just resolution to the forced displacement and complaints of the communities near the Cerrejón mine clearly is the only solution to the current situation.

Health Conditions in Five Communities in La Guajira: Tamaquito, Roche, Patilla, Chancleta and Tabaco

*By Claudia Llantén**
Translated by Timothy Bood

La Guajira province (pop. 655,953) is located on the northern coast of Colombia, and is home to one of the largest open-pit coal mines in the world, El Cerrejón. This survey was undertaken in the northern zone of the mine, with the purpose of gaining a better understanding of the health conditions faced by the inhabitants of five communities: Tamaquito, Roche, Patilla, Chancleta, and Tabaco. All these communities are located close to the mine, with the exception of Tabaco, which was forcibly displaced in 2001. The majority of Tabaco's former residents now live in Albania.

The survey was undertaken during the last week of October 2006, by means of personal interviews in people's homes. The survey-takers went from house to house, interviewing the most knowledgeable person in the household regarding family health

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issues. All interviewees were at least 18 years old. We looked into the health conditions and illnesses of each member of the family, their access to health care services, and their opinions regarding the most serious problems affecting their community.

Interviewers were trained prior to conducting interviews, and were accompanied by the lead investigator during their first interview. Local community leaders were identified to accompany the interviewers (members of the North Shore Colombia Solidarity Committee delegation), and introduce them to the families. In Chancleta and Patilla we worked with members of the communities to conduct interviews. In Tamaquito, two teachers and a Wayuu community leader conducted interviews in the Wayuu language, as community members spoke mainly Wayuu.

A total of 142 families in five communities were interviewed using a questionnaire with 30 questions. We eliminated 12 interviews that were not done correctly, leaving a total of 130 household interviews. Each interview lasted approximately 30 minutes. In the communities of Chancleta, Patilla, and Roche, all households were interviewed, and two-thirds of the populations of Tamaquito and Tabaco (resident in Albania) were interviewed. We were unable to interview all community members in these two areas because in some households there was no one available to interview, or a household member chose not to participate. Information gathered was reviewed and a statistical analysis carried out. The relevant findings are described below.

Demographic Profile

The 130 households were comprised of 637 persons, 48 percent male and 52 percent female. 38 percent of the population was 15 years old or younger. With respect to ethnic groups, 100 percent of the population of Tamaquito described themselves as Wayuu, whereas in the other communities the vast majority described themselves as non-Wayuu or "alijuna." Members of these

communities were predominately mestizo or mixed race, and a small percentage was Afro-Colombian. Only 10 percent of the population of Chancleta households had someone with salaried employment at the time of the interview. We did not include this question in the other communities.

Health Conditions

54 percent of the people interviewed complained of having an illness at the time of interview, and of these, 37 percent reported having an illness of the respiratory system. This is a higher rate of respiratory illness when compared with previous studies in the entire province of La Guajira, which found 9.1 percent reporting acute respiratory infections and 1.9 percent reporting other respiratory illnesses. These are, respectively, the first and ninth most common complaints for outpatient consultation in La Guajira province.

The finding that respiratory illnesses are more common among residents living close to the mine is not surprising, given that according to the American Lung Association, "exposure to particulate matter is a cause of increased symptoms of irritation of the respiratory system such as cough, rhinorhea, and is especially harmful in cases of lung diseases such as asthma and chronic obstructive pulmonary disease." Studies from northwestern England, in regions where residents were exposed to air pollution from coal, showed a strong correlation between respiratory complaints and poor air quality. Other studies have demonstrated a relationship between pollution from coal and skin diseases. In the five communities studied here, 6 percent of those interviewed complained of skin diseases, compared to only 1.3 percent of the population presenting such complaints in the Guajira province as a whole.

In terms of health care, of the 52 percent who complained of a health problem at the time of the interview, only 37 percent had received some form of medical attention through a medical consultation or emergency room visit.

Children's Health

When asked to describe their children's general state of health, "average" or "poor" was chosen by 79 percent of respondents, and only 21 percent chose "good," "very good" or "excellent." The community of Patilla had the lowest percentage of those in the "average" or "poor" category at 63 percent, while Chancleta had the highest percentage at 91 percent. Of those children who needed medical attention in the last three months, 40 percent were unable to obtain medical assistance. The reasons given, in descending order of frequency, were lack of transportation, lack of health insurance, problems with the form of health insurance held by the patient (for example, medical insurance card not accepted by health care provider), and lack of medical coverage for medication prescribed. The cost of seeking health care and the limited availability of health care providers are an ongoing problem for those seeking medical assistance.

In terms of health insurance, 60 percent of children were covered by some form of coverage under the ARS (Administradores del Régimen Subsidiado, a state-subsidized health insurance program for low income people), 5 percent under the EPS (Empresas Promotoras de Salud, private health insurance agencies), and 3 percent under some other form of coverage. 23 percent had no health insurance of any kind. Another 9 percent did not know whether their child was covered by any health insurance. 32 percent of children of the households interviewed had a respiratory illness that had been diagnosed by a doctor or nurse, in keeping with numerous epidemiological studies showing an association between respiratory morbidity and air pollution. Malnutrition had been diagnosed in 28 percent of children. 38 percent of parents or those taking care of children reported problems with regard to behavior or mood in children, such as boredom, anxiety or trouble sleeping.

Opinion was divided regarding the question of "How often you

feel secure regarding your child's safety in the community?" with 52 percent responding "never "or "occasionally," and 47 percent responding "generally" or "always." In response to the question "Is there an area of your community where you feel unsafe?" 37 percent responded in the affirmative.

Health in the Adult Population

When asked to describe their general state of health, 79.3 percent chose "average" or "poor," and only 21.7 percent chose "excellent," "very good," or "good." Regarding health insurance, 68 percent were covered by some form of ARS; 3 percent by EPS, and 10 percent through a different form of health insurance, while 19 percent had no form of health insurance to cover the costs of medical care.

Community members complained of a variety of medical conditions, including cardiac or hypertensive illness, (32 percent), and respiratory illness, (16 percent). A total of 24 percent of respondents complained that emotional problems always or almost always interfered with their daily life, while another 32 percent found this to be a problem from time to time. Emotional problems were described as sadness, boredom, fatigue, and lack of interest in daily activities. Another 44 percent said emotional problems seldom or never interfered with their daily life. The biggest worries for those with emotional problems were the economic hardship caused by the high rate of unemployment in the region, and environmental contamination. The Monkton Study (cited in Hallman and Wandersman) showed that communities exposed to high levels of environmental contamination had higher rates of anxiety regarding their risk for medical illness.

When asked which problems faced by their community were the most serious, 82 percent responded with "unemployment"

and "the lack of opportunities for young people," followed by "environmental contamination," "lack of access to health care services" and "lack of transportation."

Quotes:

"The mine has us encircled, we cannot work the way we have always worked." (21-year-old man, displaced from Tabaco)
"Here all the children suffer from colds and a cough they cannot get rid of." (35-year-old woman, Chancleta)
"People don't talk about it, but there is harassment of people living here by armed groups." (26-year-old man, Tamaquito)
" The coal scares us: this black cloud that comes up when it rains. " (76-year-old man, Roche)
"Who wouldn't be bored here, with nothing to do, no work, nothing to do to have fun, you can't go to the river... and you think, what am I going to feed my kids?" (32-year-old woman, Patilla)

place / Caracte-rísticas of the population	Number homes interviewed	Population	Male	Female	Children
Tamaquito	9	39	16	23	17
Patilla	21	94	48	46	40
Roche	14	64	35	29	33
Chancleta	31	161	80	81	57
Tabaco	55	279	130	149	98
Total	130	637	309	328	245

"I had a confrontation with them [mine security personnel] and they didn't let me catch fish in the river. Sometimes, they let you collect firewood, but they don't let you cut wood or branches." (76-year-old woman, Roche)

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Voices from the Sintracarbón Union

By José Arias, Jaime Delúquez, Freddy Lozano, Jairo Quiroz

Four members of the Sintracarbón union at the Cerrejón Mine participated in an international delegation to study the impact of the mine on the surrounding communities in November 2006. They have since led their union to take an active role in defending the rights of these communities.

José Arias is one of the new leaders of Sintracarbón. He is currently Inter-union Secretary. In his union work he has focused on the social issues facing the Guajira people and he has struggled tirelessly for a more just and equitable treatment for the villages in the vicinity of the mine.

Jaime Delúquez Díaz is President of Sintracarbón and a member of the Executive Committee of the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM). He has been an untiring leader in the struggle to create a new Colombia based on principles of social justice.

Freddy Lozano Villarreal is from Barranquilla, Colombia. He has been a union leader in Sintracarbón for twelve years, and is currently Secretary General of the Puerto Bolívar section. He is 48 years old, and has worked for Cerrejón for 21 years.

Jairo Quiroz Delgado is a community social psychologist and is currently Secretary of Media and Publicity for Sintracarbón. He has been involved for many years in human rights struggles.

September 15, 2006

Dear Avi,

The National Union of the Coal Industry "Sintracarbón" is preparing to present a negotiating proposal to the corporation Carbones del Cerrejón. Our proposal contains some basic points for discussion including the health, education, and welfare of the communities in the mining region, the workers' lack of economic resources, and other issues.

Avi, we know about your commitment, and that is why we are asking you to join with other supporters to accompany us in this conflict, so that we can carry out a field project, together with the workers and the communities in the area of the mine that are affected by the coal operation.

Fraternally,
Jaime Delúquez
President, Sintracarbón

Friday, October 27, 2006

Dear Avi:

Sintracarbón has created a commission to accompany your delegation during its entire stay in Colombia. Our organization considers the presence of this international delegation to be of transcendental importance. We are convinced that it will be beneficial for the communities and for the workers at the mine. We would like to consult with

you and with members of the communities on how to best develop our plan of action.

Fraternally,
Jaime Delúquez.

National and international declaration on the impact of the Cerrejón mine expansion on the communities in the mining area

During the week of October 30 to November 3, 2006, a delegation of the National Union of Coal Workers (Sintracarbón) worked together with several international NGOs and the Wayuu indigenous rights organization Yanama to investigate the living and health conditions in the communities in the area of the Cerrejón mine.

The delegation met with the communities of Patilla, Roche, Chancleta, Tamaquito, Albania, and Los Remedios, and with the indigenous resguardo of Provincial and the displaced population of Tabaco. It carried out health clinics, conducted a public health survey, and listened to testimonies and life stories in all of these communities.

These communities are being systematically besieged by the Cerrejón Company. The company begins by buying up the productive lands in the region surrounding the communities, encircling each community and destroying inhabitants' sources of work… The United Nations has established categories of "poverty" and "extreme poverty," but these communities have been reduced to conditions that we could call the "living dead." They lack the most minimal conditions necessary for survival. They are suffering from constant attacks and violations of their human rights by the Cerrejón Company—a systematic process of annihilation to create despair, so that they will negotiate from

a position of weakness, desperation, and hopelessness, and agree individually to the company's terms.

Each of these communities has been reduced to a zone of misery. They have no schools, hospitals, or basic public services. Their water supply is unfit for human consumption. We also saw evidence of many cases of respiratory diseases, skin infections, mental health problems, and arthritis.

Upon finishing this stage of the investigation, we conclude that the reality is far worse than we had imagined. The multinational companies that exploit and loot our natural resources in the Cerrejón Mine are violating the human rights of these communities.

Sintracarbón has committed itself to the struggle of the communities affected by the mine's expansion. We invite all other unions and social organizations in Colombia, and especially in La Guajira, to join in the struggle of these communities for better conditions and quality of life, and to take on the communities' problems as our own.

As a union committed to the struggle of these communities, we have established the short-term goal of working to help unify the affected communities, to participate in their meetings, to take a stand with the local and national authorities regarding the absence of public services in the communities, to begin a dialogue with the company about the reality we are now aware of, and to take a public stand locally, nationally, and internationally about the situation of the communities affected by the Cerrejón mine and its expansion.

Sintracarbón stands with the struggle for justice for the communities affected and displaced by the Cerrejón mine!

SINTRACARBÓN PRESENTE

Barranquilla, November 8, 2006

Compañera Avi Chomsky
Warm greetings,

All of us here in La Guajira would like to thank you and the members of your international delegation who we had the privilege of accompanying in the important task of bringing a voice of hope to the members of the communities surrounding the Cerrejón mining complex.

As of now, our union declares that just as the company has a social responsibility for the way it runs its business, we have a moral and political responsibility before the destruction that the Guajira communities are suffering at the hands of Cerrejón. The company generates huge profits through the misery, poverty, and uprooting of these populations. The communities have to pay a very high price for the company's profits.

Once more, we sincerely thank you for your solidarity and your cooperation. We are convinced that only the unity among the different peoples of the world can allow us to confront these economically powerful and inhuman multinationals in the name of the communities that have the misfortune to be located in the path of the mine's expansion.

Finally, I would like to share some words by Che Guevara, which I think respond to a question that Tom asked, with respect to the meaning of the word "*compañero*."

