



universität
wien

DIPLOMARBEIT

Titel der Diplomarbeit

Displacement by Development?

A Socio-Ecological Conflict Ethnography about Mining-Induced
Resettlements in the Carboniferous Area of Cesar, Colombia.

Verfasser

Sören RONGE

angestrebter akademischer Grad

Magister (Mag.)

Wien, 2013

Studienkennzahl lt. Studienblatt: A 057 390

Studienrichtung lt. Zulassungsbescheid: Individuelles Diplomstudium Internationale Entwicklung

Betreuer: Univ.-Prof. Dr. Stefanie Kron, M.A.

Acknowledgements

Un agradecimiento especial a la comunidad del Hatillo por permitirme vivir con ellos, proveerme con información y conocimientos esenciales de su entorno, dejarme hacer mis observaciones y entrevistas y por su paciencia con mis preguntas.

I would like to express my very great appreciation to Stefan Khittel for his constant guidance and constructive suggestions before, during and after my fieldwork and his never ending willingness to generously dedicate his time during the entire process of conducting this thesis.

Special thanks should be given to my research thesis supervisor Dr. Stefanie Kron for her professional counselling and valuable support.

I wish to acknowledge the help provided by Sebastian Rötters and Stephan Suhner in helping me to make the necessary contacts to gain entry to the field and connect me to various grassroots and non-governmental organisations in Colombia. The assistance and book shared with me by Aviva Chomsky was also greatly appreciated.

My special thanks is extended to Gloria Holguín and the staff of Pensamiento y Acción Social for allowing me to integrate myself in their organization, enabling me to safely visit the field and providing numerous pivotal contacts for interviews and observation.

A profound gratitude goes to all the interlocutors for voluntarily engaging in many hours of useful conversation during the various interviews.

I would also like to thank the staff of the following organisations for enabling me to gain insight into their operations and knowledge:

ask! – Aktionsgruppe Schweiz-Kolumbien

Indepaz – Instituto de Estudios para el Desarrollo y la Paz

Tierra Digna – Centro de Estudios para la Justicia Social

Finally, I wish to thank my friends for their advice and proofreading and my family for their unbroken support and encouragement throughout my entire studies and beyond.

Knowing that I owe gratitude to many more, without whose help I would not have succeeded, I apologise to anyone who should be mentioned here but was forgotten.

Table of Contents

Table of Figures	2
Acronyms.....	3
1 Introduction.....	5
2 Methodology	10
3 Theoretic Framework	16
3.1 Conflict Theory	16
3.2 Political Ecology.....	21
3.3 Synthesis of Conflict Theory in a Political Ecology Framework.....	23
4 Research Questions / Hypotheses.....	25
4.1 Research questions	25
4.2 Hypotheses	26
5 Historical Description of the Community	27
5.1 Similar Case Studies.....	32
5.2 History of El Hatillo.....	35
6 Stake-holder Analysis	42
6.1 Local Communities	42
6.1.1 El Hatillo.....	45
6.2 The Colombian State	61
6.2.1 National Level.....	63
6.2.2 Departmental Level	77
6.2.3 Municipal Level.....	79
6.3 Mining Corporations.....	83
6.3.1 Drummond Ltd.	86
6.3.2 C.I. Prodeco S.A. – Glencore International PLC	93
6.3.3 CNR – C.I. Colombian Natural Resources I. S.A.S. – Goldman Sachs Group, Inc.	99
6.4 NGOs - Non-Governmental-Organisations.....	102
6.4.1 ask! – Aktionsgruppe Schweiz-Kolumbien	103
6.4.2 PAS – Pensamiento y Acción Social	105
7 Strikes and Conflict.....	111
7.1 La Jagua, February 8 th 2007	113
7.2 Plan Bonito and La Loma, February 13 th 2012.....	117
8 Conclusion	122
9 Literature	126

10	Appendices	134
10.1	Sample Interview Questions (Adjusted for TNC).....	134
10.2	Abstract	135
10.3	Zusammenfassung.....	136
10.4	Curriculum Vitae.....	137

Table of Figures

FIGURE 5-1: DEVELOPMENT OF BITUMINOUS COAL PRICES (USD PER SHORT TON) BETWEEN 1949 AND 2011.	39
FIGURE 6-1: LOCATION OF LOCAL COMMUNITIES AND EXTENSION OF MINING CONCESSIONS. MAP DEMONSTRATING DEGREE OF CONTAMINATION (ÁREAS FUENTE).	44
FIGURE 6-2: DNP: ORGANOGRAM OF THE MINING SECTOR; THE MINISTRY OF ENVIRONMENT (MINAMBIENTE) IS MISSING ON THIS ILLUSTRATION	65
FIGURE 6-3: MINING DISTRICT “LA JAGUA DE IBIRICO”, ENCOMPASSING THE FOUR MUNICIPALITIES EL PASO; BECERRIL; CHIRIGUANÁ; LA JAGUA DE IBIRICO.....	67
FIGURE 6-4: CONCESSIONS HELD BY THE DIFFERENT MINING COMPANIES WITHIN THE MINING DISTRICT “LA JAGUA DE IBIRICO”.	85
FIGURE 6-5: MINING PIT (GREEN) AND DEPOSIT DUMP (PINK) “EL DESCANSO NORTE”, HELD BY DRUMMOND LTD. ..	89

Acronyms

ANLA	Autoridad Nacional de Licencias Ambientales / National Authority for Environmental Licenses
ANM	Agencia Nacional de Minería / National Agency for Mining
ASK	Aktionsgruppe Schweiz-Kolumbien / Action group Switzerland-Colombia
ASOCAPROHA	Asociación de Campesinos y Productores del Hatillo / Association of the Peasants and Producers of Hatillo
AUSTRADE	Australian Trade Commission
BACRIM	Bandas Criminales / Criminal Gangs
C.I.	Comercializadora Internacional / Trading Company
CAR	Corporación Autónoma Regional / Autonomous Regional Environmental Corporation
CARBOCOL	Carbones de Colombia / Colombian Coal
CDJ	Carbones de Jagua / Jagua Coal Operations
CENSAT	Centro Nacional de Salud, Ambiente y Trabajo / National Centre of Health, Environment and Labour
CETEC	Corporación para Estudios Interdisciplinarios y Asesoría Técnica / Corporation for Interdisciplinary Studies and Technical Consultancy
CINEP	Centro de Investigación y Educación Popular / Centre for Research and Popular Education
CKD	Chronic Kidney Disease
CNR	Colombian Natural Resources ISAS
COMULTRAHA	Cooperativa de las Mujeres Locales y Trabajadores del Hatillo / Cooperation of the local women and workers of Hatillo
COP	Colombian Peso
COPD	Chronic Obstructive Pulmonary Disease
CORDAID	Catholic Organisation for Relief and Development Aid
CORPOCESAR	Corporación Autónoma Regional del Cesar / Autonomous Regional Environmental Corporation of Cesar
CPR	Common Property Regime
CSR	Corporate Social Responsibility
CWP	Coal Worker's Pneumoconiosis
DIDR	Development Induced Displacement and Resettlement
DNP	Departamento Nacional de Planificación / National Planning Department
DRC	Democratic Republic of the Congo
EOT	Esquema Ordenamiento Territorial / Territorial Planning Scheme
ESMAD	Escuadrón Móvil Antidisturbios / Mobile Anti-Disturbance Squadron
FARC	Fuerzas Armadas Revolucionarias de Colombia / Revolutionary Armed Forces of Colombia
FDI	Foreign Direct Investment
FENOCO	Ferrocarriles del Norte de Colombia / Northern Colombia Railways
FNR	Fondo Nacional de Regalías / National Royalty Fund
FTA	Fretrade Agreement
FONADE	Fondo Financiero de Proyectos de Desarrollo / Financial Fund for Development Projects
GDP	Gross Domestic Product
IADB	Inter-American Development Bank
IBRD	International Bank for Reconstruction and Development

IDE Cesar	Instituto para el Desarrollo del Cesar / Institute for the Development of Cesar
IFC	International Finance Corporation
ILO	International Labour Organization
IMC	Información Minera de Colombia / Colombian Mining Information
IMF	International Monetary Fund
INCODER	Instituto Colombiano de Desarrollo Rural / Colombian Institute for Rural Development
INDEPAZ	Instituto de Estudios para el Desarrollo y la Paz / Institute for Development and Peace Studies
INGEOMINAS	Instituto Colombiano de Geología y Minería / Colombian Institute for Geology and Mining
IRC	Investor Relations Colombia
JAC	Junta de Acción Comunal / Committee of Communal Action
LLC	Limited Liability Company
MAVDT	Ministerio de Ambiente, Vivienda y Desarrollo Territorial / Ministry of Environment, Housing and Territorial Development
MINAMBIENTE	Ministerio de Ambiente y Desarrollo Sostenible / Ministry of Environment and Sustainable Development
MINMINAS	Ministerio de Minas y Energía / Ministry of Mining and Energy
NBI	Necesidades Basicas Insatisfechas / Basic Unsatisfied Necessities
NGO	Non-Governmental Organization
NIOSH	National Institute for Occupational Safety and Health
OP	Operational Policy
PAS	Pensamiento y Acción Social
PBI	Peace Brigades International
PIN	Proyectos de Interés Nacional / Projects of National Interest
PLC	Public Limited Company
PPP	Programa Por la Paz / Programme for Peace
RAP	Resettlement Action Plan
S.A.	Sociedad Anónima / Joint-Stock Company
S.A.S.	Sociedad por Acciones Simplificadas / Simplified Joint-Stock Company
TNC	Transnational Corporation
UAF	Unidad Agrícola Familiar / Agricultural Family Unit
UNDP	United Nations Development Programme
UNIDO	United Nations Industrial Development Organization
UPME	Unidad de Planeación Minero Energética / Planning Unit for Energetic Mining
USA	United States of America
USAID	United States Agency of Development
USD	United States Dollar
WB	World Bank
WHIASHU	Wales Health Impact Assessment Support Unit

1 Introduction

Since its colonisation by the Spanish crown in the 16th century, Colombia constitutes a prime example of classical extractivism¹. At the time the conquistadores were led by a desperate search for “El Dorado”, a magical place with egregious reserves of gold. This myth came from the long history of gold mining, which began already in pre-columbian times. Even though the Spaniards never found El Dorado, they quickly displaced indigenous resource extraction and vigorously mined for Silver and Gold, soon extending their extractivist economy to several other resources, making Colombia increasingly dependent on these resources. A consistent trend in Colombia’s history is export of extracted resources, with little or no national industry for processing or other relevant participation in the value chains, leaving little surplus in the country. (Fierro Morales 2012: 31ff)

Global capitalism and the neoliberal market society as a whole, with its quest for accumulation, are in search of ever-expanding economic growth and consequently need to expand their territory and make new resources available for use to satisfy that demand (cf. Luxemburg 1975). This aggressive quest for growth, often articulated in extractivist activities in the Global South², increasingly creates pressure on marginalized societies and nature. This pressure, along with consequent access and extraction from nature by actors from different scales and distant localities, stress the importance of questioning human-nature relations and understanding the socio-environmental conflicts emerging from the difference in these relationships.

The USA and the European Union have both negotiated ambitious free-trade agreements with the country to increase their trade activities, reducing tariffs and consequently also the profit share of Colombia³ by the -almost entirely foreign led- extractivist activities. The country’s location along the Pacific⁴ as well as the Atlantic coast has positioned it as a strategic geo-political location in the global arena. This resource rich country with its favourable climate for

¹ See the definition for Extractivism *below*

² The “Global South” is a concept in development studies and other fields referring to weak, dependent countries, often with a history of colonialism, commonly called “developing countries”. The concept is based on a division of the world-system into a North-South divide, according to the level of their economic development and position in international relations. In the concept strong and dominant economic countries such as Western Europe, Australia, USA or Canada are commonly grouped as the “Global North” due to their geographic prevalence in the Northern hemisphere, whereas economically weak and dependent countries tend to be geographically concentrated in the South, such as Latin America or Sub-Saharan Africa.

³ The FTA (Free Trade Agreement) between the USA and Colombia became effective as of May 2012. The FTA with the European Union initially included the entire Northern Andean Region, but was later rejected by Ecuador and Venezuela. While the FTA with Peru is already effective, the Colombian government is currently undertaking a final review of the agreement

⁴ The national President Juan Manuel Santos recently praised the “century of the Pacific and Latin America”, emphasising the importance of increased free trade towards the Asian countries

agriculture is considered the most bio-diverse country (by area) in the world, which has attracted massive foreign interest and contributed to its fate as a “banana republic” (cf. Galeano 2012: 141; 158).

