



Boom, bust and human security in the extractive sector: The case of Colombia



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ABSTRACT

The role of Canadian businesses in Colombia's extractive sector yields many global lessons regarding the promotion of human rights in a manner that is beneficial for host communities and for corporations. Colombia hosts almost all the imaginable human rights problems that can exist in relation to the mining and petroleum industries, and Canadian companies in extractive industries dominate in many areas of the Global South. This is a particularly opportune time to consider the human rights dimension of Canada's experience in Colombia's extractive sector, since the boom years have now turned to bust and therefore provide a useful panorama from which to draw a range of analytical conclusions.

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1. Introduction

The role of Canadian businesses in Colombia's extractive industries yields many global lessons regarding the promotion of human rights in a manner that is beneficial for host communities and for corporations. On the one hand, Colombia hosts almost all of the imaginable human rights problems that can exist in relation to the mining and petroleum industries. On the other hand, Canadian companies in extractive industries dominate in many areas of the Global South, including Colombia. This is a particularly opportune time to consider the human rights dimension of Canada's experience in Colombia's extractive sector, since the boom years have now turned to bust and therefore provide a useful panorama from which to draw a range of analytical conclusions.

We shall draw upon two cases. The first concerns the oil industry and Pacific Rubiales Energy Corporation in Puerto Gaitán. The second focuses upon Gran Colombia Gold Corporation's mine in Marmato. The latter is the more complex of the two studies under consideration here, and will receive a bit more attention. While the Pacific Rubiales situation boils down to a contest between the corporation and labor, the issues in Marmato are multifaceted and deal with race, epistemological chasms, and the predominance of informalized miners in the country, among other themes. Together, these cases yield a wide berth of lessons as well as highlight themes for further research.

The central argument here is that a triad of factors are essential for a mutually beneficial relationship that ensures the promotion

of human security¹ for host communities and which provides corporations with physical security and a better bottom line. First, tripartite negotiations between the government, corporations and the community are essential at the planning stage of extractive industries investment, and when critical issues arise once the operation is in place. Second, a human rights impact assessment (HRIA) prepared by an independent party is crucial at the exploratory phase, and annually when the project reaches fruition, to prevent potential human rights abuses and to monitor progress as well as any problematic changes. Finally, while corporate investment is typically made with euphoric hopes, the cyclical nature of extractive industries means that no matter how good things look at the outset, careful planning must take place to address community interests should the operation be forced to close.

The paper begins with a brief historical context of Colombia. This will be followed by global lessons gleaned from two distinct and emblematic case studies of petroleum and gold mining.

2. The context

Colombia's history of almost incessant violence and its pronounced political fragmentation represent a crucial backdrop for its current political landscape. Following independence in 1821,

¹ The approach favored here is Critical Human Security. It builds upon the key themes of the United Nations view of human security, but is focused on the empowerment of the host community. In that sense, it combines the lessons of post-development with the UN model. See Escobar (1994); Newman (2010); United Nations (1994); United Nations (2006).

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ongoing civil war between the Liberals and Conservatives resulted in the deaths of 35,000 Colombians during 1820–1879, a figure that would equate proportionately to about 5–10 million deaths during the last 50 years of the 20th century (Coatsworth, 2003). Colombia's Liberals represented agro-export and mercantile interests, while the Conservatives comprised the local agrarian and landed elite. Conservatives predominated in former colonial centers, while Liberals represented the upstarts from the peripheral regions that grew in economic significance during the post-colonial period.

The culmination of violent feuds and civil wars between the Liberals and Conservatives during much of the 1800s was the renowned War of 1000 Days from 1899 to 1902, which marked the largest civil war in Latin America during the nineteenth century. Somewhere between 80,000 and 200,000 Colombians lost their lives during that imbroglio. The fact that neither party was able to defeat the other decisively was one of the factors that contributed to pronounced political fragmentation and endless violence. Rather than working to create a centralized State, the Liberals and Conservatives behaved as competing and exclusive governments, hoping in vain that the next civil war would provide them with a conclusive victory over the other.

Geographical barriers underpinned political fragmentation. Three ranges of the steep Andes Mountains presented huge obstacles for travel. This retarded the construction of roads and railways that could otherwise have assisted in connecting and uniting the country. Riverine travel was highly hazardous. Such geographical obstacles encouraged Colombia's towns to be largely self-sufficient, and stifled trade between regions. Within the predicament of necessary self-sufficiency, each town often produced the same things, further reducing prospects for trade (Safford and Palacios, 2001; Sowell, 1992). Rather than uniting into a modern nation-state, Colombia's rival towns remained dispersed and isolated.