"We are not friends, we are not relatives, we do not even know each other. But if you, as I, are outraged by any act of injustice committed in the world, then we are compañeros."

However, now we also consider you all to be our friends and our relatives. Forever united,

Jairo

Excerpt from Sintracarbón bargaining proposal, presented to the company on November 20, 2006

CHAPTER XI

NEW ARTICLE 16. SUPPORT FOR SINTRACARBÓN'S PROGRAM IN SUPPORT OF THE COMMUNITY:
Upon the signing of this Contract, the Employer will support Sintracarbón's program in relation to the communities, aimed at bettering the quality of life in the Guajira Department.

FIRST PARAGRAPH:
Upon the signing of this Contract, the Employer will carry out improvements on the road from Cuestecitas to Riohacha, according to the norms established by the Ministry of Transportation.

SECOND PARAGRAPH:
Upon the signing of this Contract, the Cerrejón Company, in accordance with international law and provisions of the Colombian Constitution regarding indigenous and Afro-Colombian communities, will implement and carry out a policy of relocation and compensation for all of the communities affected by the coal complex.

CHAPTER XII

NEW ARTICLE 18. FORUM ON COAL POLICY:
Upon the signing of this Contract, the Employer will finance the organization and implementation of a forum about coal policy that will allow for the dissemination of information about the environmental, socio-economic, and health impacts of mining on the communities in the region.

Message from Freddy to Avi, December 18, 2006

On Sunday, December 17, we held another meeting with the communities. Patilla, Tabaco, Chancleta, and Roche attended, as well as Jairo Quiroz, José Arias, Francisco Blanco, and Freddy Lozano from Sintracarbón.

Sintracarbón presented a report explaining step by step what we have been doing up until now, and noting that this week of December 18 the issue of the communities will be coming up at the negotiating table, and that the person in charge of monitoring dust emissions in the mine expansion process left, because of accusations made by the Unión.

Tamaquito explained in its report that the community had made requests of the Barrancas authorities, but had had no response. Their community kitchen has been taken away. José Arias of Sintracarbón will be following up on this situation.

Commitments: We will meet again on December 24, in Roche, and on December 30, in Patilla.

At the beginning of January, we will hold a larger meeting with the leaders of the communities and Sintracarbón to organize a public demonstration in support of Sintracarbón's bargaining proposal.

Communiqué 28 January 4, 2007

Statement To The Public:

Sintracarbón denounces the intransigent position that the Cerrejón Company has been taking with respect to our just bargaining proposal, that we presented on November 20, 2006. During 31 days of negotiations the company has not presented serious responses, nor have they showed the will to negotiate. We summarize below the most important points of our bargaining proposal:

• Health: Among the company's workers, there are approximately 700 who are currently suffering health problems.

Their health coverage is being permanently altered with the complicity of Colombia's health plans (EPS Coomeva and ISS ARP), with the blessing of the Colombian State.

- Education: The high cost of education, the privatization of the education system, and the disappearance of the public universities, make it impossible for workers' sons and daughters to gain access to higher education without putting an enormous burden on their economic situation.
- Wages: The most recent labor law reforms, Laws 50 and 789, along with the loss of purchasing power because of inflation, have reduced Colombian workers' salaries, and Cerrejón workers have not been immune to these problems. This situation has plunged many of our workers into insolvency.
- Temporary Workers: We are asking that all workers in the Cerrejón coal complex be contracted on a permanent basis. Temporary workers are exploited; their fundamental rights are continually violated. Cerrejón has ignored this situation.
- Communities: As a consequence of the expansion of the mining operation, neighboring communities like Patilla, Roche, Chancleta, Tamaquito, Provincial and Los Remedios have been turned into ghost towns. They have lost the capacity to survive through herding, farming and fishing. They have not been given the opportunity to collectively negotiate reparations for the loss of their cultural patrimony, the loss of their ancestors, and everything else. The towns of Tabaco, Manantial, Caracolí, and others, have been abused and their human rights violated. These communities were displaced from their natural environment. These are Afro-Colombian and indigenous communities that were forcibly removed by the army and police. Their property was destroyed. Our union Sintracarbón denounces these acts and

reiterates its intention to make sure that no further abuses occur against these communities and that the slums and cordons of poverty in La Guajira do not continue to grow.

In the face of all the above, Sintracarbón emphatically protests the intransigence of the multinationals that are looting our non-renewable energy resources, and their lack of will to negotiate and to make proposals that will satisfy the needs of the Cerrejón workers.

Long live our just bargaining proposal!
Down with the intransigence of the multinational bosses!
Long live the struggle, organization and unity!

Communiqué 33 January 11 2007

Today, Thursday January 11, our *compañeros* who live in Riohacha participated enthusiastically in a large protest against the Cerrejón Company's lack of will to negotiate a resolution to our just bargaining proposal.

The CUT, Guajira Section, and other civic, popular, union, and student organizations participated, as well as people from the communities affected by the mine, including Patilla, Roche, Tamaquito, Provincial, Los Remedios, and the displaced community of Tabaco. Sintracarbón thanks all of the above for their solidarity and participation, and exhorts the people of La Guajira to offer us their support and collaboration in the coming days, in the case that we find ourselves involved in a strike which would have a huge magnitude and impact.

During the week of January 15-20, we will be organizing a strike vote. We urge all workers to exercise their right to vote.

Communiqué 35 January 16, 2006;

Calling for a strike vote:
In addition to labor demands, our petition includes social demands, such as those regarding subcontracted/temporary workers, and those regarding communities. The communities near the mine, and the communities displaced by the mine's expansion, also have the right to collective negotiations. All of the communities should be relocated, preferably in conditions better than their current conditions. They should be paid compensation for the loss of their cultural patrimony, and the loss of their ancestors.

The current approach of individual negotiations should be halted. The current approach has only led these communities to fill the slums of the Guajira. This is the supposed "land and communities" policy followed by Cerrejón and applied by BHP Billiton, Anglo American and Xstrata/Glencore in other parts of the world where these multinationals exploit non-renewable resources and sow destruction, poverty and misery in their wake. The Cerrejón Company and its enormous profits should not be based on leaving behind sick workers and impoverished communities.

The union reported the results of the strike vote: January 20, 2007

Strike vote results:
Out of 3,100 members, 2,421, or 76 percent, voted. 2,382, or 98 percent of those voting, voted in favor of a strike.

Letter from Jairo to Avi

January 21, 2007

Our collective work with the communities is beginning to show results. On Monday, January 22, we will be discussing

the communities issue at our negotiating session. Eder Arregocés of Chancleta, who spoke for the communities at the Colombian Congressional hearings on Friday, will be there to represent the communities.

The work that you have done internationally, our speeches on Thursday at an international event in Bogotá, attended by representatives of the International Labor Organization and Anglo American, and the Congressional hearings on Friday, have pushed the company to moderate its position in the negotiations.

More than ever, we need your support this week. The fact that the company has agreed to discuss the issue of the communities is an important advance. We need any kind of pressure you can exert, through political figures and all of the organizations that have been supporting our union in the negotiations.

It is very important that we keep up this arduous struggle, and your support is also very important. Together, we will succeed, in spite of the harassment and the threats that we are being subjected to.

Fraternally,
Jairo Quiroz Delgado

Communiqué 44

STRIKE IMMINENT AT CERREJÓN

In spite of the Cerrejón Mine's enormous profits in recent years, with the selling price of coal over $60 (USD) a ton, and with 28 million tons of coal in sales last year, the company has refused to come to a negotiated agreement with our union. During 45 days of negotiations the Sintracarbón negotiating committee has reiterated its desire to come to an agreement that would satisfy the workers' needs, as expressed in our

bargaining proposal. During the entire negotiating period, Cerrejón has said nothing but ***no*** to the needs that our Union has expressed.

If we are Forced to Strike, we will Strike!
For our Just Bargaining Proposal!
Unity, Organization, and Struggle!

Message from Freddy to Avi

January 23, 2007

Avi, I just want to say a thousand thanks for the torrent of solidarity we have received, letters which in addition have gone to the company. Today we feel that we are no longer alone. I would like to ask you for one more thing, a message from the International Commission that I can read to the delegates in the meeting that we are holding in Riohacha, on Thursday the 26th. It would be very important for the people at the meeting to hear a message of support from the international community.

Again, thank you and we are not alone!

Message from the International Commission

January 24, 2007

Many of us met Sintracarbón in August 2006, when the Union's President, Jaime Delúquez, accepted our invitation to participate in an International Conference that we organized in Riohacha on the impact of mining in La Guajira. The Conference included international delegates, academics, members of NGOs, unionists, and representatives of communities affected by Cerrejón.

We are an international coalition of people and organizations that feel involved, one way or another, in coal mining. Some of us are from the U.S. and Canada, where we import large

amounts of Colombian coal for our power stations. Others are from Australia, Switzerland, and England, the countries where the multinationals that own Cerrejón have their headquarters. Some of us are from regions affected by the same multinationals that have investments all over the world. Some are members of unions that are struggling for the same thing Sintracarbón is struggling for: the right to decent work, with decent pay and benefits.

But we are also aware that our struggles depend on others' struggles. We want decent work -but we also want to create a world in which everybody has the right to a decent work and a decent life. We want to have electricity- but we don't want it to be produced at the cost of displaced communities and murdered unionists.

In our November delegation to accompany Sintracarbón, in which we visited the communities affected by the mine, we saw clearly that the Cerrejón workers shared our goals. Just as they committed themselves to finding a way to support the rights of the communities, we committed ourselves to supporting our collective struggle for a mining industry that respects the rights of everyone involved.

This is why we created our International Commission to support Sintracarbón in its negotiations, and this is why we reiterate today our strong commitment to maintain and strengthen our support for the union and for the communities affected by Cerrejón. Another world is possible, and we hope that together we can continue to create it.

Unidad, organización y lucha!
¡La Comisión Internacional, presente!

The International Commission in Support of Sintracarbón and the Communities Affected by Cerrejón (ICSSCAC)

Solifonds (Switzerland)
The Berne Declaration (Switzerland)
Grupo de Trabajo Suiza Colombia (Switzerland)
Colombia Solidarity Campaign (Britain)
Atlantic Regional Solidarity Network (Canada)
Langara College Student Union (Vancouver, British Columbia)
Helen Berry, Public Service Alliance of Canada
Aviva Chomsky, Salem State College (Massachusetts, USA)*
Jeff Crosby, North Shore Labor Council (Massachusetts, USA)*
Sydney Frey, New Haven-León Sister City Project (Connecticut, USA)*
Tracy Glynn, Fredricton Social Network (New Brunswick)
Daniel Kovalik, United Steelworkers of America
Garry Leech, Cape Breton University*
Lynn Nadeau, HealthLink
Steve Striffler, University of Arkansas*
Cecilia Zarate-Laun, Colombia Support Network

*Affiliation for identification purposes only

Message from Freddy to Avi:

January 27, 2007

The workers' commitment to the communities' issues is strengthening daily. In Riohacha on Thursday, before the Assembly, we held a large demonstration in front of the Guajira provincial government headquarters. Representatives of Patilla, Chancleta, Roche, Tamaquito, and Tabaco participated. Eder and Jaime spoke on behalf of the communities and the Union, respectively.

Last week we discussed the issue of the communities in a meeting organized by the ILO in Bogotá, in which Sintracarbón participated along with Billiton and Xstrata officials. Also, let me reiterate: we will not accept a contract that does not include a solution for the communities affected by Cerrejón.

Communiqué 50

A new Collective Bargaining Agreement
January 31, 2007

Today, Wednesday, January 31, the negotiating committees of Cerrejón Llc and Sintracarbón finished the revision and redaction of the new Collective Bargaining Agreement. At 3 p.m. the two parties signed the Agreement, which will be in effect for the period 2007-2008.

The signing of the contract signals the end of the conflict that began on November 20, 2006, when Sintracarbón presented its bargaining proposal before the Ministry of Social Protection.

Sintracarbón reiterates its sincere gratitude to all of the union members, delegates, union leaders, social, student, popular, and union organizations, the national union confederation CUT, and its Guajira and Atlántico regional sections, the Polo Democrático (Democratic Pole) party, the displaced and affected communities, the international community, the ICEM, and other international organizations, for their unlimited support, without which it would not have been possible to arrive at a negotiated settlement through dialogue.

We believe that the results show a positive outcome, according to our fundamental objectives in the negotiation, from the perspective of wages, educational benefits, social welfare and social security, subcontracted and temporary workers, and communities. In addition, Sintracarbón recovered its capacity

for mobilization and its credibility in the local, national, and international spheres, as well as its capacity for struggle and mobilization of its members.

Message from Jairo:

February 1, 2007

Jaime asked me to tell you that the communities issue was a very difficult one at the negotiating table. The union would not give in up until the last minute. In fact, it was the very last point to be agreed upon.