While priding itself in experiencing one of the shortest military dictatorships in Latin America⁵ the nation state has witnessed a civil war between left-wing guerrilla groups and the military, partially supported by right-wing paramilitary units, for decades. The roots of this conflict stem from unequal land distribution, and a lack of any kind of satisfactory reform. Today “[a]n estimated 0.4% of the population owns 62% of the country’s best land” (USAID 2010: 3). This ongoing conflict has contributed to massive internal displacements of populations, with numbers ranging between 4 and 5 million people. While the FARC, the most important guerrilla group, is currently negotiating a peace agreement with the government, the paramilitaries officially demobilized in 2006. However, there is no agreement on the cessation of hostilities and the right-wing paramilitary groups, nowadays called Bacrim (*Bandas criminales* – criminal gangs), in particular have caught international attention due to their links to multinational corporations and violent displacement of people from their territory. The Colombian State, considered one of the strongest allies of the United States on the South American continent, had a president from 2002 until 2010 with alleged ties to paramilitarism. Apart from attacking the guerrilla with full force, he supplied mining concessions for huge tracts of land, making it available for extraction by foreign corporations after mining legislation was reformed in 2001 under close co-operation with a law firm that simultaneously represented most of the active transnational mining corporations (PBI 2011: 8). This process converted huge amounts of public and private land into private property owned by corporations, displacing populations and created enormous pressure on a country already failing to deal with its enormous land and restitution conflicts.

The classical extractivism⁶ model employed by the Colombian State, which was enforced by the conservative right wing politics of president Álvaro Uribe and his successor Juan Manuel

⁵ The dictatorship was initiated by the coup d’etat of Gustavo Rojas Pinilla and lasted from 1953 - 1957

⁶ Extractivism is an academic term referring to an economy that is highly dependent on the *extraction* of natural resources, usually embedded in a history of imperialism and prevalent in “developing countries”, where the resources are exported to “developed countries” under unequal conditions of trade and profit is created outside of those countries by transnational corporations, while the country where those resources were extracted only receives a small share in form of taxes or royalties. This usually makes the countries highly vulnerable to fluctuations on the world market and the actions of these corporations, being described in phenomena’s such as “Dutch Disease” or “Resource Curse Theory”. One distinguishes between a) “classical extractivism” that has been the norm in many Latin American country, and still is today in countries like Colombia or Peru, where the role of the State is minimised to administration and supervision of resource extraction by transnational corporations and the benefits awarded to the State are shared by a small elite, and b) “neo-extractivism”, where the extraction process has been nationalised and is undertaken by State or

Santos, is characterized by very low levels of State intervention, reducing the role of the State to that of administration and supervision, as it relates to awarding permits and contracts to multinational and national corporations. These corporations, in turn pay certain fees to the State in form of royalties and taxes. This kind of extractivist system is justified by the cost-intensive nature of mining, the higher effectiveness of the private sector and the need for foreign direct investment and creation of employment by foreign corporations. (cf. Gudynas 2011: 71)

According to the national government this system of mainly foreign-led resource extraction will bring development to the entire country, improving its socio-economic and environmental standards. The "locomotora minera"⁷ is one of the main pillars of the ambitious national development plan and economic projections portrayed by the national government seem to support this strategy.

Colombia focuses its economic policies on the extraction of minerals destined for export to industrial countries and while the State explains that this strategy is for the good of national development and serves the public interest, the State becomes highly dependent on importing countries and market prices, while at the same time creating a variety of problems that co-exist with this strategy.

The official numbers and real benefit of these extractivist activities for society are contested by many Colombian scholars⁸ - criticising above all the considerable tax-reductions and economic benefits⁹ offered by the State to transnational corporations in order to attract investments, along with the missing internalization of environmental and social externalities in the cost calculations – and realities on the local scale seem to be in direct contradiction to the image of local development portrayed by the national government:

Poverty rates in mining areas are well above national average; royalties are not converted into social, environmental or economic development; decisions on environmental destruction and land transformation are made without the local population's consent; the bearers of the costs

national corporations, but still follows a capitalist logic of exporting and selling the resources to the world market, maintaining the vulnerability to price fluctuations and the risks outlined above. Cf. *Bebbington* (2012); *Galeano* (2012); *Gudynas* (2011); *Swampa* (2012).

⁷ The term "Mining locomotive" was coined in the four year development plan 2010 – 2014 by the national government

⁸ See especially the works of *Guillermo Rudas Lleras* (2010; 2012) and *Julio Fierro Morales* (2012), as well as the recent publication by the *Contraloría General de la República* (2013)

⁹ These tax benefits on income are, among others: reductions for the payment of royalties; special reductions for investment in fixed assets; reduction for depreciation of properties or productive activities of income; reduction for anticipated amortization of investment (Rudas Lleras 2012a, PPP Slide 22). This resulted in a negative balance of \$6 billion COP of royalties in relation to unpaid taxes between 2004 and 2008 (Rudas Lleras 2012b, PPP Slide 70).

of the mining activities are seemingly not only excluded from the benefits, but of the decision-making process itself, which directly affects their day-to-day livelihood activities.

Coal mining, especially when operated as open-pit mining, inflicts a huge environmental damage on the landscape where it is carried out. These huge pits - up to 30 kilometres long, four kilometres wide and 200 meters deep, along with the equally large accompanying hills of sedimentation – cause immense alteration to surface and groundwater flows, destroy huge areas of vegetation and will, at best, leave the original eco-systems altered for decades or, at worst, forever destroyed. The process of extraction and transportation produces immense amounts of fine particulate matter emissions, which circulate in the surrounding area, affecting the fertility of the environment and health of humans and other species.

Local populations have adapted to their ecological surroundings in complex ways over generations creating complex ecological practices. These practices are portrayed in the forms of specialised behaviour, common property regimes and livelihood activities, which in turn influence what they think about the environment. These ideas about the environment in turn influence who they think they are and form part of their self-perceived identity.

As a study by CINEP demonstrates social struggles related to the extraction of petrol, gold and coal have increased steadily since 2001, with numbers exponentially increasing since 2008. Between 2001 and 2011 alone 274 collective social actions have been recorded by CINEP related to this issue (CINEP 2012: 10).

This study documents the realities of a socio-environmental conflict, in the setting of transnational coal mining activities, by making a political ecology analysis of a resettlement process in the department of *El Cesar*. It demonstrates how macro-economic decisions taken on the national scale, influenced by economic dynamics on the global scale, translate into hard fought battles on the local scale and result in collision with differing understandings of the environment, right to land and livelihood. It demonstrates that the ecological debt (Martinez-Alier 2002a), understood as the generated socio-environmental externalities, is not paid by those who create it.

In order to understand the conflict it is necessary to understand the **distribution of power** among the contesting actors, their **interests**, and their **socially constructed perception of the environment** along with resulting emerging claims and evolving strategies.

This work is about the struggle of the community of *el Hatillo* and, to a lesser extent, two neighbouring communities, but may serve as a guideline for understanding other local

struggles in the context of extractivism in Colombia and other Latin American countries, where mining-induced displacement and resettlement is becoming an increasing problem (cf. Terminski 2013: 62f.).

The region was chosen due to its accessibility for research; the severity and relevancy of the case, as the conflict prevails until the time of writing; the visible past and ongoing phases of conflict between the adversaries; and the significance of the area, aiming to be the largest open-pit coal mining area in the world, which could affect dozens of more communities and cities in similar ways in the future.

My personal interest in the issue of displacement in relation to mining developed in 2011, while spending a semester at the Universidad de Chile in Santiago de Chile. During this time in Latin America I also spent an extended period of time in Colombia where my attention was brought to the pressing issue of internal displacement in the country. Upon returning to the University of Vienna, I shifted the focal point of my research to internal displacement in Colombia. During this period I also participated in a seminar, held by two members of the UNIDO, on project cycle management of industrial development projects. In my working group we researched the conditions of coltan mining in the DRC (Democratic Republic of Congo) and it was here that my interest for socio-environmental issues related to transnational mining evolved.

Consequently, I managed to build up a network of contacts, making it possible for me to cooperate with a Colombian NGO, working as part of a combined internship-research agreement in their human rights and peace department, with special focus on the protection of the rights of communities in the context of natural resource exploitation. Their support of a community being resettled due to transnational coal mining activities made it possible for me to combine my two interests: internal displacement in Colombia and socio-environmental issues of transnational mining. The results of this research and the ethnographic study undertaken during this period serve as the basis of this thesis.

2 Methodology

The purpose of the study is to analyse socio-ecological conflict related to the resettlement process in the carboniferous area of Cesar using a multi-actor approach. This chapter clarifies the research design and methods employed to gather data and explain the arguments of this conflict and the different positions of the various actors. This study used solely qualitative methods, which consisted of ethnography, qualitative interviews and literature research. The results were then validated by triangulation (Mayring 1993: 112). Considerable evidence exists supporting the use and value of qualitative methods for social science research. As such, my discussion is limited to how, rather than why, the various methods were used.

While the carboniferous area of Cesar has increasingly received attention from outside researchers focused on the aggressive growth of the coal mining industry and several studies have addressed the effects of this dynamics, no scientific research has been done on the resettlement processes related to the disputes around the mining activities. The study coming closest to this attempt is a study of the effects of coal mining in el Cerrejon, in the la Guajira department, neighbouring the department of Cesar undertaken by Chomsky et al. (2009). However, that study was undertaken in a different location with the goal of investigating coal mining as an entire process and its position in a global system, rather than narrowly focusing of resettlement processes. Furthermore, it is an edited volume, welding knowledge together created from various sources with different research focuses.

Preparatory Work

The first step of my research was the creation of a network of contacts that would not have been possible without the help of Stefan Khittel, who besides assisting me in “casting my net” (Crang/Cook 2007: 17), has been of great help throughout all phases of this study. My trail of contacts led me over the German NGO FIAN, to the Swiss NGO ask!, which eventually helped me establish contact with the three national Colombian NGOs Indepaz, Tierra Digna and PAS (*Pensamiento y Acción Social*). Eventually I made an agreement with the Colombian NGO PAS, who is the official advisor of the community el Hatillo and would serve me as “gate-keeper” to gain access to the field (cf. Crang/Cook 2007: 18ff). This agreement was to integrate myself in the NGO as intern, while having the liberty to freely conduct my research. Once these formal, “bureaucratic” steps were taken I focused on creating my research design. The first step involved “reading up” (Agar 1996: 76) on the issue in publications written by NGOs, State entities and scholars, as well as reading other relevant literature, such as the

ethnographic work of Escobar “Territories of Difference” (2008) in the Colombian pacific, which with its political ecology framework inspired my own study approach. The research design elaborated on the planned research question, hypotheses, focus of the ethnographic fieldwork and the planned sample of interview partners and was created following the methodological works of Agar (1996) and Crang/Cook (2007).

Literature Analysis

The literature review was ongoing throughout the creation of this thesis and consisted of a preparatory stage before going into the field; a research stage during the fieldwork and a final stage after the fieldwork. While much of the literature was collected by internet research, it was also collected through research in various libraries affiliated with the University of Vienna; the Luis Ángel Arango library in Bogotá, where I also had access to an individual research room; the library of the Politécnico Grancolombiano; and the departmental library of Cesar Rafael Carrillo in Valledupar. Moreover, I was granted access to the vast collection of documents and literature collected by the NGO.

This literature was collected and then analysed according to the theoretical framework of this study and consisted of anthropological and other relevant academic studies, government declarations, newspaper articles, legal documents, NGO reports, official communiqués of the actors and corporate policies. This material was initially structured and then analysed (Trimmel 1997: 48) to extract further explication to the data collected in the field and to validate assumptions arising out of this data. This led to an ongoing interaction between the literature and field data, providing new understanding and explications to the data, which in turn required additional literature to substantiate the findings (Mayring 2002: 86f.).

Fieldwork

Due to the agreement with the NGO I spent four months between July and October 2012 in Colombia conducting fieldwork, which must be viewed partly as ethnography and partly as participatory action research (Genat 2009) due to attempting to reflect the local realities of a subaltern group with the underlying hope being to contribute to the strategies of that group on the one side and my affiliation with the NGO on the other side. This collaboration enabled me to get access to the field and actors involved around the resettlement negotiations, and provided profound insights in the strategies of the NGO. As an intern of the NGO I was able to quickly establish a relationship of trust with the local population, where I spent about one

third of my fieldwork time. The remaining time was spent in Bogotá, where I worked in the office of the NGO, edited the data collected while visiting the site of the conflict, conducted literature research in libraries and interacted with the actors based in the capital. While in Bogotá I also attended an international seminar on extractivism, with a working group focusing on the problems related to energetic mining in Colombia. This was held at the Universidad de Santa Buenaventura, which provided documents and presentations on issues of royalties, environmental contamination and resettlement, and made valuable contributions to this study.