Epistemological factors also contributed to Colombia's notorious fragmentation. Spanish colonialism introduced a pre-modern system of thought. This meant, among other features, a fusion between the Church and State, political space conceived in terms of rival city-states, and feudal economic relations as manifested through the *encomienda* system. It was not until well into the 20th century that Modern ideas began to appear in Colombia with any semblance of vitality, such as the notions of progress, secular politics, institutionalized conflict resolution, and the importance of an industrialized economy.

The amplified fragmentation of Colombian politics has resulted in some noteworthy effects. First, violence has been rife in the absence of a centralized State with a monopoly on the use of force—or “a Leviathan”, in the words of Hobbes. Second, this has meant that in Colombian security historically has been privatized and dispersed. Examples include the private armies of *encomiendas* that were employed in inter-party warfare, the development of peasant and community defense organizations, the proliferation of private forces hired to protect a wide assortment of economic enterprises, the private forces of criminal syndicates, as well as a slew of other manifestations. Third, in the context of a State that has been historically weak, illegitimate, or even completely absent in many regions, economic enterprise has often operated totally outside government structures.

Amidst heavy pressure from the United States, the ever-feuding Liberals and Conservatives finally agreed to negotiate in Spain beginning in 1956 to reach a power-sharing agreement deemed as the National Front. Implemented in 1958, it meant a consociational democracy whereby the Liberals would rule for four years, and the Conservatives for the next four, over a 16-year period. While this meant a relative increase in State stability, there was a continuation of the political dynamic of exclusion, political violence and a

notoriously weak State. Inter-capitalist rivalry ended with the National Front, and immediately shifted to a new battlefield populated by the Left and Right.

According to its own literature, key components of the Fuerzas Armadas Revolucionarias de Colombia (FARC) emerged in 1950 – during La Violencia – with a merging of Liberal guerrillas and communist ‘self-defense’ units (FARC, 2004). The group existed in form in 1964, and conducted its first Guerrilla Conference in that year. But it did not officially assume its name until 1966 when it had approximately 350 armed recruits (Pizarro Leongómez, 1991). The FARC represented agrarian farmers, or peasants, and placed land reform and a redistribution of national wealth at the center of its political agenda.

Within a few years after the Liberals and Conservatives stopped fighting one another, under the direction of the United States, they began to fight the FARC. The centerpiece of Washington's intervention in Colombia during the 1960s was Plan Laso, which aimed to reorganize the Colombian military in order to fight the guerrillas. It is worth emphasizing that Plan Laso was the biggest US military aid package in Latin America until the Reagan Administration's intervention in Central America during the 1980s. Of huge significance is that by the late 1970s, the FARC had been pushed militarily to concentrate its forces in the remote interior jungles of Guaviara, Caquetá and Putumayo. These were exactly the regions that would serve in the 1980s and beyond as its lucrative base for coca growth and for its role in the enormous narcotrafficking industry. The FARC entered an entirely new era in the 1980s, when it transformed from the classic Latin American peasant guerrilla group influenced by Fidel Castro and Che Guevara to a highly sophisticated belligerent force propelled from the bonanza it reaped from participating in narcotrafficking, extortion, and kidnapping.

Right wing paramilitaries emerged as a dominant player by the mid-1980s, as they became the major security wing of the country's burgeoning narcotraffickers—thereby replacing components of the FARC in this role. Their allegiance remained with defending the interests of the agricultural elite, but by this time, ranching and traditional agriculture took a back seat to narcotrafficking. The paramilitaries described themselves as defenders of capitalism in a country where the State was weak and there was no “Leviathan” (Autodefensas Unidas de Colombia, 2004). They have represented the interests of illicit national capital and of some corporations engaged in extractive industries, and at times have paralleled the strategic interests of the US and Colombian governments through their combat with leftist guerrillas.

A major watershed began in 1984 when the FARC launched a program of political development, with the creation of its political unit the Unión Patriótica (UP). The UP ran candidates in local and national elections, with its members winning 14 congressional seats and numerous local positions in 1986. It was hoped that an atmosphere of political inclusion would cement peace in the country, and would signify the elusive achievement of the institutionalization of conflict resolution. But that hope was ruptured completely with the assassination by paramilitary forces of some 3000–4000 UP members and candidates between 1986 and 1992, including the 1990 murder of the UP's popular presidential candidate, Carlos Pizarro Leongómez.

With the failure of the UP experiment Colombia in the 1990s sank into darkest decade since La Violencia. In the wake of the assassinations of thousands of leftists who had attempted to work through the ballot box rather than through guerrilla warfare, the message derived by the FARC was that there was no way to work with or through the State. By 1996 it launched devastating attacks against the country's armed forces that were poorly trained and organized. To the astonishment of outside observers, President Pastrana in 1998 granted to the FARC a parcel of land in the jungle

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