Initially, Cerrejón's position was that it would not discuss the communities issue at all at the negotiating table. Finally, because of the work and collaboration of the international community, the company agreed to discuss the issue, and for this we thank you and the rest of our international supporters. The results may not be everything we hoped for, but knowing these multinationals, we feel it is a political advance. From now on, the union will participate in everything related to the company's social programs, and it will have a presence at the negotiations with the communities.

Before signing the final document, Jaime discussed it with Eder (Arregocés, from Chancleta, who is representing the communities in José Julio's absence), and he agreed with it.

We also understand that this is a long-term struggle, and you can rest assured that Sintracarbón will continue to work on this issue together with you.

International Solidarity
Building International Solidarity

By Techa Beaumont, Aviva Chomsky, Tracy Glynn, Garry Leech, Chloe Schwabe, Richard Solly, Steve Striffler and Stephan Suhner

Richard Solly (Mines and Communities/Colombia Solidarity Campaign, Britain)
In 1996 I was involved, with the then Minewatch Collective in London, in organizing an international consultation on Mining and Indigenous Peoples, funded and co-organized by the World Council of Churches. Armando [Pérez Araújo, the lawyer representing the communities affected by the Cerrejón] and his son attended this event, and Armando subsequently returned to Britain with Remedios [Fajardo Gómez, leader of the Yanama indigenous organization] in 1998. During these trips, they asked my colleague, Roger Moody, a long time activist and writer on corporate mining, to go to La Guajira to see the impacts of the Cerrejón Mine. Roger was the key individual involved in Partizans (People Against RTZ and Subsidiaries) and at that time RTZ (now known as Río Tinto) was involved at the Oreganal concession at Cerrejón. It was not until September 2000, that he, and I as his interpreter, were able to visit La Guajira.

Having met José Julio and other members of the community at Tabaco, people from Viejo Oreganal, Cinco de Noviembre and Media Luna, and heard what they had suffered at the hands of Exxon and Intercor, I decided that I could not put the matter aside when I returned to England. I had to offer solidarity as there was a strong British connection with the destruction of their lands and livelihoods: the mine would not have expanded had it not been assured of markets in Britain and elsewhere in Europe. In addition, two companies listed on the London Stock Exchange -Anglo American, headquartered in London, and BHP Billiton, headquartered in Melbourne but with important offices in the British capital- had, with Swiss-based Glencore, subsequently bought out the state entity, Carbocol, involved at El Cerrejón.

In May 2001, some of those of us who had been active in the Minewatch Collective organized another international gathering in London. We invited groups around the world which had been part of the Minewatch Network to send representatives to discuss how best to confront the global mining industry, and especially to lay bare the truth behind the industry's new campaign of greenwash. Armando and Remedios attended this gathering. Out of it grew the Mines and Communities Network, an improved and Internet-based information sharing network, linking mining-affected communities and their allies in countries in every continent except Antarctica.

Shortly after their return to La Guajira, Armando and Remedios reported a sharp deterioration in the situation at Tabaco, and asked for my help in publicizing it. I sent an urgent action e-mail to every group I could think of, explaining what was happening and asking them to write to Anglo American insisting on an end to the harassment of José Julio and others in the community. I searched the Internet for appropriate groups to contact. One of them was PressurePoint in the United States. Their involvement began the next chapter of the story.

Chloe Schwabe (National Council of Churches, USA)
In 2001, Richard Solly contacted Chris Doran at PressurePoint, a grassroots group whose mission was to monitor and pressure large companies that were committing atrocities related to corporate globalization. Chris was also involved with the Stop Exxon Coalition. He got the coalition interested in what was happening to the communities in La Guajira, particularly after the company displaced Tabaco in August 2001. However, just when the coalition was ready to commit to working against the Cerrejón Mine, Exxon sold the mine and the coalition could no longer work on the issue. In 2002 PressurePoint brought Armando and Remedios to the shareholder's meeting in Houston and to participate in a mock "people vs. Exxon" trial. They also came to Washington, D.C., to meet with some NGOs here, like the International Labor Rights Fund, whose members agreed to investigate possible legal avenues for Tabaco.

Avi Chomsky (North Shore Colombia Solidarity Committee, NSCSC, USA)
In the summer of 2001 we in Salem first learned from Greenpeace that our power plant was receiving Colombian coal. But we did not really start to mobilize about it until 2002, when PressurePoint contacted us to see if we wanted to host Armando and Remedios here. Then Richard contacted us and said he wanted to come from London and join them here. It was wonderful to have that international contact from the beginning, and we have been collaborating closely ever since.

We did not really have an organization yet. I am a professor of Latin American history, and I was peripherally involved with a local environmental organization, HealthLink, that was working to clean up the plant. Together, we organized a tour for Armando and Remedios—meetings with the mayor, the city council, talks at Salem State College and some local schools. Everyone was

appalled to hear about the human suffering and the villages destroyed for our coal. We decided to form an organization, the North Shore Colombia Solidarity Committee, to work on creating more public awareness and trying to get different constituencies—especially our power plant, and our local government—to put pressure on the mine.

One of our first activities was working with PressurePoint, to help produce a 45-minute documentary on the destruction of Tabaco. Armando and Remedios had brought with them several hours of original footage of the actual destruction, and a Colombian student helped me transcribe and translate the whole thing, so that PressurePoint could edit and subtitle the footage. We got the video shown repeatedly on our local cable access television, made dozens of copies to sell and distribute, and used it in numerous campaigns around the country.

Because our local Labor Council was already doing some work on Colombia, and because we knew that trade unionists in Colombia were subject to extreme violence and repression, we really wanted to build a labor connection with our work. We were disturbed that the union at the power plant wouldn't even meet with us—they saw our work as threatening their jobs. Remedios suggested that we invite Francisco Ramírez, president of the National Mineworkers Union, who was also a strong advocate for unions taking an active role in progressive social change.

It seemed like every time we organized a tour for a Colombian activist, our organization grew exponentially. Francisco came in the Fall of 2002, and taught us a lot about the bigger picture of the foreign-owned mining sector in Colombia, and how the country's resources were being exploited in a way that brought profits for a few, and misery and violence for the many. Everyone wanted to know if the information he gave us was documented anywhere—and he said he was working on getting it out in book form. When

the book was finally published in Colombia, in 2004, I knew that we needed to translate it and get it published here—which it was, in 2005, under the title *The Profits of Extermination: How U.S. Corporate Power is Destroying Colombia*.

We had the chance to host other Colombian union leaders—Francisco Ruiz, who narrowly escaped assassination in 2001, when three of his fellow union officers at the U.S.-owned Drummond coal mine were killed; Luis Adolfo Cardona, who described the paramilitary takeover that destroyed the union at the Coca-Cola bottling plant where he worked; and Héctor Giraldo and Miguel Fernández, who were brought to Boston in 2003 and 2004, respectively, by the AFL-CIO Solidarity Center Colombia Program. We also began to work with the United Steelworkers and the International Labor Rights Fund, which were pursuing court cases against Drummond and Coca-Cola, and with a Los Angeles committee working to support the Drummond union in Colombia.

When we got started, Garry Leech had just published his book, *Killing Peace*, about U.S. involvement in Colombia. I think it was our work that first interested him in the Guajira, though. After he went there, he became a strong New York connection for our work—and then he moved to Nova Scotia, adding a whole new dimension.

Garry Leech (Atlantic Regional Solidarity Network, Canada)
I first spoke with Avi in the Summer of 2002, and learned about the displacement of Tabaco to expand the Cerrejón Mine, which supplies coal to the United States. Avi suggested that I visit the Guajira during my upcoming research trip to Colombia. I spent five days there and met with José Julio Pérez and other former residents of Tabaco. I also visited the threatened communities of Chancleta and Patilla. Following the trip, I published an article

in *Colombia Journal* (www.colombiajournal.org) titled "Generating Power and Poverty" and accepted Avi's invitation to speak about my trip to the North Shore Colombian Solidarity Committee. Although I remained interested in the issue, power plants in New York, unlike in Salem, did not use Colombian coal.

Richard Solly

When the Consortium bought out Intercor, in 2002, some of us in Britain bought one share each in Anglo American and BHP Billiton, both listed on the London Stock Exchange and holding annual shareholders' meetings here. (In Britain we call such meetings Annual General Meetings, or AGMs.) Our shares entitle us to attend the meetings, ask questions and raise issues there. We have used these occasions to let other shareholders know about the destruction and forced evictions around the Cerrejón mine and to obtain information from the company, which we can pass on to our friends in Colombia. This ensures that people in the communities know what the companies are saying -which often differs from the reality that they experience in the Guajira- and that the companies feel that what they do in the Guajira will not go unnoticed and unchallenged in London. In 2002, Francisco Ramírez of mineworkers' union Sintraminercol attended the Anglo American AGM, which surprised and discomfited the company's Board.

Techa Beaumont (Mineral Policy Institute, Australia)
I first heard about the issue of Cerrejón when I met Armando in Mumbai for the World Social Forum. However, with limited Spanish language abilities, I did not engage with the issues until 2003, when I was approached by Pressure Point, which had recently been on a fact finding mission to the Guajira. BHP Billiton's involvement as a joint venture partner created an important Australian focus for activities. As no one from MPI had been to Colombia, and we have no Spanish speaking capacity,

our activities have been somewhat reliant on collaborating with other international groups working on the issue, and we relied on trusted colleagues, such as Richard Solly, to translate and clarify the facts.

My work has been primarily to highlight the issue here in Australia and to maintain pressure on various levels within the company's head office to address concerns, including at their Annual General Meetings and through public exposure and written correspondence with company officials. We have sponsored individuals to raise issues identified by community leaders at the shareholders' meeting each year since the issue came to our attention, and have explored other options for increasing pressure here in Australia, including a complaint under the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises.

Chloe Schwabe

In 2004, I joined PressurePoint and started educating and involving other Colombian NGOs in D.C., as well as other activists, about the impact of the coal mines. In May, Chris and I went to Colombia to investigate the mine's impacts on the communities. Chris started contacting NGOs in Australia, and involved the Mineral Policy Institute and Friends of the Earth.

Upon our return, a transnational working group started to form. Chris moved to Australia, attended BHP shareholders meetings and worked closely with the NGOs there. I went to visit the North Shore Colombia Solidarity Committee that winter to give them a report back on the trip, which helped energize the NSCSC's involvement.

Garry Leech

In August 2004, I moved from New York to Cape Breton Island in Nova Scotia, Canada, and soon discovered that Nova Scotia Power (NSP) imported Colombian coal from the Cerrejón mine

to fuel its electricity-generating power plants. In December the Atlantic Regional Solidarity Network (ARSN) agreed to launch a campaign to bring awareness of the human rights violations connected to electricity use in Nova Scotia, New Brunswick and Prince Edward Island. ARSN demanded that NSP and New Brunswick Power (NBP also supplies electricity to Prince Edward Island) begin pressuring the Cerrejón Mine into negotiating collectively with the displaced villagers of Tabaco, and with communities to be displaced in the future.

I informed Avi of the fact that Nova Scotia imported coal from the Cerrejón Mine and we immediately began to work together on the issue. In December 2004 Avi came to Nova Scotia to speak about the campaign in Salem, and the cross-border solidarity became a prominent component of the campaign. Avi would return to Nova Scotia to attend ARSN annual meeting in December 2006 to further strategize. ARSN also brought the president of Colombia's state mineworkers' union, Francisco Ramírez, to Atlantic Canada in December 2004, and again in March 2005, to speak about the human rights issues related to coal mining in Colombia. NSP refused to meet with Francisco on both occasions. In fact, when I first spoke with an NSP representative in December 2004, to request that the company meet with Francisco, I was told that NSP does not concern itself with human rights issues in the countries from which it purchases coal and that the company is only interested in two things: price and quality.

ARSN distributed mock NSP and NBP power bills that illustrated the human cost of electricity, which consumers could then mail to the respective utility companies. The campaign received widespread print and radio media coverage, particularly during Francisco's two speaking tours. ARSN members also pressured NSP at its annual shareholders meeting and at other public events. In May 2005, fellow ARSN member Terry Gibbs and I visited the Guajira and met with José Julio, Armando and Remedios. I found that the situation had not changed for the communities since my previous visit two years earlier.

Steve Striffler (University of Arkansas)

I first became interested and involved in the case of Tabaco and Colombian coal in the Fall of 2004, after reading a number of press accounts, including those by Garry. Not soon after that I learned of Avi's involvement and contacted both her and Garry before making a six week trip to the Guajira in the summer of 2005. During this trip I met with Armando and Remedios, as well as José Julio, who took me on a tour of the threatened communities of Chancleta and Patilla, and Tamaquito. I also toured Cerrejón and visited La Loma, the Drummond mine. After returning, Avi, Garry, and I worked on a number of plans (see below), including José Julio's tour of the United States and Canada. José Julio visited the University of Arkansas, where I teach, in the spring of 2006, and spoke to both students and local peace activists, which in turn raised awareness about the problems associated with Colombian coal. I then returned to Colombia in the summer of 2006 for the conference, and in October of the same year, as part of an international delegation.