Conducting fieldwork “inside” the communities gave me the opportunity of living with the local population, staying with one of the local families, and partly participating in their daily activities while having plenty of informal conversations. An event I consider especially valuable occurred during my first visit to the local community. During this visit, as part of the resettlement process, a census of the local population was being conducted. As an NGO member and assessor of the community, I was allowed to join a team consisting of a member of the resettlement operator and a member of the local census committee and this allowed me to witness the census interview of three individual families. These interviews provided profound insights in the relation between resettlement operator and local population, but more importantly gave intimate information about the concerns, lifestyles and realities of the local population, as these interviews covered issues of property, diseases, history, family, income, subsistence and other crucial information of interest for my study.

All of these impressions, observations, informal conversations (Agar 1996: 139ff) and experiences were recorded in a field diary, in form of daily field notes (Crang/Cook 2007: 50). These observations and notes were taken with the narrowed focus of environmental and social change, using the 9 dimensions as defined by Spradley (1980: 78): Space, Actors, Activities, Objects, Acts, Events, Time, Goals and Feelings.

Besides these observations, which were recorded on a daily basis in field notes, I had plenty of opportunities for formal interviews, which were recorded and later transcribed, addressing questions of special interest to my study. The formal interviews were held as semi-structured interviews¹⁰, following a previously established questionnaire, which generally had the same content, but was slightly adapted, depending on the interlocutor and the findings in the course of the research. However, as these interviews were semi-structured I aimed at giving the

¹⁰ An example of this questionnaire is attached as appendix at the end of this study (see Chapter 10.1, page 140)

interlocutors enough space to narrate points that seemed of special interest to them. These interviews were especially useful when interacting with more distant actors that were not as accessible as the local population, such as the various ministries or regional government.

The questions in these interviews were directed at exploring the individual understandings of the interlocutors towards: the use of and right to resources and land; the prevailing interests of the represented actor group in the process; the distribution of benefits and costs within the process; access to decision-making and interaction among the various actors; the interaction with nature and perception of contamination.

Generally these interviews lasted around one hour and consisted mostly of one interlocutor at a time. They were held at various locations and while frequently planned far ahead, at times had to be taken spontaneously and at unfavourable locations due to unforeseeable circumstances.

The interlocutors were sampled (Agar 1996: 168) in accordance with the actors identified as stakeholders in the conflict and thus interviews were held with representatives of: the local government of El Paso; the departmental government of Cesar; the departmental office of the mining authority INGEOMINAS; the autonomous departmental environmental authority CORPOCESAR; the committee for royalties Cesar - CSIR; the central office of the environmental authority ANLA; the national department of planning DNP; the labour union SINTRAMIENERGETICA; the resettlement operator RePlan; the resettlement supervisor CETEC; the national NGO INDEPAZ; the transnational mining corporation Drummond Ltd.; the church in La Loma; and several members of the local community, including elderly, miners, youth, members of the resettlement committee and community government (JAC).

During the time spent in the field, as intern of the NGO, I had the opportunity to attend the monthly negotiation meetings of the various actors involved in the resettlement process and used this opportunity to establish contact to the non-local actors, such as the TNCs and ministries. The interactions with these actors at the negotiation meetings enabled me to conduct formal interviews with the various entities at a later stage at local, regional and national levels. Simultaneously to providing me with a direct entrance to the field, my affiliation with the NGO positioned me within the conflict and possibly affected the perception of the interlocutors about my interest, which also caused some difficulties and possibly hindered interaction with some actors. Moreover, I felt that at times my identification with the NGO biased interlocutors to provide information they felt was relevant to NGO strategies. Therefore, I would also position this study as participatory action research/agency

anthropology (Genat 2009: 110). Given this, when possible, I presented myself as researcher, omitting details relevant to my study when interacting with actors that were unaware of my simultaneous work with the NGO.

Despite numerous attempts throughout my entire fieldwork by formal and informal means to secure interviews, neither the mining TNC Prodeco S.A. (Glencore), nor Colombian Natural Resources S.A. (Goldman Sachs) would agree to meet with me. Only the third TNC of this investigation, Drummond Ltd., after a long procedure of formal letters which kept my affiliation with the NGO disguised, consented to an interview. Equally the two main mining authorities INGEOMINAS and ANLA, responsible for the issuing of mining concession and environmental license respectively, only agreed to give an interview after I made use of a legal mechanism known as right to petition (*derecho de petición*) for the former and threat thereof for the latter.

This must also be viewed as a shortcoming of this analysis, as the more powerful actors were less accessible than the alliance of local population and NGO, where I had free access and constant interaction, making an equal representation of all actors impossible. However, the monthly negotiation meetings provided some possibility for informal conversations with all involved actors.

The asymmetrical representation of the NGO/local population alliance -due to the greater exposure to this actor group and my personal agency as an NGO member, which definitely had an influence on my interpretation of events- is tried to be somewhat neutralised by bringing in the viewpoints of all actors as expressed in interviews and/or informal conversations to preserve objectivity as far as possible.

Throughout my fieldwork time I digitalised my field data, transcribing the recorded interviews and typing up my field notes. The transcription process was done by literal transcription (Mayring 2002: 64), where my goal was to transform the audio recordings into plain text without focus on phonetics or dialect, as it was not so much important how things were said, but rather the content of what was said during interviews. Analysis, interpretation and reduction of this material happened later, when I started to code the created material.

When digitalising the field notes I added relevant information to the field notes -- information obtained from reviewing literature or from the transcribed interviews. Editing this material throughout my fieldwork time helped me to narrow my focus and interview questions in subsequent visits to the field while conducting interviews.

Despite my inevitable bias of academic findings by narrowing my approach to the assumption that there is, in fact, a conflict taking place; my cooperation with the NGO; and my socialisation as western white male academic I tried to keep these limitations in mind during the collection of data and hope to overcome these limitations by relating the findings to historic and global developments, and equally representing all actors on all scales (cf. Crang/Cook 2007: 26ff). Moreover, research objectivity, as far as possible, was preserved by the triangulation of research methods (Mayring 2002: 112).

Data Analysis

Following the digitalisation of all field data (i.e. transcription of interviews and clean typing of field notes), I commenced to code (Mayring 2002: 88) both the interview material and field notes with the qualitative data analysis software Atlas.ti, using previously established codes. These codes were deducted from my theoretic framework of socio-ecological conflict and political ecology and influenced by preliminary findings in the field, using codes such as “resource use”, “contamination”, “rights”, “power”, etc.

I used previously established codes to narrow down the focus to an analysis of socio-ecological conflict related to the resettlement process. This focus helped me to derive my hypotheses, and as such, my research did not provide a general representation of the life world of the community or any other actor, as in i.e. grounded theory. Due to the vast amount of material collected during the research, encompassing several hundred pages of interview material and field notes, I limited my coding to the most relevant passages of the data after a “first reading” (Mayring 2002: 83) and “rough analysis” (ibid.: 92) of this reading. The codes were created after this initial reading and I would thus neither define them as strictly etic nor strictly emic (Crang/Cook 2007: 140).

It is from these codes that I started to recognise patterns in my material, which through induction (Mayring 1993: 23) and comparison and contrasting to the literature (Mayring 2002: 46), came to represent the assumptions and theories making up the findings of this study.

3 Theoretic Framework

3.1 Conflict Theory

Any kind of conflict analysis requires a thorough investigation and assessment of the actors involved, their relationship and the contested elements, claims and worldviews causing the conflict.

Conflict theory has evolved as a long process emerging from various social theories and is especially influenced by sociological theories. Therefore, conflict theory is always embedded in other social theories and thus one can differentiate between, i.e. functionalist or Marxist conflict theories (Bonacker 1996: 13). Important contributors to the theories of conflict were, among others, Karl Marx (1818-1883), Max Weber (1864-1920) and Charles Wright Mills (1916-1962) (cf. Giesen 1993). “[H]owever, there is no one unifying theory that explains the phenomena of social conflicts as they occur across different levels of society, across different issue domains, or across different stages of development” (Kriesberg/Dayton 2011: 24). Thus, in this chapter I will outline those aspects and concepts of modern conflict theory that seem relevant for a political ecology approach and will be used for the analysis of the socio-environmental conflict in this work.

Ho-Won Jeong states that “[c]onflict represents the persistent and pervasive nature of inter-group and international competition among disparate interests and values that underlies power dynamics” (2008: 5). Taking this citation into account it becomes clear that conflict is not only between rivalling groups of different actors at different scales, but also prevails among members within one group of individuals with presumably the same or similar interests. Furthermore, it reveals that actors are never only involved in only one conflict, but rather embedded in several conflicts at several scales at the same time. The conflict being addressed or resolved, may be the most urgent and pressing one to the actor at the given time. However, different conflicts may influence the way other conflicts are being handled (cf. Kriesberg/Dayton 2011: 5).

According to Giesen (1993: 92f.) in order to understand a conflict it is necessary to identify the different conflict actors or groups, as well as their opposing interests, which serve as the basis for strategies to ensure the implementation of one’s own interests over the resistance of the others. Furthermore, Giesen states that conflicts are an inevitable part of social interaction located somewhere between the “moral utopia of total order and the chaotic violence of the natural state” (1993: 93, *trans.*). This marks a differentiation from Marx’ social theory, in which conflict can be overcome through a radical change of the social order (*social*

revolution), as conflict will always prevail in some form in society. Giesen thus describes conflict theory more in the sense of Max Weber, where conflict constitutes a societal action, understood within a certain hegemonic order, which may produce an alteration to the order, the distribution of resources and inequality (cf. Giesen 1993: 90).

To profoundly understand the relationship between rivalling stakeholders it is necessary to analyse the structures of interest, structures of power and the order of conflict action (ibid: 94). In more concrete terms this means interests, understood as the desired result of the conflict; and power, understood as the means to reach this result. As power is a very ambiguous term, we will use it in the sense of Kriesberg and Dayton as “the resources that each party has that can be used to affect the conduct of a specific other party or [...] the relative power of each party in the entire system to which they belong” (2011: 34).

In most cases different stakeholders possess different and diverging interests, in which the improvement of the situation of one stakeholder results in the decline of the situation of another, creating counter-interests. At the same time the share of power is usually created by different means, such as resources; property; political alliances; public support; etc. with each stakeholder holding a different share, making it difficult to compare power structures directly (Giesen 1993: 95). However, it becomes clear that in order to win a conflict it is necessary to increase one’s own share of power – understood, yet again in the sense of Weber, as “the ability to ‘compel others to do something’” (Winter 1973: 5, cited in Jeong 2008: 6) which might even be in contra to their own interest.

Conflict Order

As Giesen (1993: 97) states, latent conflicts always require a point of ignition to become manifest, addressing the focus of all actors on the conflict relation and requiring action. Here he differentiates three different kinds of conflict actions: threats; sanctions; negotiations. This order also represents the sequential order of conflict actions with the threat being an intended display of the asymmetry in the power structures between the contesting actors. Only if these actions cannot achieve the desired outcome (pushing through his/her interests) of the actor posing the threat, he must go on to a real display of power. This, according to Giesen, results in sanctions putting the threatened actor at a disadvantage, making him more susceptible to forthcoming threats and, at best, willing to negotiate. Offers to negotiate are only made when the cost of applying sanctions seems greater than the cost of the possible results of the negotiation (ibid.). Negotiations usually lead to an end of the conflict and are facilitated by the arbitration of an unbiased and neutral intermediary. However, Giesen points out that in the

case of a profound asymmetry in the power structures conflicts may also be resolved without negotiation, with the powerful actor dictating the terms and conditions of the resolution.

Giesen introduces a concept into conflict theory in which he contrasts “affective mobilisation” and “abstract conflict relationships”. The former usually occurring when the opposing conflict actor can be personified, thus allowing to concentrate the affections towards a more imaginable object as opposed to i.e. an organisation, as in the latter concept. Affective mobilisation can thereby serve as an important resource in social conflict. However, affective mobilisation is usually limited by time as its level depends on the conflict situation and tends to vary during the continuity of the conflict. (cf. Giesen 1993: 101)

Scales of Conflict

Giesen also introduces the scalar approach, by differentiating the power shares of different stakeholders at different levels. Accordingly, actors on higher levels, such as organisations or states, tend to claim that they are acting on behalf of the public interest. Their opponents, often from a lower level, tend to question this position by using claims of moral rights questioning the legitimacy of the organisation (Giesen 1993: 102). This “moral legitimacy” can be used to gain “public support”, which in turn helps to redistribute the shares of power against a stronger actor on a higher scale (cf. Jeong 2008: 10).

“[T]he analysis of social conflict needs to focus on how group processes are linked to structural conditions such as oppressive social relations and exploitative economic systems” (Jeong 2008: 9) and therefore it becomes necessary to analyse the roots of conflict at different scales. “The sources and situations of conflict reflect issues at different levels of relationships” (Jeong 2008: 16).

Conflict Elements

Ho-Won Jeong describes conflict as an “incompatibility of goals” and thereby the possibility of finding a resolution to an existing conflict depends on the degree of those incompatibilities (2008: 22). Incompatibilities are especially strong where actors have few or no choices with respect to alternative goals, i.e. in cases where their livelihood is threatened by the goal of the opposing actor. Jeong further states that “[g]oal incompatibility is created when conflicting parties exclusively seek the same thing” (2008: 24).

Persistence to reach the original goal may decrease if alternative goals or projects can be created through negotiation and settlements (ibid.: 25). **Goals** also help to identify individuals as being allies or adversaries, as actor groups are usually based on their shared or contested

goals. Issues are different to goals and “can be regarded as a point of disagreement to be resolved, thus revealing what the conflict is about” (ibid.). **Issues** can be interpreted in different ways, which can cause conflict over their origin and the way to resolve it, as “[t]he same issues may be articulated at different levels, involving deeper relational implications” (ibid.).

Interests are a third concept, meaning “the political, economic, occupational, and social aspirations of individuals and groups” (ibid.: 26). “Pursuing material interests, status, power, or privilege at the sacrifice of others is one of the clearest forms of substantive conflict” (ibid.).

Yet another concept is the concept of **values**. Values are belief systems that regulate our feelings, choices, decisions and behaviour in certain situations. “Efforts to convert and suppress other values might be part of a struggle in conflict” (ibid.: 27). Martinez-Alier frames a scenario of a value conflict, in an ecological context, which may arise:

“when losses of biodiversity, or in cultural patrimony, or damage to human livelihoods, or infringements on human rights or *loss of sacred values*, are compared in non-commensurable terms to economic gains from a new dam or from a mining project or from oil extraction. There is a clash in *standards of valuation* when the languages of environmental justice, or indigenous territorial rights, or environmental security, or sacredness, are deployed against monetary valuation of environmental burdens” (O’Connor/Spash 1999, in: Martinez-Alier 2002b: 45, *emphasis added*).

Different to values, which are acquired through a process of socialization, are **basic necessities**, which may be assumed as universal needs (Jeong 2008: 28). As these needs are crucial to survival their perceived necessity cannot be altered by processes of hegemony, power or coercive actions. In other words, if people’s survival is threatened a conflict is inevitable.

Hegemony in this context is understood as the power to generalize *particular* views, normally of the elite, which guide and influence the action of the actors in conflict and, when institutionalised, constitute the terrains and rules of the conflict (Wissen 2011: 27).

Conflict Forms

Giesen differentiates between a set of different conflict forms. While hierarchy conflicts state the first or least formalized form of conflict, distribution and rule conflicts already demonstrate a higher degree of formalization. Hierarchy conflicts are about the positioning of different actors in the social order with the goal of rearranging that order. Distribution conflicts are about the distribution of the right to resources and their social distribution. These can be either about already existing resources or the claim to newly available resources. While

the possibility of conflict resolution in hierarchy conflicts is limited, namely to the rearrangement of holders of certain positions in a given social order, the resolutions to distribution conflicts are more flexible, allowing for a wider range of settlements, such as compensations. A third form of conflict is the conflict about rules. Hereby the conflict treats the legitimacy of existing rules or their (dis)obedience. While the conflict is about whether or not the opposing actor is obeying the rules and/or the rules in place are adequate or just, there exists a common agreement on the necessity of rules. The conflict strategies of the participating actors are usually established along the framework of these rules. This leads to an even further formalization of the conflict, compared to distribution conflicts. This rationalization in most cases leads to a decline of violent actions and an increase of negotiation and peaceful settlement actions, being made up of more comparable and equal power resources, such as a neutral space for dialogue. This often goes hand in hand with an establishment of social relations between the opposing actors and neutral third parties. However, fundamental disobedience of established societal norms can lead to a violent reaction by the state against the disobeying members of society. (cf. Giesen 1993: 104ff)

Conflict Relationships

When analysing the relationship between different actors or adversaries Kriesberg and Dayton have elaborated four points that determine this relationship: their **shared histories**; the **number of actors** involved in the conflict; their **degree of mutual integration**; and the **degree of asymmetry** (Kriesberg/Dayton 2011: 13). They state, furthermore, that even though a conflict may be constituted of more than two adversaries, in general there tends to be only two contesting sides with the adversaries taking either of these sides (cf. *ibid.*: 14). Another important concept is the concept of integration or interrelation. This refers to the degree of interaction and interdependence between adversaries. This can be used constructively if both sides regard this interdependence as beneficial for achieving mutual goals (Jeong 2008: 33). Asymmetrical relations means one adversary is highly dependent on another, thus creating a strong imbalance in the distribution of (power) resources (cf. Kriesberg/Dayton 2011: 15).

Ecological Cause of Conflicts

Social conflicts often have an underlying ecological cause, even though that cause may not be immediately visible and the enactors of the conflict may not be articulating that cause directly:

“Many social conflicts today and in history, have an ecological content, with the poor trying to retain under their control the environmental resources and services they need for livelihood, and which are threatened by state takeover or by the advance of the generalized market system. Actors of such conflicts are sometimes still reluctant to call themselves environmentalists. Though the social groups involved in such conflicts are often quite diverse, the “environmentalism of the poor” is a convenient umbrella term for social concerns and for forms of social action based on a view of the environment as a source of livelihood” (Martinez-Alier 2002b: 40).

3.2 Political Ecology

Political Ecology is an interdisciplinary framework that focuses on the causes of environmental change and suggests a contextual study of these causes, including “state policies, interstate relations and global capitalism” (Neumann 2005: 37). Implied in this definition is an interest in how distant and structural forces affect local activities, or in other words the consequences of an ecological interaction across scales. In such an approach it is necessary to include an historic element, analysing the varying cultural appropriations of nature (Escobar 1999: 4) and shifting rights in accessing that nature and its resources (Neumann 2005: 37) over time. When analysing access to nature one must look at the politics shaping those access rights, along with the struggles by social movements that go hand in hand with changed patterns of access (Robbins 2012: 201), often questioning a perceived unjust distribution of the benefits and costs of changed access patterns (Peet et al. 2011: 16). Hence, political ecology acknowledges a connection between power relations, social inequality and environmental degradation.

Working with political ecology and conflict theory reveals that the former uses substantial parts of the latter in its analysis. While political ecology is not a theory but rather a framework, its analyses are usually based on theories of (socio-ecological) conflict. Bryant and Bailey demonstrate the importance of an “actor-oriented approach”, which “emphasises the need to focus on the interests, characteristics and actions of different types of actors in understanding political-ecological conflicts” (1997: 23). In fact, for these authors it is the interaction between these actors over environmental resources that is the essence of the political in political ecology (ibid.: 25).

A substantial element of political ecology in the analysis of socio-environmental conflict - distancing it from other schools of thought, such as neo-malthusianism- is its understanding that the environment is always socially constructed and thus it manages to overcome the dichotomy of nature vs. society, by suggesting that the two concepts are interrelated and thus presuppose each other. Consequently environmental change or degradation only becomes a

problem to society, when it is perceived as such (ibid.: 31), and therefore its cause, relevance and solution is experienced differently by different actors.

Political Ecology Ethnography / Socio-Environmental Conflict Ethnography

A valuable contribution to this analysis are the works of Anthony Oliver-Smith who combines the analysis of resistance to DIDR¹¹ with political ecology. He states that “[i]n DIDR resistance, although the stakes maybe [sic] expressed in economic, social and/or cultural terms, the fundamental issue is the contestation over rights to a place or the resources of a place” (Oliver-Smith 2001: 32). By referring to Paul Little (1999), he goes on to demonstrate how political ecology ethnography serves as an effective method “that privileges research on environmental conflict to generate a social scientific approach that incorporates multiple perspectives” (Oliver-Smith 2001: 35). The objective of such an approach is to demonstrate the various claims that different actors make at different scales to contested resources and territory, while at the same time demonstrating how these claims are articulated in the arena of interaction. Therefore, it attempts to “study environmental conflicts and their multiple social and natural interrelations” (Little 1999: 4). The legitimacy of these claims and the way they are promoted serve as the basis for the construction of power in negotiation/settlement processes (cf. Oliver-Smith 2001: 35f.; 2005: 211; Little 1999: 4ff).

Little, in a later work (2007), also forges a bridge between conflict theory and political ecology, by evolving a concept of socio-environmental conflict ethnography, where he advises to put conflict as the core of the anthropological analysis, rather than one singular actor.

“By putting conflict itself, rather than a particular social group, at the center of ethnography the anthropologist is forced to identify the diverse social actors and environmental resources involved in the conflict, analyze these actors as they interact with each other and with their biophysical and social environment, as well as survey each group’s claims and their respective shares of formal and informal power” (Little 2007: 7).

The Commons and Common Property Theory

An important part of political ecology is the adoption of common property theory. This theory argues that in traditional societies or other forms of organization properties are often managed as systems of common property. These properties are shared by the participants of the group which gives them right to access and usage of the land. As these commons usually have been managed over generations, their usage patterns and environmental interaction processes tend to be sustainable, in order to maintain this source of livelihood for the community. The rules

¹¹ Development-Induced Displacement and Resettlement, for a very useful introduction see Stanley (2004)

of interaction with, and extraction from, the property are established by tradition and manifest themselves as customary law. (cf. Robbins 2012: 51)

For political ecologists the commons resemble an important part of social organization and livelihood for marginalized societies. Critics have argued that individual interest will result in a so called “tragedy of the commons” (Hardin 1968), where individuals seek to maximise their own profits and gains, thus extracting the benefits individually while socialising the costs (Ostrom 2001: 2), leading to an eventual degradation of the common property. The solution to this problem was seen in what is commonly called the “enclosure of the commons” (cf. The Ecologist 1994: 106ff). This logic assumed that if common property was privatised and divided into singular parts of property, the benefits of over-usage would be eliminated as the costs would be borne directly by the individual causing the degradation (Robbins 2012: 52). Out of a Marxist perspective, this gave capitalism the necessary justification to expand its territory and incorporate new areas together with newly made available natural resources to satisfy the continuous need for accumulation and economic growth. Various scholars, but especially Elinor Ostrom (1999; 2001), have demonstrated that the commons - a system successfully employed by most societies at some stage of history – must not end in tragedy, but rather if properly managed with using adequate institutions it helps marginalized societies to improve the sustainable resource use of commonly managed land.

Political Economy

As Robbins has pointed out political ecology uses various elements of political economy and thus acknowledges the interrelation between the social, cultural and economic sphere. Furthermore, it assumes that capitalism, in order to create surplus, needs to disinvest into natural and human capital. In other words, for capitalism to create profit it is necessary to invest less into the labour force and the natural resources, than is taken away from it. And lastly it acknowledges dependency, or world-systems theory, as it assumes that states are connected to each other in unequal relations of dependency, largely governed by the dynamics of the global market and terms of trade, translating into unequal relations within states (or the core-periphery) and thus implicating different consequences on different scales (Robbins 2012: 58f.) .

3.3 Synthesis of Conflict Theory in a Political Ecology Framework

Muradian, Folchi and Martinez-Alier in their paper “‘Remoteness’ and Environmental Conflict” (2004) attempt to formulate a theory of environmental distribution conflicts. This

may be seen as an attempt to use conflict theory within a political ecology framework. In this theory, specifically aimed at the mining sector, they suggest that environmental conflicts are more likely to occur: a) in areas of higher population density; b) if the local perception of environmental affectation and contamination is considered high; c) if the local population is aware of their social rights and feel that these are being neglected; d) if the local population perceive the distribution of cost and benefits of the environmental alteration to be unjust. (Muradian et al. 2004: 4)

They suggest that the power of the contesting actors is strongly related to their bargaining and negotiating strategies. In the case of mining corporations these result from their openness to negotiation and the availability of resources for compensating the environmental alteration. In the case of the local population power results from the existence and strength of democratic mechanisms and rights; their level of organization and unity; their resources for mobilizing themselves; and finally possessing an efficient and working local alternative economic activity to mining. Furthermore, power is related to income, as wealthier communities can contest environmental affectation more successfully, if not more frequently (ibid.: 5).