Aviva Chomsky

After Steve came back from the Guajira, he and Garry and I talked about how we could take our campaign to the next level. In the fall of 2005 we mapped out a year-long plan: bring José Julio for a spring tour that would include the U.S. and Canada, take a delegation to the Guajira in the summer of 2006, and hold an international conference on the impact of coal mining in the Guajira, as part of the delegation. Then we actually carried out everything we had planned!

Garry Leech

ARSN's campaign was receiving widespread publicity, which was hurting NSP's public image. Consequently, the company finally agreed to meet with ARSN in January 2006. The tone of the NSP representatives had shifted and they now claimed that the

company was very concerned about human rights and wanted to learn more about the situation. ARSN presented six demands to NSP, the two principal ones being: (1) issue a public Statement that NSP will take all reasonable action to promote the rights of workers and the human rights of villagers in Colombia affected by the production of coal; and (2) condition NSP's purchase of coal from the Cerrejón mine on the mine owners reaching a negotiated settlement with the displaced community of Tabaco that is acceptable to both sides.

Numerous other groups joined the campaign, including the United Church and several unions: Canadian Auto Workers (CAW), United Steelworkers (USW) Public Service Alliance of Canada (PSAC), Canadian Union of Postal Workers (CUPW) and the Canadian Labor Congress (CLC). As a result, increasing numbers of Atlantic Canadians were becoming aware of the source of the coal used to generate their electricity. In early 2006, a reporter from *Macleans Magazine*, Canada's largest national news magazine, contacted ARSN and wrote a piece about Canada's importation of Colombian coal linked to human rights violations.

In March 2006, when José Julio Pérez toured New Brunswick and Nova Scotia, people packed the halls to hear him speak about the plight of his displaced village. NSP and NBP both agreed to meet with José Julio while he was in the region. At a meeting in a very comfortable boardroom, on the 16th floor of NSP's headquarters in Halifax, one company representative had the audacity to open the meeting by stating to José Julio, an impoverished Colombian peasant who, along with his wife and four children, had been homeless for the previous five years, after being forcibly displaced from his home by the mine, that NSP's principal concern is its public image.

In accordance with the plan that Avi, Steve and I had concocted in the fall of 2005, I organized an international conference on

mining, to be held near the Cerrejón mine on August 9, 2006, the fifth anniversary of the forced displacement of Tabaco. The conference in Riohacha also coincided with a delegation to the region being led by Avi. Approximately 80 members of the affected communities were transported on chartered buses to Riohacha to participate in the all-day conference, which was attended by some 250 people in total. Speakers included Colombian union and human rights leaders, and representatives from U.S. and Canadian communities that import Colombian coal. The conference represented the first time that leaders of Sintracarbón, the union that represents workers at the Cerrejón Mine, had met with José Julio and other community leaders.

Meanwhile, NSP continued its refusal to comply with ARSN's two principal human rights demands. In a letter dated September 8, 2006, NSP thanked ARSN for its suggestions but failed to acknowledge ARSN's two principal demands. The company has failed to respond to any further correspondence from ARSN and has publicly defended the Cerrejón mine as a respectable company, directing people to the mine's website to learn about the social projects that the mine's owners are implementing in the region. ARSN responded to NSP's refusal to take a public stand on behalf of the affected communities with its first direct action, which consisted of a demonstration outside one of NSP's power plants, in October 2006, in conjunction with several other groups concerned with pollution and other environmental issues linked to the company's use of coal.

Tracy Glynn (Mining Advocacy Network (JATAM), Fredericton Social Network, Fredericton Peace Coalition, New Brunswick)

My first inkling of the grave situation in coal mine affected communities in Colombia came from an e-mail from Richard Solly with the London-based Colombian Solidarity Campaign and Mines and Communities, in July 2001. I was working in Jakarta as an international mining campaigner at the Indonesian-based

Mining Advocacy Network (JATAM). Mines and Communities was one of many international solidarity networks exchanging news daily of abuses associated with mining around the world. We, in Indonesia, were especially interested and shocked by news sent by Richard regarding the Colombian community of Tabaco and the Cerrejón coal mine.

The same multinational companies involved in Cerrejón were also operating and adversely impacting local communities in Indonesia in similar ways. Tabaco was about to be displaced and they were requesting international solidarity to support their demands for adequate relocation assistance, which would enable the community to relocate together to new land sufficient to continue subsistence agriculture. Weeks earlier, a local community activist and four others including indigenous Wayuu journalists, were attacked by mining company security guards and detained while filming environmental damage around Tabaco.

Five years and a few action alerts later, I would meet the local community activist who was attacked, José Julio Pérez. José Julio had suffered a broken nose from being punched in the face during an encounter with thirty armed men. I already knew about Canada's role in the privatization drive of Colombia's natural resources, and in rewriting the Colombian mining law so that it favored mining multinationals including several Canadian mining companies with interests in Colombia. But José Julio's public presentation to the people of Fredericton, in March 2006, informed me that approximately 16 percent of power generated by New Brunswick Power in our province was done so with coal from the mine that destroyed Tabaco and other communities. His presentation opened many eyes to the human costs associated with our electricity and complicity. The presentation also motivated several organizations and individuals to take action.

Creative power bills crafted by the Atlantic Regional Solidarity Network, similar to NBP and NSP bills, continued to be

distributed to the public as an effective way of engaging the public about the abuses associated with our power, and as a means of taking action by asking NBP to take responsibility. NBP received many of these power bills from concerned citizens.

The run up to the September 2006 provincial election in New Brunswick was an opportune time to raise the Colombian coal issue, and get a position from election candidates on it. In a letter and media release endorsed by the Atlantic Regional Solidarity Network, Saint John Chapter of the Council of Canadians, Advocacy Collective, Citizens' Press, Falls Brook Centre, Tantramar Environmental Alliance, the United Church World Outreach Committee of Woolastook Presbytery, Development and Peace - Saint John Diocesan Council, and the Atlantic offices of the CUPW and the PSAC, candidates were asked to commit to addressing the fact that part of New Brunswick's energy comes from coal that is linked to documented human rights and environmental abuses in Colombia. Response was disappointing with only a handful of candidates responding, mostly those with the left New Democratic Party. Some of these candidates ran unsuccessfully, but one, Kelly Lamrock, is now the province's Minister of Education. All stated their commitment to recognize our human rights responsibilities.

The Fredericton Peace Coalition organized the collection of medical supply donations to give to those traveling from our region to Colombia in early November 2006. Several individuals donated medical supplies or money to the urgent medical solidarity appeal of local communities affected by the environmental pollution and poverty associated with the coal mine. Dr. Timothy Bood, from Halifax, and Dr. Tom Whitney, from Maine, visited Colombia in early November, and treated many people with medical supplies donated by citizens in Fredericton, Halifax, Maine, and Massachusetts.

José Julio visited many towns and cities in New Brunswick, Nova Scotia and the United States to ask for support, including NBP's

expressing solidarity with and demanding justice and collective relocation for the people who live in the mining area. The progress made by the NSCSC in getting the Salem City Council and Dominion Energy to take a position, provided inspiration and an example of solidarity across borders for those meeting with NBP.

On October 17, 2006, Ramsey Hart with the ARSN, Gail Wylie with the Woolastook Presbytery World Outreach Committee, James Brittain, a lecturer at University of New Brunswick and researcher and author on the political economy of Colombia, and myself, with the Fredericton Peace Coalition, met with NBP, while the University of New Brunswick/St. Thomas University Social Justice Society organized a demonstration outside NBP's office, to generate much needed media attention. Those who met with NBP requested that the company write a letter urging Cerrejón to respect and uphold internationally recognized human rights and labor norms, and the collective rights of the affected communities for fair relocation and reparations during its negotiation with the union and affected communities.

The local newspaper, the *Daily Gleaner*, covered the demonstration and asked NBP what action they would take on our request. On November 14, NBP Executive Director David Hay sent a letter that included these demands to Cerrejón's President, León Teicher. Avi Chomsky, who was in the Guajira at the time, was instrumental in providing us with information to get this letter. She was also able to deliver the letter to the unions and mining company at an important time when the union and mining company were beginning negotiations. Francisco Ramírez Cuellar, a fearless union activist in Colombia, responded to the letter from NBP: "I want to tell you that it provoked a very strong reaction on the part of the company … it is wonderful that the letter was written because the company now is beginning to have to weigh very carefully what the consequences are going to be if it continues to trample on the communities."

The Atlantic Regional Solidarity Network, the Fredericton Peace Coalition as well as several social justice and faith-based groups, unions and concerned individuals in New Brunswick, continue to follow the situation in La Guajira, prepared to act in solidarity with the Cerrejón affected communities.

Stephan Suhner (Grupo de Trabajo Suiza Colombia, Switzerland)

Since October 2001, I have been part-time Coordinator of the Switzerland-Colombia Working Group (ASK). In July 2003 Francisco Ramírez, President of Sintraminercol, visited Switzerland, and we organized talks and meetings with Swiss government representatives.

At our suggestion, Swiss journalist, Frank Garbely, traveled to Colombia in October 2005 to film a documentary about Glencore in Colombia. The 56-minute film, titled "Fiscal Paradise-Social Hell," compares the idyllic life in the celebrated Swiss fiscal paradise of Zug with the harsh realities faced by the communities in the vicinity of Cerrejón and the Wayuu at Bahía Portete. Frank brought Debora Barros Fiince, a survivor of the April 2004 Bahía Portete massacre and spokesperson of her Wayuu clan, to Switzerland. We organized a brief tour for her in Switzerland, and she invited us to the Guajira to participate in the second Yanama commemorating the massacre.

We returned to the Guajira in April 2006. José Julio Pérez's brother, Emilio, took us to visit the displaced community of Tabaco, and to the villages of Los Remedios, Chancleta, Patilla, and Roche. We participated in theYanama in Media Luna and Bahía Portete. We returned to Switzerland more committed than ever to supporting the communities affected by the Cerrejón mine. We contacted Glencore and Xstrata for the first time (receiving a laconic response from Glencore, and none from Xstrata). We also took advantage of the information and testimonies we had brought

back with us to educate other organizations, including the Swiss Federation of Trade Unions (USS), the Union of Industry, Trade and Services (UNIA), the Berne Declaration, the South Alliance (a consortium of Development NGOs), the Green Party, and the Zug Alternative List.

In the second half of 2006, I began to work with Richard and Avi, and participated in discussions with them about how to coordinate the work in our three countries. We also deepened our ties with Sintracarbón. We participated actively, from Switzerland, in the international accompaniment organized to monitor the collective bargaining negotiations between Sintracarbón and Carbones del Cerrejón in early 2007.

In January 2007, we finally hosted José Julio and Armando in Switzerland. It was an intense and successful tour, supporting Sintracarbón's ongoing negotiations with the mine. We succeeded in raising awareness among the Swiss public through newspaper articles, public events at universities and other public venues, meetings with Swiss government representatives, and political figures from the city and the canton of Zug.

Chloe Schwabe

I also planned D.C. activities for José Julio Pérez from Tabaco on his 2006 tour. He met with other non-profits, universities, and with members of Congress, who agreed to write a letter on behalf of Tabaco, demanding the implementation of the Supreme Court decision. Most importantly, his visit energized the 25-year-old Colombian Human Rights Committee to work with the communities of the Guajira. I was already involved with the Committee. Cristina Espinel visited Colombia in August, with the delegation that Avi planned with Witness for Peace and the entire committee worked to plan Débora Barros Fince's D.C. activities, which included a visit to the Australian embassy, the Inter-American Human Rights Commission, American University and Congress.

Aviva Chomsky

One of the most exciting recent developments has been our relationship with Sintracarbón, the union at the Cerrejón mine. We had been working with Francisco's union, Sintraminercol, and the Drummond union, Sintramienergética, but until the conference that Garry organized in August 2006, we had not had much contact with Sintracarbón. I think some people in the union were reluctant to criticize or challenge the mine publicly. Despite some pretty intense labor struggles there in the early 1990s, labor relations in this mine had been pretty good from the mid-1990s on.

But the union president accepted our invitation to the conference, and I think that he was very moved by hearing the testimonies from the people from the communities, and also by the level of international interest. He asked us if we would return in November to accompany their upcoming contract negotiations, and vowed to work to raise consciousness in his union about the dire situation of the communities. The union designated three people to accompany our delegation for several days of intense meetings with the communities. They were appalled to see the conditions there, and worked to incorporate language requiring the mine to negotiate with the communities into their own collective bargaining proposal. They also began to work on other ways they as a union could support the communities' struggle.

Unions like the Public Service Alliance of Canada and the United Steelworkers in the U.S. joined us in forming an International Commission in Support of Sintracarbón and the Communities Affected by Cerrejón, to monitor the contract negotiations. We collected dozens of letters of support for Sintracarbón from unions and NGOs in the U.S, Canada, and Europe, which we delivered to the mine president when we met with him in November just before the negotiations began, and which were also delivered to BHP Billiton executives at the

shareholders meetings in London and Melbourne by Richard and Techa., and to Glencore by Stephan, around the same time.