Arturo Escobar in his attempt to develop a concept for understanding of socio-environmental conflicts (2006) may broaden the theory of Muradian et al. He suggests that by paying special attention to the interrelationship of the economic, ecological and cultural order in environmental conflicts, one can learn more about the conflict. Escobar suggests that contesting actors have a differential understanding and experience of these spheres, which causes a conflict when one actor tries to transform the sphere of another. He states that none of the three spheres is more important than another, but that the attempt to assimilate the perceived differences of a sub-altern actor by a dominating actor causes conflicts (Escobar 2006: 7). According to Escobar the cultural and ecological spheres have long been ignored due to strongly economic approaches, which simply value them in economic terms, if acknowledging them at all. Rather he suggests moving away from a strict monetary, neo-liberal valuation of the environment in an attempt at giving them a non-monetary value, or in other words an ecological and cultural value as such. This goes together with his idea of culturally created understandings of nature, and the resulting meaning and value to the individual member of a cultural group (Escobar 2006: 8ff). These arguments add to our discussion, as they suggest a questioning of a presupposed universal understanding of culture and nature, along with a realization of the differentiated value of these concepts to individual/collective actors. (cf. Escobar 2006; *also* Escobar 2008)

4 Research Questions / Hypotheses

It is out of this theoretical framework that the following research questions and the underlying hypotheses arose, aiming at giving answers to the source of the socio-environmental conflict out of a multi-scalar perspective.

While the conflict analysis takes place in a contested socio-environmental setting - shedding light on questions of resource and land use legitimacy and its access; distribution of costs and benefits of the utilisation of nature by humans across scales; and the socially constructed perception of nature as such – the imbalance of power has already resulted in the guaranteed displacement of the original population from that environment. This enormous imbalance in power has shifted the strategies of the affected populations away from questioning the resettlement process as such -a battle deemed lost- to rather concentrate their efforts on the negotiation of the terms of that process. Thus the original conflict is slightly transformed, stressing further questions, such as the valorisation of nature; incommensurability of values; and compensation of such values; while still remaining in the portrayed setting.

4.1 Research questions

Keeping in mind the theoretic framework that was depicted in the former chapter, the focus of this thesis are the differential and contesting interests of various actors over resources in a certain location and the historical and scalar context of these events. As Neumann (2005: 42) argues “historical analysis is crucial, both to understand the extent and nature of environmental change and to explain how current geographical, social and political relations and conditions came to be”. Before being able to look at the consequences of contestation and the strategies implemented to promote collective actor interests it is necessary to identify the general cause of the conflict. The main research question is therefore defined as follows:

“What is the cause of the socio-environmental conflict specific to the resettlement process of the communities in the carboniferous area of the Cesar region?”

This question requires a number of subsequent questions that need to be addressed beforehand in order to obtain an understanding of the situation that is currently taking place and limit the elements that need to be identified within the study for an adequate addressing of the issue.

These questions address:

- Who are the different actors involved in the socio-ecological conflict?
- What are the different interests of the actors that are in conflict to each other?

- How do these actors instrumentalise nature to create power and achieve/defend their interests?
- How do different understandings of nature shape and promote the conflict?
- What is the influence of this understanding on the strategies of different actors?
- What kind of interaction exists between the different actor groups?
- What forms of resistance or social mobility are utilised by the local population?

4.2 Hypotheses

As Agar has noted, pure and strict testing of previously established hypotheses is not meaningful when creating a study using ethnographic research methods, as understanding what is important to be studied arises throughout the research (Agar 1996: 65). Therefore, the following hypotheses should be seen as questions guiding the research direction, by providing the relevant dimensions of observation, without the objective of proofing them correct or incorrect.

- Conflict regarding the resettlement is at its basis a socio-ecological conflict. The conflict derives from different understandings of environment, which generates contesting interactions with and claims over nature.
- Non-local actors are motivated by economic expansion, while local actors struggle to defend their livelihood.
- The Colombian government is vulnerable and highly dependent on the Global North in economic terms due to its indebtedness. Its autonomy regarding decision-making and regulation of the mining sector are limited and influenced by corporate interest.
- The local population relies largely on a subsistence-based economy resulting in strong ties to their direct environment and a cultural valorisation and utilisation of nature.

5 Historical Description of the Community

This chapter provides an overview of the historic development of the community of *el Hatillo* in *el Cesar* to facilitate the understanding and extent of alterations in the area in environmental, social and economic terms. Neumann (2005: 42) argues “historical analysis is crucial, both to understand the extent and nature of environmental change and to explain how current geographical, social and political relations and conditions came to be”. This is especially important, as one can only make sense of changes to property regimes, human-nature relations, and conflicts by examining them within their historical development (ibid.: 37). It should be noted that, aside from an unpublished document created by the resettlement operator during the first resettlement attempt, no official historic surveys or documents exist. This unpublished document, together with the results of the ethnographic fieldwork and studies of similar communities, is used to reconstruct the historical condition of the community.

Before describing the history of the community of *el Hatillo* it is necessary to briefly summarize the history of the department of *el Cesar*.

Until 1967 *El Cesar* belonged to the department of “*Viejo Magdalena*”. Observing law 65 of 1967, *El Cesar* separated itself from the department, following a trend of newly forming departments gaining sovereignty throughout the nation (cf. Gamarra Vergara 2005: 6). During this period the department focused its economic efforts primarily on the cultivation of cotton, contributing to the department’s economic growth. According to the author, soils in the region had great productive quality, together with moderate fertility, allowing for the booming cotton industry (ibid.: 13). Gamarra Vergara divides the carboniferous area of *el Cesar* into two sub-regions, the north-west and the central region. *El Paso*, the municipality where *el Hatillo* and *Plan Bonito* is located belonging to the former and *La Jagua de Ibirico*, the municipality where *Boquerón* is located, belonging to the latter. The North-West’s purpose (*vocación*) is primarily one of cattle farming and agriculture and secondarily one of cultivation of African palm-oil, constituting the second largest area under cultivation (ibid.: 16). Equally the central region’s economic orientation is related to agriculture and cattle farming, however with more complicated climatic preconditions, making it necessary to adapt to temporal changes during dry periods. Furthermore the region is described as one of important cultural heritage, along with important environmental capital, serving as a region for eco-tourism (ibid.: 17). According to the author however, a lack of institutions and infrastructure have resulted in an

under-exploitation of environmental capital. Coal is described as another important resource for the municipality (ibid.).

The history and culture of the department of *Cesar* has been heavily influenced by being part of the coastal region of the Caribbean. As part of *Gran Magdalena* it was considered part of the Caribbean region and even today the predominant cultural and political affiliation remain the same, with *Cesar* being one of the eight departments making up the political division of the Colombian Caribbean region (cf. Martínez Ubáñez/Iguarán Aguilar 2003: 13f.).

Before the colonisation of the region took place, the hydric resources of the department were already of great importance to the regional settlers. The population centres developed along the rivers, with *Río Cesar*, *Río Badillo*, *Río Guatapurí* and *Río Ariguaní* being the most important ones. The rivers originate from the mountainous areas of either *La Sierra Nevada de Santa Marta* in the North or *La Serranía de Perijá* in the East, crossing the department from North to South in the former and from East to West in the latter, eventually contributing to the *Río Magdalena*. These rivers were populated by various indigenous groups, such as the *Chimila*, the *Tupe* or the *Montilones* (cf. ibid.: 14f.). Most likely the name of the department stems from the *Tupe* name for the River Cesar, which in their native language was called *Ché-tzar*. The word eventually was interpreted as “Cesar” by the colonists (ibid.: 14).

The first non-native immigrants in the area were black slaves who escaped from the plantations of the coastal areas. The relationships with the native populations were described as those of good nature, resulting in ethnic mixture. However, the Spanish colonist did not take long to pursue their escaped slaves and soon established their first settlements in the region, re-establishing a slave-economy. The *negro* (black) influence, apart from constituting the main labour force as slave labourers on the farms, is said to have had substantial impact on the creation of traditions, customs and socio-cultural practices in this area of the country (cf. Martínez Ubáñez/Iguarán Aguilar 2003: 38ff).

The Spaniards distributed territory in the central Cesar region among a few powerful families, which resulted in the establishment of huge *haciendas* (farms/ranches). These *haciendas* served as the central element for socio-economic and cultural organization, as they provided food supplies for subsistence and engaged in export (ibid.). They were also the centres of trade in terms of innovation and exchange, with the owners of the *haciendas* regularly conducting business with outside centres and markets. In this context the main economic activities taking place on the *haciendas* were agriculture and livestock breeding, which strongly influenced evolving cultural practices (cf. ibid.: 39).

Beginning in the 16th century, increasingly more slaves were introduced by legal and illegal trade activities with the coastal and surrounding areas, contributing significantly to the region's economy and cultural development. The inland urban centres at the time, such as *Valledupar* or *Santa Cruz de Mompox* rose in importance, as piracy increased in the coastal areas resulting in the need to move to more secure inland locations (cf. *ibid.*: 34f.).

According to Martínez Ubárnez and Iguarán Aguilar the illegal trade routes of the African slaves, especially those emerging from *Riohacha* and following the *Río Cesar* (*ibid.*: 39), played a significant role in the settlement patterns during the colonial period. It was in this context and according to economic labour requirements that settlements were established. Given this, it is assumed that *El Paso*, the municipality where *el Hatillo* is located, was created at the end of the 16th century. This expansion of the slave economy towards inland regions coincided with the decrease and displacement of the existing indigenous communities, such as the *Chimila*, *Tupe*, *Coyaima*, *Motilonés*, *Barí*, *Tayrona* and *Arhuaco*. The resistance movements of these indigenous groups, together with the rough mountainous terrain, enabled them to mostly avoid the system of *encomienda*¹², resulting in the more accessible and manageable African slave force being more attractive to the colonial lords (cf. *ibid.*: 36f.).

Following Colombia's independence the region was subject to increased interest in its resources and economic possibilities. This occurred together with a rising aggressive attitude towards the native populations and an increased commercial focus in cattle and livestock farming. Often fought out during the periods of civil war (*ibid.*: 42). As a result, consolidation of the region into a department was a long and arduous process. One of these periods of civil war was the notorious "Thousand Days' War", at the turn of the 19th to 20th century, between liberals and conservatives, resulting in the settlement of soldiers from within and outside the country in the region (cf. *ibid.*: 46f.).

Creation of the community of *el Hatillo* is said to have taken place in this context, stemming from retired or refuged soldiers acquiring or renting land in exchange for their duties as good peasants or armed forces in the name of their landlords (cf. CETEC 2008: 10).

Until the 1940s the department only counted two major transport routes: the stretch of river along the *Río Cesar* and *Río Magdalena*, connecting some of the interior settlements with the

¹² "An encomienda was an estate granted by the Crown to the Spanish conquistadors and colonists for their services to Spain. It included the services of the Indians living on it" (Note by the translator, in: Galeano 1997: 31).

North, and the road connecting *Valledupar* with *Riohacha* and *Santa Marta*. This meant that the department was mostly isolated from the rest of the country until well into the 20th century, resulting in strong systems of self-sufficiency and subsistence (cf. Martínez Ubáñez/Iguarán Aguilar 2003: 45).

As accessibility to the region gradually improved and train routes were established, former urban centres, such as *Chiriguana*, lost importance and new ones, such as *Codazzi*, emerged. With accessibility of these regions came changes to the economy and cultural composition of the area. The cotton and rice boom in the 1960s, the expansion of the agricultural sector, along with the needed labour force for creating road and rail routes, attracted a high number of migrants seeking to improve their socio-economic situation. (cf. *ibid.* 46f.).

During the 1960s and 1970s there was a very strong focus on cultivation of cotton, which quickly became the main economic activity and contributed to a third of the total national production (Gamarra Vergara 2005: 52), making up 52% of the agricultural land of the department (Bonet 2007: 1). It usually consisted of paid day-labourers working on the fields of *latifundistas*¹³, who managed and organized the farming. As explained to me during an interview, this boom promoted the influx of large numbers of people, brought by buses and looking for work on the plantations (Interview from 22.08.2012). These workers were often employed in a system of “colonato” (*ibid.*), which meant that the workers, as part of their payment – instead of paying rents - were allowed to inhabit a piece of the land of the *latifundista* (Ciparisse 2003: 21f.). The products were generally collected by larger companies, who brought the product to urban centres in the area, such as Busconia (cf. Interview from 21.08.2012). The cotton contributed significantly to the regional economy, resulting in GDP per capita above national average during the 1960s and 1970s (Gamarra Vergara 2005: 47). Today the departmental GDP is below national average.

Cotton demand fell at the end of the 1970s, resulting in cultivation efforts shifting to rice. This came about as a result of Boll Weevil cotton plant infestation and competition from the rise of synthetic product on the global market, which drastically reduced cotton prices (cf. Interview from 22.08.2012). However, according to Gamarra Vergara (2005: 53), the agricultural sector never managed to recover from the cotton crisis or return to its former

¹³ *Latifundistas* are holders of large estates. The concept of the *latifundio* (large-estate) is connected to historical development stemming from colonial times and the right to private property, where property was distributed to the elite classes, while the subaltern classes (mostly indigenous and afro-descendants) were employed as the labour force in a kind of feudal structure. Some Latin American countries, including Colombia, have not succeeded in establishing a satisfying land reform to redistribute the concentrated land holdings (cf. Ciparisse 2003: 240).

productivity levels. This resulted in a decrease in the return of cultivation of cotton, rice and sorghum along with the areas used for its cultivation (ibid.: 58).

During this time the community established a system of shared land use with the *latifundistas*, which is referred to as *comodato* (loan) (Interview from 25.07.2012). That meant that the peasants could rent land from the *latifundista* for free in order to use it for agricultural activities with the condition that it be sown upon leaving (Ciparisse 2003: 23). This served the *latifundista* to expand his territory, letting the peasants cultivate new land and thus making it arable for future use.

It is in this context that the African oil-palm sector started its expansion in the department. The African-oil palm resulted in more surplus and employment than rice, as it needed labour the entire year (Fieldnotes 25.09.2012). Between 1990 and 2003 the amount of area in the department cultivating this product increased from 16.552 hectares to 29.536 (Gamarra Vergara 2005: 53). Even though 80% of the production took place in the four municipalities *San Alberto*, *El Copey*, *Agustín Codazzi* and *San Martín*, *El Paso* also established a number of plantations.

The economic system prevalent in the area was one of *latifundismo* (large estate owners) employing peasants as *jornaleros* (day-labourers). The *latifundistas* provided the land to be worked, and the capital necessary to work it, while the peasants provided the labour force for cattle farming or cultivation activities in exchange for small pieces of land for their own livelihood activities. The literature¹⁴ sometimes refers to these small estates as *minifundios* (small estates). At times these *minifundios* also hired labourers on a contractual basis, simply on a smaller scale. It commonly occurred that *minifundios* were swallowed by the *latifundios*. This was either due to threats and the violent actions of armed actors, or indebtedness of the peasants caused by their inability to compete with the extensive cattle farming and agricultural practices of the *latifundistas*.

Before analysing in more detail the specific historic happenings of the community *el Hatillo*, I will make a quick interim conclusion on how these happenings affect the conflict that is at the centre of this study.

It is important to point out that this system of land use and distribution, unjust and hierarchic as it may seem, enabled the peasant to engage in subsistence livelihood activities by providing

¹⁴ Cf. Ciparisse 2003: 242

them with access to environmental resources by the territory delegated to them through the *latifundistas*. This property system, evolved over several centuries, may be seen as a complex arrangement between *latifundistas* and peasants, serving as an effective way of using resources by enhancing environmental and economic possibilities of the property as it allows the access of a maximum number of people and permits them to benefit of the resources of the land. Formalizing this property, i.e. through mining concessions, may negatively impact the usage of the land and reduce the number of people being able to benefit of it. Selling property to a TNC in form of a mining concession transforms the complex formerly existing system to a singular type of land use, which seems less sustainable, adaptable and adequate to the labour division inside the local communities. The selling of land by a *latifundista* to a mining corporation, an act enforced by the government decision to award a company with a concession, may seem of little importance to the actors directly involved (*latifundista* and TNC), but this ignores the consequences on the local scale for peasants working the lands of the *latifundistas*, who are directly depending on this land and excluded from the negotiation process between those two actors. Thus changes to the property regime have direct consequences on the local livelihood activities and environmental resource extraction systems, affecting disproportionately the most marginal actors.

This also meant that when the *latifundista* in *el Hatillo* was obliged to sell his property to the mining corporation holding the concession, all people depending on the property in the system of *comodato* lost their access to it and any livelihood activity taking place on it. It should be noted that these informal agreements of property usage and resource extraction served as a basis for the livelihood of the community, but will most probably – due to the informality of the agreements – not be included in the compensation mechanisms of the resettlement. Furthermore, the massive land reductions resulted in a strong pressure on the capacity of the land, forcing the peasants to sell cattle, a very important source of capital. I was even told at one occasion that a woman was denied access to a newly privatized area where she held her livestock, prohibiting her to collect the animals, resulting in their eventual loss (Interview from 22.08.2012).

5.1 Similar Case Studies

Two important historical anthropological studies of communities in close proximity to the communities being resettled in *el Cesar* exist. These studies were created during the late 1960s and early 1970s and give an insight into the social life and organization at the time and

may be seen as very similar -if not identical- to the past situation in the community of *el Hatillo*.

Escobar Gutierrez, in her account on a “traditional community in Cesar” (1969), describes that all lands in the region were vacant (*tierras baldías*) and possession was granted by possession and use (i.e. cultivation). The land claim remained over the period of active cultivation until the possessor decided to move on to cultivate another piece of land, upon which his right to the land expired and could be taken over by another. In general land was passed on by inheritance and/or by colonisation of unused land (cf. Escobar Gutierrez 1969: 34). Land was commonly passed along to relatives, but the local community also allowed those who lacked their own land to make use of property, which resulted in a system of land sharing, or common property (cf. *ibid.*: 34f.). As plenty of land was available, there were no land shortages or property borders, such as fences, as this was deemed unnecessary. This underlines that territory had no commercial, but rather a practical, purpose and utility, explaining the lack of official land titles and property papers (*ibid.*: 30). During this time the predominant form of agriculture was slash-and-burn (*ibid.*: 31), with immigrants and newcomers usually working for the existing landlords or establishing pieces of land on the property of the land lord, while recognizing his property rights (*ibid.* 33). This system was known as *colonato* or *comodato*. At times these newcomers then worked for the land lord until being able to establish themselves as agriculturalists with own pieces of land (*ibid.*).

The main economic activity at the time consisted of agriculture, whereof the greater part was destined for subsistence and only a minor part was directed for sale at markets. Out of the products directed for retail, especially Maize and Yucca were sold (*ibid.*: 36ff). In an account of another community in *el Cesar* Adamoli (1973: 33) described that the community lived almost completely in an autonomous system of subsistence. He states that wage labour happened at an irregular basis, only in moments of strong economic stress arising out of necessity (*ibid.*: 33f), but was becoming more normal as these necessities increased (*ibid.*: 34). Adamoli also states that there was a scarcity of meat in the area, making it necessary to resort to the *Rio Cesar* for fishing and hunting to complement the diet with meat products (*ibid.*: 35). The meat, which was acquired in the nearest town, was usually sold to more distant urban centres, leaving the local area with meat of poor quality (*ibid.*). In the community described by Escobar Gutierrez pigs and chicken were also commercial products, being sold in the closest urban centre, the town of *Guatarrilla* (1969: 38). The interaction of the community with these centres was mostly unilateral, meaning that the peasants had to translocate into the towns to sell and buy their products but were mostly left untouched by

outside influences in their own locality. These centres were important to obtain any product that could not be produced by the community itself and consisted of coffee, salt, yarn and fabrics (ibid.: 39). The author describes the economy as principally one of consumption and to a very small degree of commerce, arising out of necessity (ibid.: 39f.). Out of this necessary interaction with the outside market there resulted a certain dispersion of the community as there was a constant movement between the urban market, the agricultural land and the housing localities. For Escobar Gutierrez the binding factor and social fabric of the community consisted of the communal savannah, which could only be used by members of the community living within this group of houses, which made up the community (ibid.: 40).

This is also reflected in the name of the community at the centre of this analysis – *el Hatillo*. The name is said (CETEC 2008: 10) to derive from the large amount of herds (Spanish: *hato*) present on the large savannahs in the area. Martínez Ubárnez and Iguarán Aguilar (2003: 188) state in their work over the origin of the department of *Cesar* and its municipalities that *El Paso*, the municipality where *el Hatillo* is located, was the birth place of livestock farming in Colombia, dedicating to this activity since the 16th century due to the adequate soil conditions of the savannahs and riverbeds.

Adamoli characterises the tradition of exchanging products among the community. This happened out of mutual interest and also out of a moral obligation to help one another (Adamoli 1973: 35). Many times people did not get enough surplus out of their harvest to provide for themselves, let alone to sell any surplus at the market, which made this system of internal support crucial for the livelihood strategies of the community.

Escobar Gutierrez describes how the arrival of large estate owners (*latifundistas*), impacted the traditional economic system and social organization of the communities. By integrating the land held by the individual peasants into large scale properties the *latifundistas* not only created property borders, but also transformed the economic system from an individual, subsistence-based one to one of extensive livestock farming eliminating the autonomy of the original landowners (cf. Escobar Gutierrez 1969: 45). These land acquisitions often took place at a value that was far too low, but derived from the thitherto valueless nature of the lands and the ignorance of the peasants over the value of land. This was the start of a pervasive system of selling and gaining new lands. The peasants directly after selling their old land went to cultivate a new one, which according to the old system upon cultivation turned to be their property. Once this step was completed and the land was prepared for commercial use they

returned to sell it again to the *latifundistas*, thus believing to follow a beneficial economic strategy of capital creation. However, not all peasants followed this trend of high paced land selling, but rather wished to remain the title holders of their land. In many cases this resulted in obliged sales, forced to give in to non-beneficial offers either by economic necessity or by violent threats posed by armed actors (cf. *ibid.*: 46ff).

This change of the property system resulted in an alteration of the economic order, causing the conversion of autonomous subsistence-based peasants into dependent wage labourers and a change of vision from cultivating according to necessity, to maximizing property for increased capital. However, the holders of the large properties were basically never local residents, but rather people with abundant capital from outside the region. As well as being alien to the new economic system imposed on them, the peasants were equally unknowledgeable in the use of state institutions and entities to defend themselves in any legal or political manner and were thus at the mercy of the *latifundistas* will (*ibid.*: 50).

It is in this context that more and more peasants were forced into a system of wage labour, where they were paid by the *latifundista* to clear his land on a limited contractual basis in order to create space for cattle farming. Furthermore, the peasants themselves started using capitalist methods for valuing their lands and handing it on to other interested peasants, giving monetary value to something that formerly only had a value of utilization (*ibid.*: 56; 60). As these *latifundistas* had their origin in other parts of the country, such as Bogotá, and as the livestock economy required a small labour force, only little of the created profits of the economic activity remained on the local scale. The pressures derived from this economic impact resulted in a transformation of social relations, which now depended more on interpersonal relations, allowing neighbours and relatives to use land for cultivation if necessary, but at the same time weakening the relationships within the community as a whole and especially towards new-comers and people foreign to the original community (cf. *ibid.*: 117).

5.2 History of El Hatillo

These two anthropological studies are highly relevant in understanding the logic of organization and land possession in *el Hatillo* in the past. The appropriation logics are the same - namely possession of unclaimed land by right of usage - as is described in the historical reconstruction of *el Hatillo* (2008), a document created by CETEC during the first attempt at resettlement of the community:

“[T]he village was formed when each one started preparing his land and house together with his wife and kids. [...] These estates were owned by the nation. If somebody liked a piece of

land he made it his property. Like, my grandfather liked that piece of land, he took possession there” (CETEC 2008: 11, *trans.*).

This refers to the condition of the land as *tierras baldías* (vacant land), allowing people to cultivate and use unclaimed state land, eventually becoming legal title holders of that land if they claimed it for long enough. The peasants are thus considered legally as occupants of vacant land, recognized by the Colombian state through Law 160 of 1994 (PAS 2011: 3). However, many community members were either unaware of the possibility of legally claiming land titles, or, if they were aware, were forced to sell their land through legal or illegal methods.

Beside the strong focus on agricultural and livestock activities, which the community referred to as “third economy” (Fieldnotes 25.09.2012) and which has always existed, the community has experienced different economic trends, as pointed out above.

After the decline of the cotton and later the rice economy, El Paso followed the departmental and national trend and an African oil-palm plantation along with a refining plant was created in the mid-1980s in the community of *El Hatillo*. This happened when the hacienda Alamosa, operated by the *latifundistas* Matos and Giannetti, decided to shift from agriculture and livestock to palm-oil production, thus converting grazing fields to palm plantations and constructing the plant *Palmagro S.A.*¹⁵.

The African oil-palm (*Elaeis guineensis*) was planted on some individual properties by the peasants for resale to the plantation in some cases (cf. Interview from 22.08.2012), but mostly the product was produced on the large estate of the plantation. One of my interlocutors described the process of expansion of the palm-oil sector as a process of *latifundación* (expansion of large estates), during which a lot of peasants lost large parts of their estate. This happened as the peasants were recommended to put their cultivation efforts into the cultivation of African-oil palms. The *Elaeis Guineensis* is a plant which needs several years before they bear their first fruits and then fruit development is a slow process. As most peasants were in need of capital immediately to cover their basic daily necessities they did not have sufficient funds to endure this initial period and were forced into selling their palm fields to the larger plantations. These plantations, often operated by transnational corporations, thus went expanding and integrating the smaller estates into their businesses. Many times, so the

¹⁵ Molano Bravo, Alfredo (2013): El Sueño Negro. La Crítica Realidad Del Sur Del Cesar. In: El Espectador, 23.02.2013

interlocutor said, this happened under violence or threat thereof by paramilitary groups (cf. Interview from 25.08.2012).