Leading up to the negotiations we had meetings with NSP, NBP, and Dominion, to try to pressure them into signing on to letters supporting the basic human rights of the union and the communities. Richard attended the 2006 BHP Billiton meeting, where he was able to inform shareholders about the situation, and deliver copies of the letters of support. Likewise, when Techa attended the BHP meeting in Australia, a few weeks later, she was able to ask a question that included references to the Salem City Council resolution, our delegation's meeting with the mine's President, and the union's inclusion of a demand about the rights of communities in its bargaining proposal. And we circulated the texts of Richard's and Techa's comments on our e-list, so people all over the world knew right away about what had occurred at these meetings.

Richard Solly's question at the October 2006, BHP AGM seemed to be a perfect example of international solidarity at work:

BHP Billiton plc AGM, London, October 26, 2006

Question from Richard Solly, shareholder

My question concerns the Cerrejón mine in northern Colombia, of which BHP Billiton owns a one-third share. I would like to know the company's response to a number of recent and planned events concerning the mine and some of its customers. I am sure that the Board is well aware of all of them.

A Witness for Peace delegation from the U.S. and Canada visited communities displaced, or about to be displaced, by the Cerrejón Mine in August, and found that many people there had urgent health needs which were not being addressed, which seems odd if the mine is bringing prosperity to the region. A further delegation from U.S. and Canada will visit the area again next

week, taking health supplies, visiting communities affected by the mine, meeting with mine management and with workers' union Sintracarbón.

Contract negotiations between Sintracarbón and the company will begin next month. The union is expected to include the demands of displaced communities, and communities facing displacement, in its own bargaining position. Community demands will include collective negotiation, collective relocation and reparations.

In recent weeks, there have been protests in New Brunswick and Nova Scotia, in Canada, because local power companies buy coal from the Cerrejón mine. Protesters in New Brunswick called for the power company to pressure the mine to respect the rights of displaced communities. In Nova Scotia they called for the closure of the Trenton Power Plant. The power plant in Salem Massachusetts buys coal from Cerrejón, and both the plant owner and the City Council have called on Cerrejón Coal to respect the rights of displaced communities. In August, the Danish government announced that further coal purchases from another Colombian coal mine would be suspended until the company involved, U.S.-based Drummond Coal, had established its innocence in the matter of human rights abuses at its operations. At some stage, Cerrejón Coal's failure to accept the reasonable demands of displaced communities and those facing displacement, may affect sales.

Numerous organizations and prominent individuals are calling on the company to honor the rights of both workers and communities, to accept their demands, to ensure that their lives and liberty are respected during and after negotiations, and that in the event of a dispute there will be no military occupation of the mine, as there was several times in the 1990s, before BHP Billiton became involved. The list of those supporting worker and

community demands and pledging to continue monitoring conditions around the mine includes the American Federation of Labor and Congress of Industrial Organizations, the United Steelworkers Union in the USA., the Mayor and City Council of Salem, Massachusetts, members of the Massachusetts State Legislature and the U.S. House of Representatives, electoral candidates and members of the Legislative Assembly of New Brunswick, the Colombia Solidarity Campaign in Britain, and the Public Service Alliance of Canada, which represents BHP Billiton workers at the Ekati diamond mine in the Northwest Territories, who have had their own experience of pressure from company management and seem keen to forge bonds with workers and communities in Colombia. Letters from these people will be presented to mine management next week, by the delegation from North America and I have copies to give to the Board today.

What is the company's response?

Colombian Unions Under Siege

*By Daniel Kovalik**

On March 12, 2001, the two top union officers working at Drummond Company's La Loma Mine, in Colombia, were forcibly removed by armed gunmen from a company bus taking them home from work. One of these officers, Valmore Locarno, the union president, was murdered on the spot by the assailants. Víctor Orcasita, the union vice-president, was taken away, tortured and then assassinated. Shortly thereafter, in October 2001, the individual who replaced Locarno as union president, Gustavo Soler, was himself taken off a bus bringing him home from the mine and killed. Gustavo Soler had recently stated to the press his belief that someone at Drummond had told the paramilitaries which bus Locarno and Orcasita were riding on the night they were

* Not far from the Cerrejón mine, the Birmingham, Alabama-based Drummond Company operates another giant, open-pit coal mine. Drummond is one of three U.S. companies currently facing charges in U.S. courts for human rights violations in Colombia. Daniel Kovalik is Associate General Counsel of the USW and a lawyer for the plaintiffs in the Drummond, Coca-Cola and Occidental actions.

killed. These brutal murders sent shock waves throughout the U.S. union movement, and in particular, through the United Steelworkers USW, which publicly denounced these murders the next day and called upon the Colombian government to investigate the killings and to prosecute those responsible.

On the night of the killings of Locarno and Orcasita, members of a USW delegation were in the Colombian capital, Bogotá, meeting with workers and union leaders from Colombia's mining and energy sector, including representatives from Sintramienergética, the Union of Valmore Locarno and Víctor Orcasita. The USW delegation was already in Colombia on a fact-finding and solidarity mission prompted by the extraordinarily anti-union violence which Colombia was enduring—largely at the hands of right-wing paramilitaries, supported by and collaborating with the Colombian military—and in response to the recent decision of the United States to nevertheless fund the Colombian military at extraordinary levels through Plan Colombia. The USW learned of these killings the next day (March 13) upon arriving at the offices of the CUT (Colombia's largest trade union confederation), whose leadership and staff were visibly shaken by the news of the deaths the night before. In spite of the fact that such killings had become an almost daily occurrence in Colombia, such events have never ceased to shock.

Since 1986, well over 4,000 Colombian trade union leaders have been killed, making Colombia the most dangerous country in the world by far for trade unionists. This, and the fact that most of these killings have been carried out by pro-government paramilitary forces, prompted the AFL-CIO in February 2000 to pass a unanimous resolution opposing the U.S. government's plan to send millions of dollars to the Colombian military. Since that time, the United States has provided the Colombian military with over $4 billion in assistance, even as the U.S. State Department concluded year after year that this same military was collaborating with the right-wing paramilitaries terrorizing

the population in general and the trade union movement in particular.

The murders of Valmore Locarno and Víctor Orcasita, and the circumstances surrounding them, redoubled the USW's commitment to challenge through all legal avenues the anti-union violence in Colombia. As became apparent shortly after these killings, the Drummond Company was well aware of the threats posed to Lorcarno and Orcasita by right-wing paramilitaries in the region. Indeed, Locarno and Orcasita, who had been receiving threats from the paramilitaries for months preceding their killings, had feared they were going to be killed precisely in the way they were—by paramilitary gunmen patrolling the highways leading to and from the mine. Furthermore, they made these fears known to Drummond and asked that the company provide them with an accommodation which Drummond offered to their subcontractors—permission to stay overnight at the mines when they had back-to-back day shifts, so that they would not be forced to travel the dangerous highways at night.

Drummond, knowing full well the necessity of this request, nonetheless denied it on a number of occasions, telling Locarno and Orcasita that they hoped that the government, in particular Colombia's secret police agency known as the DAS, would be able to assist them with their security concerns. Meanwhile, Drummond was providing, and continues to provide to this day, housing for its U.S. employees on its mining property—housing which is protected by the 300 Colombian troops who serve at Drummond's behest, to protect the company's operations.

Meanwhile, in early 2006 evidence emerged that the DAS itself was, at the time of these killings, collaborating with right-wing paramilitaries to have trade unionists killed. Indeed, according to former DAS intelligence officer Rafael García, the DAS was keeping and providing the paramilitaries with a list of trade

unionists which the DAS wanted the paramilitaries to kill. In short, Drummond cynically turned over the security of its own workers to one of the very entities which was targeting them.

In response to the aforesaid events, the USW, in alliance with the International Labor Rights Fund (ILRF), brought suit against the Alabama-based Drummond Company on behalf of the families of Valmore Locarno, Víctor Orcasita and Gustavo Soler. They alleged that the company had collaborated with the paramilitaries in having them assassinated. While the undersigned is under a gag order by the Alabama Federal Court in which this case was brought, and has already been found in contempt for allegedly violating this order,[1] suffice it to say that the conclusions of Amnesty International regarding human rights abuses in the Cesar Department—in which Drummond's mine is situated—are borne out in this case. As Amnesty International has concluded:

> "The systematic violation of human rights against members of popular organizations . . . in the Cesar Department corresponds to a national strategy of undermining organizations which the [state] security forces deem to be subversive.. . . Many violations of human rights in the region are committed in order to advance and protect the interests of economically powerful sectors. Labeling anyone who dares to challenge the interests of powerful economic sectors as subversive . . . and then targeting them for human rights violations, provides a means for those sectors to protect their interests."

1 Editor's Note: This finding of contempt stemmed from the public release of the testimony of Rafael García, the former DAS officer, who had personal knowledge of facts critical to the case against Drummond and who gave an affidavit regarding that knowledge to the undersigned author. For more information on Mr. García's testimony, see http://www.laborrights.org/press/Colombia/garcia_miamiherald_051906.htm

This suit against Drummond followed a similar one brought by the USW and the ILRF against the Coca-Cola Company and related entities, also for alleged human rights abuses in Colombia. These legal actions, which have been brought under the Alien Tort Claims Act and the Torture Victims Protection Act, represent an unprecedented act of solidarity by a U.S. union for trade unionists in another country. The USW's partners in Colombia, particularly Sintramienergética (the Drummond union) and Sinaltrainal (the Coca-Cola union) have stated that they believe that these lawsuits have given them much needed cover in the way of international publicity and that the lives of their members and leaders are safer as a result. The USW has followed these suits with a legal action against Occidental Petroleum stemming from its role in the 1998 bombing of Santo Domingo, in Arauca Department, which resulted in the deaths of 17 civilians, including seven children.

In addition to these lawsuits, the USW has continued to stand with unions in Colombia against the anti-union violence in that country. For example, when two more union leaders at Drummond were abducted, in September 2003, on their way to labor negotiations, the USW immediately wrote an open letter to Colombia's President Álvaro Uribe calling upon him to take all measures to ensure their safe return. As USW President Leo Gerard wrote, the abductions of these unionists, David Vergara and Seth Cure, were "tragically reminiscent of the forced capture and subsequent murders of Valmore Locarno, Víctor Orcasita and Gustavo Soler." Fortunately, however, the fate of Vergara and Cure was not as tragic. Thus, in response to this letter, which received significant press attention, Vergara and Cure were released unharmed.

The USW has also helped around 30 Colombians at risk from the paramilitaries, including unionists from Sintramienergética and Sinaltrainal, as well villagers displaced in the Santo Domingo bombing, resettle safely to the United States and Canada. Two of

these resettled Colombians, Gerardo Cajamarca and Luis Adolfo Cardona, are currently working for the USW as field organizers in Kansas City, and have become outspoken spokespersons in the United States for an end to the U.S. militarization of Latin America.

The work which the USW has done in Colombia, and the close relationships it has built with Colombian activists, has played a large role in transforming the USW into a truly international union with no national boundaries. The leadership and members of the USW have learned what great risks unionists abroad must endure, many times as a result of the conduct of our own government and corporations, in order to organize a union and to collectively bargain. And, we fully realize that these risks, including the risk of violence and death, may be visited upon us soon as globalization, particularly the globalization of violence and immiseration, continues apace. It is this process which we must confront and fight to ensure that unionists everywhere have the ability to safely organize for better wages and working conditions, and in truth, for our very survival.

Solidarity Beyond the Rhetoric

*By Jeff Crosby**

While my own town of Lynn, Massachusetts, is a continent away from Colombia, we are increasingly tied by economic and political threads. Coal from Colombia comes to the neighboring town of Salem. And Colombian, Mexican, Guatemalan and Salvadoran immigrants are joining the Dominicans and Puerto Ricans who preceded them here. Together these new workers from Central and South America make up a third of my town's population.

At an international level, the search for an alternative to neoliberal integration is blossoming, from Chávez in Venezuela to Lula in Brazil, with others in between. At a local level, trade unionists like myself are seeking answers to two strategic questions as we seek to rebuild labor's strength in a turbulent and increasingly casual labor market: (1) How do we build ties between unions organized at a workplace and the social

* Jeff Crosby is President of the North Shore Labor Council in Lynn, Massachusetts.

movements and populations that are organized—if at all—in communities? And (2) how do we move beyond the rhetoric of international solidarity, which exists in the realm of paper agreements and joint statements—to actual concrete acts based on a common political commitment that can help us win? My own union, the Communications Workers of America, has supported Medellín area public sector organizer Héctor Giraldo of Sintraofán on a worker-to-worker basis, financially and with public support, for several years.

It is in this context that I, as a North American local union leader, observed and in a small way participated in the recent struggle of Sintracarbón to secure a new collective bargaining agreement at the Cerrejón Mine in La Guajira, Colombia. My local had a history of involvement with Colombia, and I have traveled several times on solidarity delegations. Last summer I addressed the CUT Congress representing the AFL-CIO. And so it is with much hope and admiration that I salute the efforts of the Sintracarbón miners and their international supporters.