However, in general the relationship of the community to the palm-oil plantation was described as a good one since it generated a lot of employment for the marginalized peasants, turned day-labourers (cf. Interview from 21.08.2012; Fieldnotes). The peasants were increasingly in need of capital as their agricultural land, the basis of their subsistence activities, was gradually reduced and more products had to be obtained from outside markets. Employment at the plantation provided a possibility for capital creation and the social acceptance of the plant seems to stem from this contribution. In spite of this, the peasants complained about the sweetish odour emanating from the plant and brought to the community with the wind and, furthermore, they asserted that the plantation drained waste water directly into the near-by *Calenturitas* River. An act permitted by the departmental environmental authority CORPOCESAR. (Fieldnotes 26.09.2012)

Until the mid-1980s, when the African-oil palm started to appear, coal was exploited in an artisanal manner by the local population in the carboniferous area of Cesar, mostly for personal usage in cooking and crafting of bricks (Beltrán et al. 2010: 28). Once it became clear that the coal resources were a lot more extensive than only surface deposits, the carboniferous area saw the appearance of cooperatives and small-scale companies in the beginning of the 1980s, dedicating themselves to open-pit and underground coal mining and the first signs of mining-incented labour migration to the area began (ibid.: 29). These operations were in need of a large labour force, as the production processes lacked industrial machinery.

In 1983 Carbocol (*Carbones de Colombia S.A.*), a state owned mining company, was the first company establishing large-scale industrial mining in the carboniferous area of Cesar. With the opening of the mining complex “La Loma” and the starting of operations of the company Carbones del Caribe, the second open-pit coal mine of the country¹⁶ was established in the beginning of the 1990s (Ardila Beltrán et al. 2010: 28). In 1989, when small-scale, artisanal mining started to be gradually displaced and eliminated in the carboniferous area of Cesar by the slowly entering large scale companies, the labour union *Sintramienergética* was formed. Sintramienergética still represents the most important labour union for coal mining in the

¹⁶ This was the mining complex “La Loma”. The first one was “El Cerrejon” in la Guajira, a bordering department of el Cesar and today the largest open-pit coal mine in the world.

Cesar region today. It arose out of a common petition charge by various miners of different mining companies, joining 16 different mining companies with the achievement of a collective contract for all employees (cf. Ardila Beltrán et al. 2010: 30). However, the efforts by the union were not strong enough to prevent the small-scale mining and the collective conventions of the miners from disappearing gradually until the beginning of the 1990s. For most of the miners this meant they were forced to look for different kinds of employment, while for the rest the only option was to seek employment with the large-scale mining corporation *Carbones del Caribe* (ibid.: 31).

In 1995 the first transnational corporation, Drummond Ltd., started its operation and coal mining was by then in the hands of 5 corporations (4 national, 1 foreign), having displaced all the small-scale companies and undertaking large-scale mining. In 1996 president Ernesto Samper commercialized the deposit fields, which according to Ardila Beltrán et al. initiated a process of transnationalization (ibid.: 32). Thus, in 1996 *Glencore plc*, a Swiss transnational corporation, started buying several of the national operations, such as C.I. Prodeco S.A.; Carbones de la Jagua S.A., Consorcio Minero Unido (CMU), Carboloma S.A., Carbones El Tesoro S.A. and Carbones del Caribe (ibid.). Two other TNCs followed in the beginning of the 2000s, namely Vale Corp. and Coalcorp, finishing the transnationalisation process, resulting in the absolute transfer from national to foreign led mining (ibid.: 33). This led to an immense increase in the percentage of coal stemming from Cesar in the national total, rising from 7.1% in 1993 to 21.8% in 1996 and 29.9% in 1999 (ibid.: 33). The regional centre, the town of la Loma is said to have grown from a few streets with a few thousand inhabitants in the early 2000s to more than 20,000 inhabitants today (cf. Ardilan Beltrán et al. 2010: 66; Interview 27.09.2012).

These regional developments go hand in hand with the political happenings on the national scale, where the creation of the mining code (Law 685, 2001) determined the withdrawal of state-led companies from the mining business, reducing the role of the State to mere supervision, doing only essential intervention and facilitation to promote maximum autonomy of the private and foreign corporations (cf. UPME 2005b: 7; Ruiz-Restrepo/Barnes 2010: 133). Furthermore, the appearance of coal mining TNCs in the country, the privatisation of State operations and the selling of national operations to transnational corporations is parallel to the development of coal prices on the global market and took place during a period of depression, as the following illustration shows:

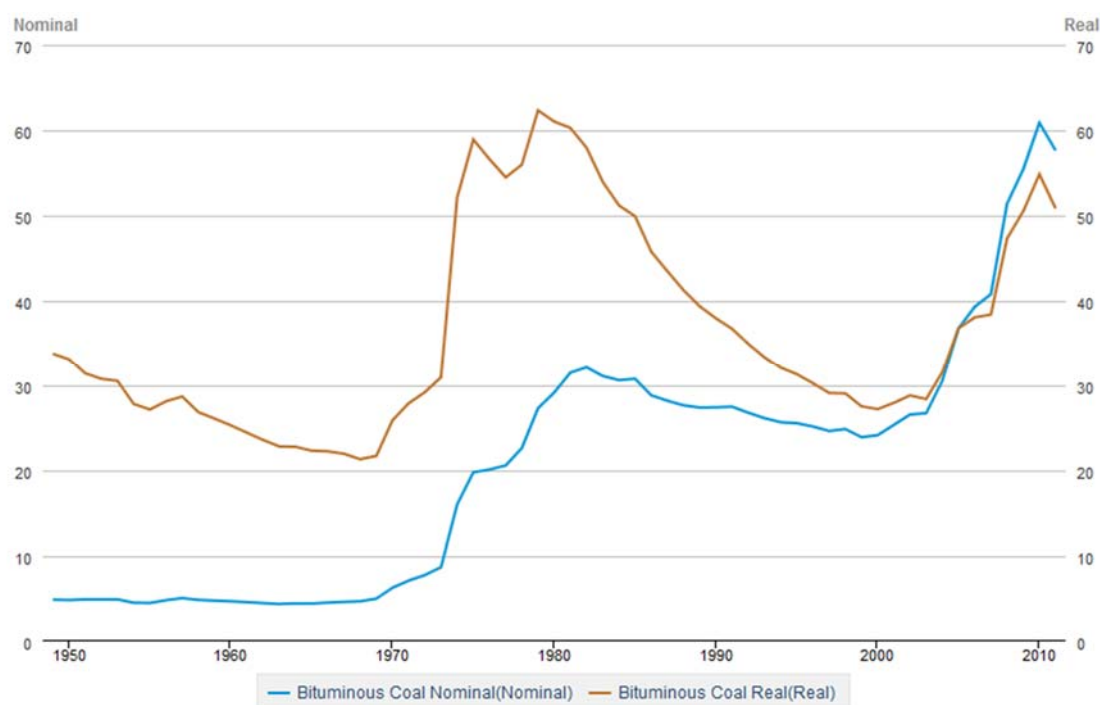


Figure 5-1: Development of Bituminous Coal Prices (USD per Short Ton) between 1949 and 2011.¹⁷

All of the mining TNCs in Cesar entered the Colombian market in the bust period between 1980 and 2000. Source: EIA (2012)¹⁸

Parallel to the growth of the coal mining in the region one can note the fall of the agricultural sector, which is seen by Ardila Beltrán et al. “in the low levels of profitability; the appearance of alternative economies; the social conflict; the lack of agricultural and livestock promotion; the difficulty of accessing credit; lack of technology and soil degradation” (2010: 36). The authors assert that, even though mining did not initiate the downfall of the agricultural sector, it contributed immensely to its further decline by demotivating the local population to participate in the less viable agriculture on the one hand and by hampering activities in this sector through the redistribution of soils to the mining corporations and the deteriorated quality of the remaining land and hydric resources (ibid.: 37). Adapting to these developments the younger generations have started focusing their vision towards employment in the largest economy of the region, the mines. Thus, most of them wish to be employed in one of the mining corporations or the related services, because wages and chances are perceived to be higher than working in agriculture (cf. ibid.: 49). However, as will be discussed more

¹⁷ EIA (2012): Annual Energy Review. Table 7.9. Coal Prices, 1949-2011. (Dollars per Short Ton). <http://www.eia.gov/totalenergy/data/annual/showtext.cfm?t=ptb0709> [Access 09-06-2013]

¹⁸ Ibid.

thoroughly in the following chapter, large-scale coal mining is more of a capital-intensive than labour-intensive activity and furthermore the local populations experience extensive competition from labour migrants. This, as the UNDP affirms, is reflected in the example of Drummond Ltd., where roughly 50% of the direct employees were born in the department (UNDP 2010: 20).

Because of the downfall of the agricultural economy and the concurrent rise of the mining economy, the local population that is unable to find employment in the mines, due to the lack of availability of jobs and the requirement of skilled labourers, finds itself in a vulnerable position. They are now faced with the option of either displacing themselves to other locations or re-orienting their efforts at providing services for the well earning miners. This new development, makes the peasants increasingly dependent on capital and provides less possibility for subsistence and forces many of them to sell parts of their properties (Fieldnotes 21.08.2012). Gradually the local population adapts to this new situation, continuing their subsistence-based agricultural activities and employment in the equally reduced oil-palm plantations to the extent possible. Furthermore, they attempt to create and provide services required by the miners, who have become the main source of income. In La Loma and to a lesser degree in el Hatillo the peasants experience a change in the composition of the population, with a social segregation between the few, often non-local, miners and the remaining population. The economy increasingly depends on the consumption patterns of these miners, with their relatively strong capital and thus La Loma gradually is converted into a mining town providing accommodation, restaurants, safety equipment, bars, brothels and other services (cf. Ardila Beltrán 2010: 50ff). El Hatillo, is the periphery in relation to the urban centre La Loma and has no direct employees in the mines. It participates in this economy by providing food from their weakened agricultural and livestock activities to restaurants and markets in La Loma and, where capital permits, selling services, such as pre-paid minutes for making phone calls; ice for cooling; meals for the miners or transportation by motor bike (cf. Fieldnotes 25.07.2012; Interview 25.07.2012; 22.08.2012).

Thus we find a situation where the local population has experienced a great transformation (Polanyi 1944) in their cultural practices of interaction with the environment, shifting from a subsistence-based agricultural and livestock activity, with a certain incorporation into external markets, through the production of cotton, rice and African-palm oil production, to a system increasingly dependent on capital, which almost in its totality derives from the mining sector. After having seen the historical development leading us up to the present situation, the

following chapter will now give a more depth portrayal of the different stakeholders involved in the resettlement process, their relationship to one another, to the environment and their claims to territory, resources and responsibility.

6 Stakeholder Analysis

The following chapter gives an overview of the various actors involved in the process of resettlement, which is the topic of analysis for this work. As has been discussed in the chapter on the theoretic framework of this study, conflict always takes place between at least two different actors and to understand the conflict one must understand these actors, their interests, strategies and sources of power. Consequently and in line with the political ecology approach this chapter aims to demonstrate the differing understanding of environment and resource use, as perceived by the individual and/or collective stakeholders. The analysis assumes that these understandings are directly linked to the production of power in the negotiation among these actors in pursuing the interests of the individual stakeholder groups and defending their claims over one another. Environment and nature is seen as a contested space, where the locality and the resources it provides have different uses and significance. Depending on how these claims are articulated, along with how the extraction of resources is justified, these actors have developed different strategies to promote their claims. As understandings of nature differ, appropriation of its resources and the benefits these resources provide along with their distribution reproduce power hierarchies. These hierarchies form the basis of a struggle to access the resources and are the cause of conflict. In order to strengthen their own position these different actors enter into alliances. Due to these hierarchies and alliances it becomes necessary to understand the institutionalism and functioning of claims and strategies on different scales. As structural projects on national or international level manifest themselves on local scales, local struggles simultaneously try to impact these structures at higher scales.

6.1 Local Communities

This part covers the local environmental and social effects on three communities in the carboniferous area of the department “*el Cesar*” in the context of a resettlement process due to the coal exploitation activities of transnational mining corporations. These three communities are called “*el Hatillo*”, “*Plan Bonito*” and “*Boquerón*”. The resettlement was ordered by a resolution of the Ministry of Environment, due to atmospheric contamination exceeding the established national norms. This contamination is produced by the activities of transnational coal mining corporations, mostly by the open-pit mining in general and the transportation of the coal by trucks on unpaved roads. These TNCs are the ones made responsible by the government for carrying out and financing the resettlement of the communities. The experiences of the three communities differ slightly but seem similar enough to be analysed as

a whole. The analysis is based mostly on the experience of *el Hatillo*, as this was the community visited and accompanied during my field work in Colombia from July to October 2012.