From a distance, it may be surprising that in the past leaders of Sintracarbón had little contact with the indigenous and Afro-Colombian communities that were forcibly displaced to make space for the Cerrejón open-pit mine where the union members work. But this is actually typical of the social conditions of many trade unionists in the hemisphere, and of the narrow focus of trade unionism certainly in the United States, and perhaps even in Colombia. In my town of Lynn, for example, workers have, through their union, achieved a decent standard of living working at the General Electric aircraft engine plant where I am the local union president. Many workers move away from Lynn, and even out of state, to find a more peaceful or cheaper place, or better schools, less crime, etc. It is possible for members of my union to drive through the poorer new immigrant communities from Central and South America and Southeast Asia each day on their

way to work, with little understanding of the life conditions of these communities.

Conversely, few of the new immigrants in Lynn work in my factory. The destruction of high-paying manufacturing jobs in the United States means that very few of the new immigrant workers have found employment in the GE plant which sits in their midst. The same policies have set tens of millions of workers adrift from their homes and countries in an effort to survive. Thousands have come to Lynn. So the two groups, the traditional union and the new immigrant communities, are driven by the same currents in the same ocean, but can pass like ships in the night, ignorant of each other and thus of themselves. In a bifurcated global economy organized in the neoliberal model, marked by growing inequality within and between all countries, this scenario will become increasingly common. And overcoming the chasm between the organized and unorganized sectors of workers, between those with a decent living and those living on the edge, and between native-born workers and migrant workers, is a critical challenge facing trade unions in both the United States and Colombia.

Further, in the United States collective bargaining is legally constrained in ways that might surprise activists from other social movements. Company investments and strategies in a particular product, for example, are generally off the table. In the case of my union, the Supreme Court ruled that even the pensions and benefits of our own retirees are not subject to mandatory bargaining. Certainly in no case is a company required to negotiate for area residents who do not work for that employer, and it is unheard of for this to happen. Unions negotiate the immediate terms of the sale of their labor and the conditions under which they sell it. Nothing else. We have a hard enough time doing even that.

Politically, the weakened state of unions often leads union leaders to take a narrower rather than a broader approach to

negotiations, as they fight simply for the survival of their organizations. And of course the individualist culture of neoliberalism penetrates working class organizations nearly as thoroughly as other institutions.

So for the leaders of Sintracarbón to integrate the needs of the surrounding displaced communities into their collective bargaining, even to the point of including demands for reparations for those communities and a direct voice in the negotiations, would be unprecedented in the North, and is no doubt unusual in Colombia as well. The statement by Cerrejón management inviting the union into its discussions with the community about the impact of the mines on those communities is an important step, since it accepts in principle that the communities and the union have joint interests and a right to negotiate together with the employer. The opaque language of the company's letter implying that Cerrejón is only pledging to continue its already exemplary conduct, while disingenuous and irritating to all of us familiar with the mine's treatment of the surrounding towns, has a familiar ring to U.S. trade unionists. At GE we call it the language of "We never did it and we'll never do it again."

The visit of the international team of observers to both the communities and Sintracarbón before the negotiations set a tone of support and protection for the negotiators, and made it more difficult for the company to refuse to respond to the union's proposals. Top U.S. union leaders like Richard Trumka, Secretary-Treasurer of the AFL-CIO, wrote letters to the company, putting them on notice that the negotiations were being monitored. Trumka and Francisco Ramírez, Human Rights Secretary of Funtraenergética, the Colombian energy sector union federation, had met in my office in Lynn several years earlier. Other unions, like the United Steelworkers of America and the Public Service Alliance of Canada, as well as many elected officials and NGOs,

also addressed the mine owners.

The specific focus of the international network of human rights and environmental supporters on the contract negotiations is also an important model. The almost daily communications from Sintracarbón leaders during the negotiations was unusual and provided practical security for the negotiators. Leaders of Colombian coal unions have been assassinated during contract disputes with the U.S. company Drummond in the past. Collective bargaining disputes have been moments of special risk for Colombian unionists, from threats and murder by paramilitaries, as Ramírez and others have demonstrated.

The bloody attempt by the United States and the U.S.-based and other multinationals to control energy resources will continue to be at the center of U.S. efforts to dominate Colombia and the rest of the Western Hemisphere. The land has been sliced open from Mexico to Chile to extract coal, oil and hydro-electric power to support the energy demands of the North. Yet the displaced communities around the energy institutions, and often the workers in those extractive industries, lack the basic necessities of life and the basic human right to self-organization. Francisco Ramírez quotes the statement of former U.S. Secretary of Energy Bill Richardson in Cartagena in 1999 to make this point: "The United States and its allies will invest millions of dollars in two areas of the Colombian economy, in the areas of mining and energy, and to secure these investments we are tripling military aid to Colombia."

Those of us active in international solidarity have learned that sustaining international solidarity can be even more difficult than initiating the effort. Whether the alliance formed among the displaced communities of La Guajira, Sintracarbón, and their international network of supporters will lead to a merging of trade union and other social movements such as has taken place in the last year in Oaxaca, Mexico, and Cauca, Colombia, is uncertain.

And of course the merged social movements in those two countries may prove to be an advanced model of future struggles, or an aberration on the way to other different forms of struggle.

But what happened in the Guajira in 2006 and 2007 was heroic and important, and it honors its participants. I can imagine the tension at the very end of negotiations, when as Sintracarbón leader Jairo Quiroz Delgado tells us; "Initially Cerrejón's position was that it would not discuss the communities issue at all at the negotiating table (…). In fact it was the very last point to be agreed upon."

Over time the most important gain may prove to be that which was stated in the Sintracarbón Communiqué of January 31, 2007: "In addition, Sintracarbón recovered its capacity for mobilization and its credibility in the local, national, and international spheres, as well as its capacity for struggle and mobilization of its members."

I offer them my congratulations and continued solidarity.

Bargaining with the "Bottom Line": Building Global Union Solidarity

By Helen Berry for the Public Service Alliance of Canada and the PSAC Social Justice Fund

The Public Service Alliance of Canada, PSAC, has a strong and proud history of actively supporting human rights and social justice, not only for union members and workers in Canada, but for people throughout the world. It recently began working in solidarity with the workers of the Cerrejón coal mine in Colombia and with affected communities. Cerrejón is partly owned by the multinational behemoth of BHP Billiton, a company that the PSAC has experience dealing with in Canada.

At first blush, the PSAC seems a somewhat unlikely candidate to challenge BHP Billiton and bargain the collective rights of nearly 400 diamond mine workers in remote northern Canada. However, as one of Canada's largest unions with over 40 years of

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experience, PSAC has impacted the lives of workers from St. John's, Newfoundland to Vancouver Island, British Colombia to Iqualuit in Canada's newest territory, Nunavut. Traditionally, PSAC members worked for the federal government; more recently, membership has expanded to workplaces such as women's shelters, casinos and universities. PSAC also has a long history in the remote northern regions of Canada, representing close to 12,000 working people across the north, in the Yukon, the Northwest Territories and Nunavut.

This combination of experience and knowledge makes the PSAC a perfect choice to represent the diverse, unique and challenging interests of workers at the Ekati Diamond Mine in the Northwest Territories.

The Ekati Mine

The Ekati Diamond Mine opened in 1998 and was Canada's first operational diamond mine. It is located approximately 300 kilometers northeast of Yellowknife, and only 200 kilometers south of the Arctic Circle, in the Northwest Territories. It is majority-owned (80 percent) and operated by BHP Billiton. BHP Billiton was formed through the 2001 merger of Australia's mining and oil giant BHP and U.K.-based mining group Billiton. The merger created the world's "largest diversified resources" company, owning and operating over 100 operations in approximately 25 countries worldwide. In 2004, BHP Billiton posted revenues of nearly $25 billion (USD).[1]

The Ekati Mine employs about 800 people and has on average an additional 600 contractors on site, providing a variety of support services. While a majority of these workers are non-

1 "BHP Billiton." Company Profile. Hoover's, Inc., 2006. *Answers.com* 18 Jan. 2007.

unionized, in June 2004, the PSAC became the certified bargaining agent for approximately 400 workers at the mine.

In order to operate a mine in the Northwest Territories, BHP Billiton is required to adhere to numerous laws and regulations protecting the environment and the social and economic well-being of local communities. Statistics show that in 2001, slightly more than 50 percent of the population of the Northwest Territories was Aboriginal. As such, BHP Billiton entered into a number of legal agreements with both government and local Aboriginal communities affected by the mine.

The company's Ekati website states the following:

"We have made both legal and moral commitments to key Northern stakeholders which include commitments we have made under the Impact and Benefit Agreements (IBAs) with Aboriginal nations and the Socio-Economic Agreement (SEA) with the government of the Northwest Territories."[2]

Ekati's latest *Annual Report on Northern and Aboriginal Employment*, which is available on BHP Billiton website, is for 2003. For Ekati's total workforce (including contractors), the Report identifies 27 percent of employees as "Northern Aboriginal," this is slightly below the target of 31 percent set out in the 1996 SEA.

Of the approximately 400 PSAC members at Ekati, a significantly higher percentage identify as Northern Aboriginal (over 40 percent). This can be attributed to the kinds of work performed by PSAC members. The *Report* shows that Northern Aboriginal employees are vastly over-represented in the two lowest skilled areas of employment, semi-skilled and unskilled (46 percent in both). In 2003, only 6 percent of workers in the professional category were identified as Northern Aboriginal.

2 See: http://ekati.bhpbilliton.com

Bargaining with the "Bottom Line"

The difficulties inherent with organizing, educating and even communicating with a diverse membership are exacerbated 100 fold for Ekati workers. Examples of the unique issues faced by these workers include: the isolated and often treacherous geographic location of the mine (the average temperature for 8 months of the year is -35 degrees Celsius); the employer-controlled Charter flights required to access the mine; 2 week in/2 week out shift schedules; 24 hour/365 day-a-year operation; 12 hour shifts (for most employees); and unprecedented levels of security and surveillance.

Add to this, the social, economic, environmental and cultural impacts of the mine, confidential Impact Benefit Agreements (IBAs)[3] made with leaders of several local Aboriginal communities, and a multi-billion dollar company that, like most conglomerates, is resistant to having its business practices and profits scrutinized by its workers or, even worse, by a labor union.

It therefore came as no surprise to the PSAC that BHP Billiton made it a particularly arduous task to organize and represent workers at Ekati. Prior to PSAC being certified as the bargaining agent, several unsuccessful attempts were made by employee organizations to secure better working conditions, higher pay and benefits for the workers at the mine.

BHP (the Australian arm) has a long, controversial and sometimes violent history with workers and labor unions.[4] PSAC's

3 For an interesting case study on the effect of these IBAs on local communities conducted by researcher Viviane Weitzner of the North-South Institute please see "Dealing Full Force" at http://www.nsi-ins.ca/english/pdf/lk-en.pdf (also available in Spanish).

4 Please see "BHP Billiton." International Directory of Company Histories. The Gale Group, Inc, 2006. *answers.com* 18 Jan. 2007. http://www.answers.com/topic/bhp-billiton

experience of negotiating with this company demonstrates BHP Billiton's persistent arrogance, and often blatant contempt, for the right of workers to have their interests represented fairly by a union.

Collective bargaining commenced in early 2005, after extensive research and coordination, including having the negotiator and research officer from Ottawa spend significant time at the mine to understand the unique nature of the workers' daily lives; electing a bargaining team; and developing communication strategies with the members. While discussions began amicably enough, it soon became apparent that issues such as the confidential IBAs and dealing with a company not used to working in countries that enforce stringent human rights and labor rights laws, were going to be significant barriers to productive negotiations.

BHP Billiton representatives appeared surprised and defensive when union demands included such human rights provisions as ensuring employment equity to facilitate hiring and promotion of under-represented and often disadvantaged workers, and pay equity, to ensure that all workers are compensated fairly and transparently regardless of gender or race. Both are common clauses in Canadian collective agreements designed to assist employers in complying with federal and territorial laws. It appeared that every demand made by the workers was met with resistance and characterized as unreasonable or unnecessary, leading to an increasingly adversarial and unproductive experience.

In the early spring of 2006, after numerous face-to-face meetings, the parties were clearly at an impasse when the union requested conciliation and a federal mediator was appointed. Notwithstanding these interventions, the dispute escalated and in early April 2006 the National President of PSAC called for a strike against the Ekati Diamond Mine.

A strike is always a drastic measure to take. In this case, Ekati workers faced not only the financial hardship and insecurity of a strike, but also the harsh physical challenges of walking picket lines in -30 degree blizzard conditions, 300 km from the mine itself. This geographic obstacle made it relatively easy for BHP Billiton to bring in replacement workers and contractors willing to cross a picket line hundreds of kilometers away. The employer also had the backing of a multi-billion dollar company determined not to set a precedent of reaching a fair and equitable agreement with its unionized workers. In spite of this, Ekati workers persevered and held their ground for nearly four months, showing BHP Billiton that they could not be intimidated. The workers ratified their first collective agreement in July 2006.

These workers came face-to-face with the same arrogant and aggressive tactics that BHP workers throughout the world have been facing for over a century. As recently as August 2006, the PSAC, along with trade unions from around the world, supported striking mine workers at the Escondida Copper Mine in Chile (57.5 percent owned by BHP Billiton). This contempt and blatant distain for basic labor rights and human rights is the very reason PSAC is reaching out to other workers, unions, labor activists and social justice-seeking communities around the world, building solidarity and support to effectively challenge the increasingly common culture of multinational corporations to put profits and the "bottom-line" ahead of human rights and social justice.

Building Global Union Solidarity

In 2003, PSAC established the Social Justice Fund (SJF) to consolidate and focus the union's work and long history with social justice. The SJF is an independent fund with money raised through employer contributions negotiated into PSAC collective agreements. By 2006, the SJF has been incorporated into over 40

collective agreements and the union has made a commitment that the SJF is a bargaining priority for all PSAC bargaining units.

Since the inception of the SJF, strong links have been formed between unions and labor activists in Canada and Colombia. As PSAC member Megan Adam wrote of her experience as part of a public service workers delegation to Colombia in July 2006:

"Colombia is regarded as the most dangerous place in the world to be a trade unionist, with more union activists killed there each year than in the rest of the world combined. Colombia is ground zero for trade union activists; it is the job of international labor to bring what relief we can and to be inspired by sharing these struggles together."[5]

In August 2006, PSAC member Debbie Kelly participated in the Witness for Peace delegation to Colombia, to visit six communities in danger of displacement due to the expansion of the the Cerrejón coal mine—the largest open-pit coal mine in the world—in which BHP Billiton owns a 33.3 percent share. The delegation aimed to support community leaders in their difficult negotiating process with the coal mine.

So, when the request came for representatives of PSAC to participate in an international delegation to support Sintracarbón in its negotiations with Cerrejón, negotiations that included strong demands that the mine not only negotiate fairly with the mine workers but also with local communities, the similarities between the struggles faced by Ekati workers and Cerrejón workers were obvious. As such, the SJF facilitated Aboriginal Ekati worker Richard Charlo and staff member Helen Berry, to join Sintracarbón and the international delegation.

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5 Megan Adam, PSAC, *Defending Public Services: From Canada to Colombia,* Report on the Frontline Tour to Colombia, July 2006.

Globalization has shortened the distance that once divided workers in the northern and southern hemispheres. Consequently, a steadfast bridge of solidarity now exists between workers 200 km from the Arctic Circle and workers near the Equator. Not only do these workers face the challenge of negotiating their rights with one of the world's largest and richest companies, they are also determined to support and work in solidarity with all people directly impacted by these mines, in Colombia and around the world.

These workers and unions recognize that "an injustice to one is an injustice to all."

From the Arctic to the Equator

*By Richard J. Charlo**

My name is Richard J. Charlo. I have been working at the BHP Billiton Diamond Inc. for the last 8 years. I am an Aboriginal (Dene, Dogrib) and live in the small community of 2,000 people, Behchoko, formally called Rae, Northwest Territories, Canada. I have worked in the warehouse since I was hired and became involved in the union during the last labor dispute. I am now an officer of Diamond Workers Local X3050 of the Union of Northern Workers, a component of the Public Service Alliance of Canada. I was a Strike Captain for the picket line in Rae Edzo during the strike, and most recently have become a Steward and Director for the Local. I work a two week in and two week out rotation and fly into camp to work.

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* Richard J. Charlo is a member of the Dene, Dogrib First Nation. He has been working at the BHP Billiton Ekati diamond mine for eight years. He is currently a Steward and Director of Diamond Workers Local X3050 of the Union of Northern Workers, Public Service Alliance of Canada.

My experience in the union started shortly before the strike which lasted from April to July 2006. Going on strike was the hardest decision I ever had to make; at risk were friendships and my job. In addition to fighting for the right to have a collective agreement, it was just as important to me not to become a scab. I could not dishonor myself or my family by crossing the picket line. This was not the case for all of us during the strike; the small community of Behchoko was divided, and became a battle field between those who scabbed and those who honored the line, brother against brother. Many families in the Northwest Territories were caught in between, haunted by the Giant Mine Strike and afraid to support either side. The strike had a huge impact on the economy, socially, individually, and most of all, on the members.

Following the strike, I resolved to learn and participate in the union as much as I could. I attended the Union School, and took a number of training courses. The Tli Cho members who supported the picket lines had a great presence at the school. We built a strong foundation that has continued since the strike and will grow throughout the upcoming months to our next round of bargaining. Knowing my rights as a worker and how to protect and enhance them came naturally to me as a First Nations Person. For generations now, First Nations have been fighting for their rights and against the oppression of others.

In October, I had an important opportunity to visit the coal fields of Colombia and learn about the displacement of Aboriginal people by the Cerrejón Mine. I also learned about the treatment of the mine workers. The culture and customs are very different from our own and the working conditions are deplorable. However, the local people living near the mine are affected in similar ways as we were here in northern Canada. In the back of my mind, I know that if BHP could get away with it, they would treat us the same way they treat their workers abroad.

All the more reasons why we must work together, and learn from one another. The struggle of the union in Colombia to bring to the table an agreement protecting the rights of community is an example of how unions and communities can become stronger by working together.

Visiting communities such as Roche, Chancleta, Patilla, Barrancas, Riohacha, Albania and Bogotá was great, and I met many courageous people along the way. I was able to pass on messages of support and solidarity to the workers in Colombia and I was able to learn from them as well. When it all comes down to it, all we have is each other and solidarity in the face of power that is hungry for money.

I would like to convey a big thank you to the Public Service Alliance of Canada Social Justice Fund and the international delegation that accompanied me to Colombia. Having an opportunity to meet Sintracarbón union members, especially Freddy, Jairo, José and Jaime and the people who are struggling with the company, made me feel stronger than ever before. I hope to return someday, and to invite our brothers to visit us here, in Northern Canada. We need to learn from our Colombian colleagues and stop the mining companies from creating a division between the union and the community. Only by working together North-South, East-West, and within our own community, can we dream of a better future for all.

¡Viva Sintracarbón! Three Weeks with a Colombian Union

*By Yvette Michaud**

¡Viva Sintracarbón! is one of the union's rallying calls, a call which I often heard during my time with Sintracarbón, the union representing about 3,000 workers of the Cerrejón mine.

As a retired lawyer and a Labor Relations Officer, I jumped at the opportunity to spend time with a Colombian union. It was union solidarity calling. I was very eager to find out about the union that was going to support communities affected by the activities of the mining company for which they were working. How could it be done? Why would it be done? What would be the result?

The invitation to participate in a delegation to Colombia came to me through the Atlantic Regional Solidarity Network (ARSN). People from Canada and the United States have been to the Cerrejón mine in Colombia on a least two delegations. That is

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* Yvette Michaud is a retired lawyer and labor relations officer, currently doing solidarity work, based in Halifax, Nova Scotia.

how I spent three weeks with a Colombian union. This is how I got to know Sintracarbón.

The international delegation in which I participated was one of solidarity with the people of the Guajira. The first such delegation, in August 2006, in which ARSN members participated, confirmed that a number of indigenous, Afro-Colombian and farming communities are being gravely affected by the Cerrejón coal mine.

The participants of the August delegation were told that Sintracarbón, the union of the workers of the mine, was willing to help the communities affected by its operations. The Union was going to prepare its bargaining proposals, which would include a demand that the mine negotiate with the affected communities—something the communities have been demanding for years. The purpose of the negotiations with the communities would be to establish how the communities could be relocated and be compensated for their losses. The union invited an international delegation to accompany them in their collective bargaining and to provide solidarity for what was really an unprecedented step of bringing the issues of the mine's treatment of local communities into the bargaining process.

The international delegation, with which I traveled in November 2006, arrived in Colombia as guests of Sintracarbón. Three Sintracarbón members traveled with the delegation when it visited the affected communities—something the union had never done before. Seven communities are either very close to the mine, or are inside the boundaries of the mine. The community of Tabaco was displaced by force in 2001, and no longer exists. All communities are suffering health problems caused by contamination from the mine's operations. The communities can no longer live as they have lived in the past; they are dying of hunger, sickness and despair.

When the international delegation arrived at the airport in Riohacha, we were taken to the office of Sintracarbón, to meet the president of the union and representatives of some of the affected communities. The President of the Union said that Sintracarbón was willing to work for the needs of the communities during their bargaining—something quite unprecedented in this region, and even internationally. There was excitement in the air about the union-community alliance. The delegation did a four day tour of the communities, spoke to displaced people, observed their living conditions, held health clinics (there were three medical doctors traveling with us), saw the polluted rivers and the coal dust everywhere. The three Sintracarbón union members were visiting and seeing these communities for the first time as well.

The same afternoon we had our first visit with the displaced people of Tabaco (Tabaco in Resistance). Numerous persons gave testimonies. They talked about the forced displacement and how they were not able to work. They were subsistence farmers living from fishing and hunting, before the mine came. The President of the union, Jaime Delúquez, said

"Sintracarbón is making demands for the workers and for the people. It is a union which has been involved in promoting social causes in the past. We cannot be indifferent. We have a common reality. We must unite to make this happen. There must be unity between the union, the affected communities and the international communities."

The next day, the international delegation (without the three union representatives) met with the President of the Cerrejón mine, León Teicher. At the request of the union, we asked to be present as observers during the collective bargaining. That request was flatly refused. Bargaining is a family matter, we were told. Nevertheless, we informed President Teicher that we would be monitoring the negotiations and we presented to him letters from

various organizations asking him to negotiate in good faith and to address the issue of the communities.

At the end of the tour, the three union members who had accompanied the delegation prepared a communiqué for the members of Sintracarbón asking them to support the communities. The union delegates concluded that the reality was far worse than they had imagined:

> "The multinational companies that exploit and loot our natural resources in the Cerrejón Mine are violating the human rights of these communities. Sintracarbón has committed itself to the struggle of the communities affected by the mine's expansion. We invite all other unions and social organizations in Colombia, and especially in the Guajira, to join in the struggle of these communities for better conditions and quality of life and to take on the communities' problems as our own. As a union committed to the struggle of these communities, we have established the short-term goal of working to help unify the affected communities, to participate in their meetings, to take a stand with the local and national authorities regarding the absence of public services in the communities, to begin a dialogue with the company about the reality we are now aware of, and to take a public stand locally, nationally, and internationally about the situation of the communities affected by the Cerrejón mine and its expansion.
> Sintracarbón stands with the struggle for justice for the communities affected and displaced by Cerrejón!
>
> *¡¡¡¡Sintracarbón presente!!!!*
> *¡Viva Sintracarbón!*

The union delegates demanded that the Cerrejón mine company start negotiations with the communities with the object of relocating and compensating them. The union wants to be present when the mining company negotiates with the communities. The international delegation wants to be informed of the progress of the negotiations.

The next step for the President of Sintracarbón was to gain the support of the union members. A few members of the International delegation attended the meeting of the union's regional representatives. The regional representatives unanimously supported the proposal of the three union members who had traveled with the international delegation. ¡Viva Sintracarbón!

As I continued to follow Sintracarbón during the following weeks I learned more and more about the history and role of unions in Colombia. Colombia is the most dangerous country in the world for trade unionists. Over 4,000 unionists have been killed or have disappeared in Colombia during the last ten years. Why is it so? Because in Colombia unions are the real opposition to the status quo: they are challenging the fact that the country is selling its natural resources to multinationals, that the country is using the army and paramilitaries to protect the interests of the multinationals, and that the laws and regulations are modified to facilitate foreign exploitation.

The unions are fighting privatization, the destruction of the environment and they are challenging the countries that are exploiting their resources without regard to the rights of the people occupying the land. Sintracarbón members are putting their lives on the line to support communities in the way of the mine's expansion. Sintracarbón knows that this demand in their collective bargaining proposal could lead to a confrontation. Former collective bargaining processes have resulted in threats and intimidation. In one former bargaining session, the army was deployed.

At Sintracarbón's two day general assembly to discuss the bargaining proposal, the members of the union went over each and every one of the points proposed by the bargaining committee. Lots of discussion occurred and modifications were made. There were many repetitions of ¡Viva Sintracarbón! The

proposal to help the communities was passed, with many people speaking in favor of it. The union meeting lasted until 4:30 a.m. on its second day. It had started at 9 a.m.! Many of the bargaining proposals put forward by the union dealt with issues of health, education, transportation and pensions.

The final proposal to bargain, as modified by the members in the general meeting was presented to the president of the Cerrejón mine company on November 20, 2006. No international presence was allowed. Bargaining is ongoing, with the union providing daily updates to the International Commission that was formed to monitor the process. Union solidarity has taken on a whole new meaning. We must support unions who are putting their lives on the line to promote social justice and a better world for all. If they fail, we will be weakened. Can we prevent the displacement of Chancleta, Patilla, Tamaquito, Los Remedios, Roche? Will they become "displaced" like the people of Tabaco and Bahía Portete? How many will die to make way for progress and to cause environmental damage? What should be the price of progress? First World consumption is costing the lives of members of the Third World's unions. ¡Viva Sintracarbón!

TESTIMONIES

Testimony from the Community of Tabaco

*By José Julio Pérez**
Translated by Aviva Chomsky

Our communities were founded around 1780 by a group of black Africans who were being brought to the Americas as slaves. I think the slave traders were Portuguese. Our relatives reached shore during a battle against their captors. As the story goes, the ship got into trouble, and the captors started arguing about whether to throw the slaves overboard, or to throw over the provisions and the arms. They decided to dispose of the merchandise, which was our families. Apparently some of the leaders among the blacks understood what their captors were saying. Just when they were about to be thrown overboard, the leader of the tribe who was imprisoned gave the order to attack,

* José Julio Pérez is President of the Social Committee for the Relocation of Tabaco, the legal representative of the Community Council of Tabaco, and also the President of the Coalition of Black Communities in the Hosco Territory. He was displaced from Tabaco when it was razed by the Cerrejón mine.

and they overcame their oppressors, escaped to shore and inland along the Ranchería River.

They followed the river inland, until they came to what is today Albania, and they founded a town there, Calabacito. Further along, they settled the town of Manantial, and they founded the towns of Roche and Tabaco, all about the same time. There, in the valley that the mine has excavated today, is where their walls were, the sacred places that they had in this area.

Before the mine came, we had our culture, even though it was violated by the Catholic Church, which imposed the Catholic religion on us. Many of our customs have disappeared, because the mine has wanted to obliterate our culture. One of the things the mining company wants to prove to the world –and it works hand and hand with the Colombian government in this– is that there are no indigenous or black communities in the area where they are mining the coal. But we still preserve some of our traditions, like our foods, our culture, and our relationship to the natural world. We have been able to survive a little bit in this way.

Our families had to prepare to defend their land, where they had settled, where they lived. There were walls that the blacks built to defend themselves from the whites. Monuments, cemeteries, everything that each family kept from their ancestors. All of this was stolen, destroyed by the mining company. It's been a very calculated campaign on their part.

The outsiders called our people the *bárbaros hoscos* [black barbarians] because they defended their territory. One of the attackers was General Albán, who tried to pacify the region. He waged several battles there, and lost many men, but he couldn't defeat our ancestors, our family. So he decided to try intelligence, and instead of continuing the struggle, he offered a truce, and he respected the pact, and he dubbed them the "black barbarians" because they were very brave and daring in battle. The indigenous people did the same when their time came; they also defended

their territory, and were considered to be very... maybe not dangerous, but they defended themselves. Later on we lost so much of our culture and our history, because of the desire to escape from the prejudice that the outsiders viewed us with and the way they saw us as "barbarians." But bit by bit people are coming to understand better what discrimination is, people became more conscious, and now they understand better that those "black barbarians" used to be respected.

When I was a child life was different, because the communities were united, they were whole. The whole area was at peace, and rich and productive. People lived in brotherhood. All communities had family ties, because we all came from the same family; the people from Manantial, from Albania (formerly Calabacito), from Tabaco, and from Roche, were one family: cousins, relatives, all very close. Back then it was like we were a single tribe, spread among different settlements. For reasons of defense, our ancestors founded several settlements, different towns, so that they could move around to escape from the constant persecution by the whites.

The mining companies began to remove our people, it must have been back when they first came to the region, in 1976, or at the end of 1975. At first they wined and dined people, they used mirrors and tricks to get them under their control, under their thumbs, you know?

Living next to the mining enterprise is very difficult. It creates terror. The communities suffer from constant fear, because you never know when you'll be victim to the miserable, diabolical attacks by the company's officials. They've caused a permanent contamination of the environment with their dust, their coal particles, and their noise. This has caused respiratory problems, skin diseases, and vision problems. Above all, eye problems, our communities have been very affected by these. And sicknesses like tuberculosis. You feel a kind of psychological trauma because

you think that at any moment you can disappear from your land, from your people, and if not you, then your family. Because we are all, everyone in these communities is part of a single family. If it's not your cousin, it's your brother; if it's not your brother, it's your nephew– it's all one family unit. Nobody is an outsider here. We're all natives; we're all part of the same family. So when something bad happens to one person, we all suffer, because one way or another it affects the family system.

When the mine first came, we all thought that our land would be preserved intact, that the mine wasn't going to cause us problems. What we didn't know was that what they called "progress" was going to mean the destruction of our towns. Intercor, the Exxon-Mobil subsidiary, was the company in charge of carrying out the explorations, and then mining the coal. When they first arrived, they were nice to everyone. They held meetings and invited the heads of the households, they looked around to see who the leaders were in the communities, and they tried to seduce them. They did all kinds of nice things for them, they brought them gifts, and people believed that they were wonderful people.

In their meetings they made themselves out to be the best people in the world. They made us think that with them people were going to get everything they needed—gasoline, favors, anything people needed. That they would be there to take care of the communities. And when they began the process of buying the land, they made people believe that their lands would never be used for mining, that they would be just a security zone against any possible contamination caused by the mine. They said they would preserve the whole natural environment, and that everything would remain just as it was. So people believed them, and they believed that they would be able to keep their lands forever. They believed that the company would never, ever, need their lands, so that they could invest the money that they got from the company in

improving the land. They believed that it was a good deal to sell, because what they received for their land was something like a gift, because their land would never actually belong to the mine.

When the new company came in, we thought that everything would change, but there was no structural change at all. The communities have suffered even more deaths now, than the many that they suffered when the mine belonged to Intercor. The only thing that we are asking for is that they respect our environment, that they respect our rights, and that they carry out their mining in a way that is just and equitable for the people in the area. That we shouldn't have to be uprooted, displaced, and killed, indecently, unnecessarily.

Ever since the Colombian government began its negotiations with Cerrejón, with Exxon, with Intercor, it has been very accommodating to the company. Up through the current government, they have gone along with the destruction of our villages, of our communities. And the displaced, the dead, the sick—all of this has happened, and the government has done nothing about it.

The U.S. government is the one benefiting from this, from our problem, because of the war. Like always, in our country there has been a war during the last decades. There are military interests in our country, that want to acquire arms, that want to carry out projects that let them finance the war. This has allowed the U.S. government to take advantage of the situation of these countries at war, poor countries like our Colombia; poor in leaders, although rich in nature, in natural resources. Of course I think this wealth is not ours. It belongs to the Earth. But they abuse it, they use it to finance the war in our country. And the U.S. government takes advantage of this.

So we are asking people to denounce these events, and to understand that this is not a problem that we can resolve ourselves, in our country. We have exhausted all of the recourses

available in our country, legal and social. But because of the influence that the companies wield here, it's impossible to solve these problems in our country. We are asking people to denounce the company's acts. We want people to understand that these transnationals have tricked people. They make themselves look good on paper, but in reality, the suffering that we are living through in our communities is very great. So we are asking that people join with us to denounce these events and to spread this information to every corner of the world.

Formation of Community Council and Declaration of Tabaco as an Afro-Colombian Community, 2003

By José Julio Pérez, et al

[The new Colombian Constitution of 1991 paved the way for Law 70 of 1993, which provided legal recognition and rights—including the right to collective title to their ancestral lands—to Afro-Colombian communities. In 2003 Tabaco followed the procedure to become an officially-recognized *comunidad negra* or Afro-Colombian community.]

Constitutional Act of the Community Council and Election of the Board and Legal Representative

General Assembly of the Community Council of the Black Community of Tabaco

Act No. 1

Today, March 8, 2003, at 8:30 a.m. in the Black community of Hatonuevo located in the village of Tabaco, jurisdiction of Tabaco, Municipality of Hatonuevo, Department of La Guajira, a quorum was duly certified, according to an internal census and the traditions and customs of the community. In accordance with

Law 70 of 1993, Article 5 and Decree 1745 of 1995, Articles 3 and 12, the General Assembly of the members of the Afro-Colombian community of Tabaco met in the San Rafael Elementary School in order to constitute themselves as a Community Council.

Sr. Juan de la Rosa Pérez was elected to preside or coordinate the Assembly, and Dayrys Arregocés was elected to serve as Secretary.

Next, an election was held for the Board of Directors of the Community Council. The following persons were elected:

Argemiro Rafael Pérez A., President
Lelis Rufino Pinto Pérez, Vice President
Rogelio Manuel Ustate, Barrancas Secretary
Dayrys Arregocés Ramírez, Treasurer
Juan de la Rosa Pérez Díaz, Fiscal agent
Carmen María Arregocés, Committee member
Pedro A. Romero, Committee member

Sr. José Julio Pérez Diaz, resident of Albania, was elected Legal Representative of the Council.

The following people participated in the General Assembly:
[list of signatures attached]

Signed,
Juan de la Rosa Pérez A., President
Dayrys Arregocés, Secretary

Certificate of Community Council Inscription No. 1 before the Municipal Mayor of Hatonuevo

The undersigned Mayor of the Municipality of Hatonuevo, La Guajira, declares that the Constitutional Act of the Community Council of the Black Community of TABACO, located in the town of Tabaco in this jurisdiction, has been included in the Community Council Registry Book, according to Decree 1745 of 1995, articles 9 and 20, implementing Law 70 of 1993.

The Constituent Assembly of the Community Council was held on March 8, 2003, and Sr. José Julio Pérez was designated Legal Representative.

The following individuals were elected as members of the Community Council:

Argemiro Rafael Pérez A., President
Lelis Rufino Pinto Pérez, Vice President
Rogelio Manuel Ustate, Barrancas Secretary
Dayrys Arregocés Ramírez, Treasurer
Juan de la Rosa Pérez Diaz, Fiscal Agent
Carmen María Arregocés, Committee member
Pedro A. Romero, Committee member

Affirmed and signed in Hatonuevo, La Guajira, on September 15, 2004.

José de Jesús Ortiz Duarte
Mayor

Petition from the Community of Tamaquito

Republic of Colombia
Department of La Guajira
Municipio of Barrancas
Indigenous Community of Tamaquito II

August 2006

International Group Witness for Peace
Warm greetings,

Knowing your great spirit of cooperation with the communities, we hope to present you information about our needs and the damages caused by the Cerrejón Mine and its administration.

The Tamaquito II community is suffering greatly from the contamination, and our people are becoming sick from the coal dust from Cerrejón's excavations. They say that we are not within the mine's area of exploitation, but according to the law no community should have to be located less than 10 km from a mining operation. The other thing is that they do not take our community into account in any way. We hope that you can help us so that the mining company will relocate us away from here so that we can live comfortably.

We have pursued some projects for relocation with the municipal government, but they are just playing around with us [making us "nurse from roosters"] and they have taken away our

medical services and medicines, which we have not received for the past five (5) months.

We thank you in advance for your attention to our petition and we are sure that you will help us.

Sincerely,
Jairo Dionicio Fuentes E.
Governor of the Cabildo [Indigenous Community Government]
Nilson Antonio Ramírez
Secretary of the Cabildo Committee

Short Term Needs

Transportation

Issues: When a person from the community becomes ill, we have to carry him or her out in a hammock because we have no vehicle with which to take them into town. We hope that you can help us with our transportation problem, so that we have a vehicle of our own, as we are incommunicado without one.

Medical supplies

Issues: If we had access to medical supplies we would be able to treat people who become sick while we are waiting to be able to take them to the town.

Food coupons

Issues: The community, as you saw, has no source of work to be able to support our families. We ask for your help in enabling us to keep our families happy and healthy, as we have no place to cultivate our food.

Artisanry

Issues: We have no source of work to enable us to buy materials for our women to carry out their weaving.

Note: Any financial help that you can provide us with, we would like to be sent directly to the community through the Committee of the Cabildo.

Health

We are getting sick because we no longer receive doctor's visits in our community, and we have no medicine. We need these because they took them away. We have no health program and the community has to sacrifice to be able to go to the doctor. We are the only community that does not receive visits from the medical brigade.

Education

The problem comes from the fact that when it rains the road becomes impassable, and the community loses its access to the town. We need our own teacher in the community, so that our children will not miss their classes. We hope that wiith your help, we can get the provincial government of La Guajira to appoint a teacher for our community.

The indigenous community of Tamaquito will be very grateful for your gestures of good faith which will be a small step towards achieving peace.

Long term needs

Indemnification and Relocation of the Community of Tamaquito II

Issues: The members of the community are becoming sick because of the contamination from the mine, and they do not let us cultivate in their lands. We cannot raise animals because they also die. We cannot harvest our crops because of the burning of the coal.

Very sincerely,

Indigenous Community of Tamaquito II
21 signatures follow