The communities *el Hatillo* and *Plan Bonito* are located in the municipality of “*El Paso*”. *Boqueron* is located in the municipality “*La Jagua de Ibirico*”. These two and two other municipalities, that are not treated in greater detail in this analysis, are part of the mining district [*Distrito Minero*] *La Jagua de Ibirico* (see also Figure 6-3 below) .

The three communities are located in the carboniferous area of the department, and are all located within concessions held by different transnational mining corporations. *El Hatillo*, for example, is located within the concession “*El Hatillo*”, held by the company *Colombian Natural Resources I. S.A.S.* and South of the concession “*el Descanso Norte*”, held by the U.S. American *Drummond Ltd.* While the location of the other two communities to the mining pits is a bit more distant, they still face various kinds of effects by the extractive activities, mainly caused by the enormous amount of traffic and transport passing daily. (See Figure 6-1 below)

The population of the communities differ between roughly 500 persons (*el Hatillo*; *Plan Bonito*) and 1500 persons (*Boquerón*) (cf. Fieldnotes).

The term “mining district” is defined by the Ministry of Mining as “a strategic geographic and geological area, where mining is considered an economic activity of social interest and impact, where the private actors, undertaking legal mining activities; the institutions; the social organizations; the unions and the technological and territorial entities, realize the planning and administration of the sustainable productivity and competitiveness of the productive mining chains, with emphasis on territory, mining business and the institutional articulation, the vision, the politics and development plan of the country” (Ministerio de Minas y Energía 2007: 7, *trans.*).

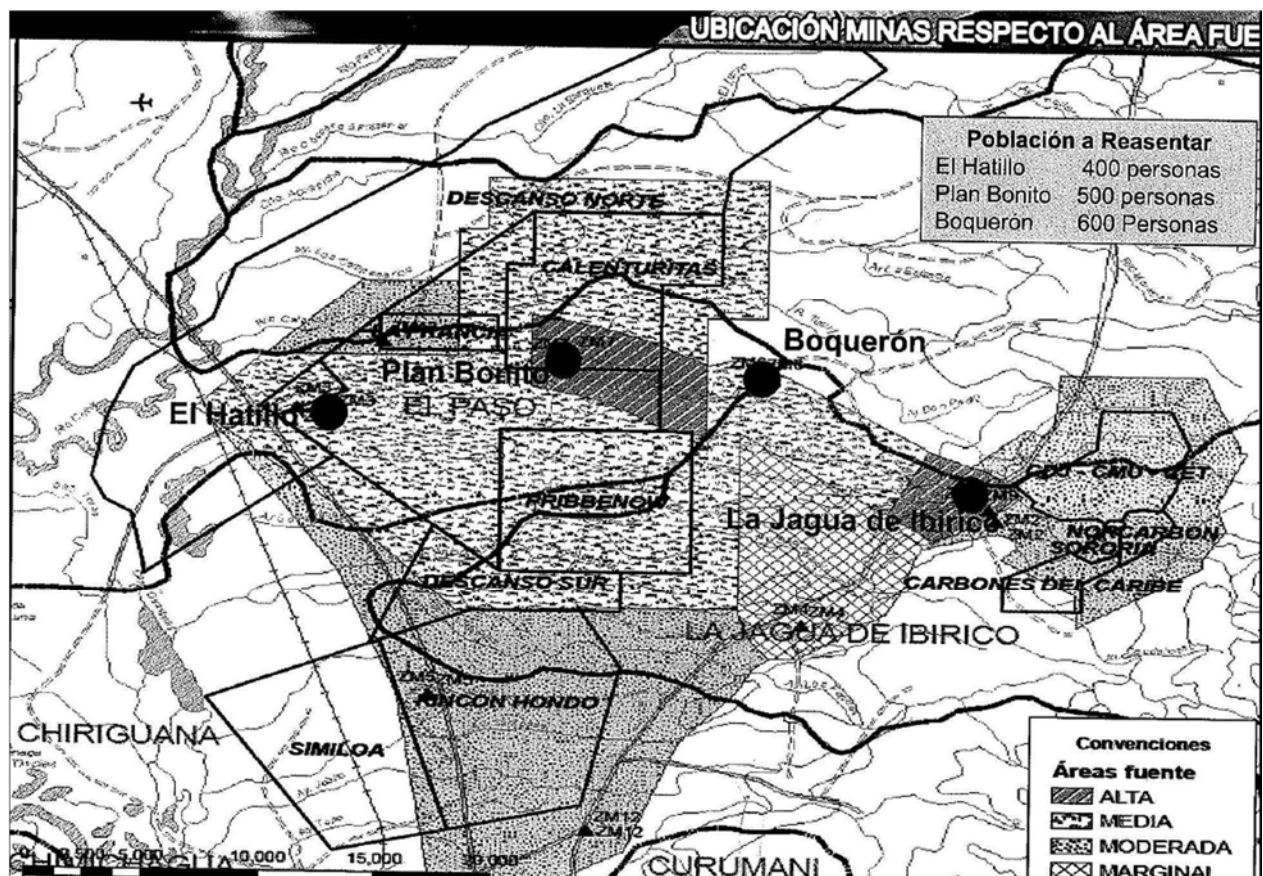


Figure 6-1: Location of local communities and extension of mining concessions. Map demonstrating degree of contamination (Áreas fuente).¹⁹

While to me - as a western, white researcher - the local population seemingly belonged to the same ethnicity, namely Afro-Colombian, only *Boquerón* was in the process of attempting to gain recognition as an Afro-Colombian community during my presence. This is important, as ethnic minorities (indigenous and black communities) have special rights assigned by the government (Law 21, 1991; Law 70, 1993 respectively) and defined in the mining code (Law 685, 2001: 53ff), such as collective land title, participation and right to prior informed consent. These rights are also secured by international documents, such as the ILO Convention 169, which was ratified by Colombia in 1991²⁰. However, the process of recognition of *Boquerón* was still underway during the time of research and thus none of the above mentioned communities may be considered to benefit from these legislations. Thus they are treated as “regular peasant communities”, exempt of any such benefits and weakened in their power, as a bundle of claims and legal tools usable in negotiations and interaction with the other stakeholders are not available to them.

¹⁹ Undisclosed Source

²⁰Cf. Khittel, Stefan (1999)

Apart from differing in consideration to ethnic origin, the communities also differ in the time of their existence in the region, which is important for the development of strategies and the right to claims, in terms of loss of heritage, culture and traditional belonging to their surroundings in connection with the resettlement process.

6.1.1 El Hatillo

“*El Hatillo*” is a community of roughly 500 inhabitants and has a history of existence of around 100 years in the region. The community followed a lifestyle typical for settlements within this area of the country. The main economic activities consisted of subsistence agriculture and animal breeding.

Before the arrival of the mining corporations the community had established a system of shared land-use with one of the large-scale cattle farmers and land holders in the area, who awarded pieces of land to the community members for individual agricultural and livestock projects. He was said to even provide people with resources and tools for construction of infrastructure, such as fences or pig stalls (cf. Interview 25.07.2012). An elderly member of the community explained the relationship between the community and the *latifundista* to me as follows:

“But here, here there was a property of Eduardo Sanchez*. [...] he allowed the community to enter upon his lands to collect resources and use land in comodato. [...] Comodato means they lend you the land, you cultivate it and at the moment that you leave you have to keep it sown”²¹.

During this time people cultivated, among other things, mangoes, *peraleja* (*Byrsonima crassifolia*) and yucca and domesticated chicken, pigs and cattle. Apart from these agricultural and domestic activities the community contributed to their livelihood by gathering resources from the near-by forests and savannahs, where they got *leña* (firewood), *madera* (wood for construction), palm leaves, medicinal plants and other wild plants (i.e. *guayaba* (*Psidium Guajava*)) for food. These areas also served as grounds for hunting, where a great variety of different animals, such as *conejos* (*Leporidae*), *tigrillo* (*Leopardus Wiedii*), *leoncillos* (*Puma Yagouaroundi*), *grillos* (*Gryllidae*), *armadillos* (*Dasypodidae*), *tinajo* (*Cuniculus Taczanowskii*), *chigüiros* (*Hydrochoerus Hydrochaeris*) and *iguana* (*Iguana*) were hunted

²¹ “AD: Pero aquí, aquí había una propiedad de Eduardo Sanchez*. [...] el, nos permitía a la comunidad entrar a sus tierras a... lo que eran recursos... y nos permitía... nos daba tierra en comodato. [...] Comodato es que te prestan la tierra, tú cultivas y tú al momento de salir la dejas sembrado el pasto.” (Interview from 25.07.2012, *Name changed; trans.)

(cf. Interview from 25.07.2012; Interview from 21.08.2012). The river “*Calenturitas*”, which passes through the northern part of the community, used to be a popular area for fishing and provided a variety of fish, such as *comelón* (*Hoplias malabaricus*), *boca chico* (*Prochilodus Magdalenae*) and *blanquillo* (*Sorubim Cuspicaudus*).

The people reported to have had a system of barter trade - exchanging items for items; items for services or services for services - and a tradition of lending, supporting family and community members during difficult times. This system has dwindled over time and was replaced by capitalistic values, encouraging individual gain and development in competition to the rest of the community.

Even though these subsistence based activities contributed to a great part of the livelihood of the people, they were also incorporated into external markets and participated in capital accumulating activities such as rice farming, cotton production and extensive large-scale cattle farming. These products were generally sold in “*la Loma*”, from where it was mostly exported to other centres, such as *Valledupar* or *Bucaramanga*.

Apart of the varying capitalist economic activities that exist and existed in the areas *ganadería* (cattle farming) has always existed alongside and provided food for subsistence and additional income. This activity was locally referred to as *tercer economía* (third economy). However, land reduction, degradation of soil quality and marginalization had eliminated the large-scale cattle farming activities and it was now only practiced on a small, personal scale.

Later the African palm-oil plantations in direct proximity contributed significantly to the local economy. They provided a large number of jobs, most of them giving employment for the entire year. While some people sold products (fruits of the palm) directly to the processing plant²², others worked for the plantations, sowing, harvesting and maintaining the trees.

One day I had the opportunity to take a tour with a local elderly to visit the river and the nearby African oil-palm plantation. The factory, where oil is extracted out of the seeds of the palms, produces an intense, sweetish odour, which can be smelled all over the community when wind blows from that direction. Smoke rises up from the factory and the surrounding area is characterized by the pods of the plant spread all over the vicinity. There are big puddles of seemingly dirty water around the plant. Passing the plant on a little pathway one comes to the river. Along this path there are some pipes which seem to lead water from the

²² Interview 22nd August 2012

plant towards the river. Around the pipes the water has a definite greenish colour and seems to be contaminated. I was told that the factory directs its waste water directly into the river *Calenturitas*. The measure of discharging wastewater into the river by the companies *Palmeras de Alamosa Ltda.* and *Palmagro S.A.* is permitted by the autonomous environmental agency CORPOCESAR²³.

While walking through the plantations, which covered an extensive area, the entire process of palm oil production was explained to me by my guide. He talked very positively about the plantations and as we walked deeper into the production site we met a worker, who was just on his way home. The two men engaged in eager discussion, providing a lot of interesting information. It was explained to me that even though one could not earn nearly as much by working on the plantations, they were still more beneficial for the community than the mining corporations. This, so they told me, had to do with the high demand of unqualified labour and the production cycle of palm plantations, providing work all year round.

The plantation usually relied upon the direct local population to fill their labour demands and thus had been the main employer and provider of labour in the last twenty years. The labourers were employed on the basis of contracts, using a system with a commission basis, where more harvest resulted in higher wages. One ton of fruits equalled roughly 25,000 COP (ca. 10 Euros). On average a worker earned 32,000 COP (ca. 13 Euros) daily, resulting in around 650,000 COP (ca. 280 Euros) monthly. The wage however varied, depending on the time of the year, as the amount of labour required was not constant. The workday usually lasted from 8 in the morning until 12noon. The oil-palm-industry had displaced the rice production, as it brought more surplus and employment, and rice is a temporal activity, not giving labour all year round. In contrast, so they stated, a worker in the mines could earn up to 4,000,000 COP (1710 Euros) monthly. However, so they complained, the mining sector only required few, qualified labourers and thus only provided employment for few people. (cf. Fieldnotes 25/09/2012).

The political representation of the community is formed by an entity called *the junta de acción comunal* (Committee of communal action). The committee is designed to be an “organization with civic, social and communitarian objectives, free from economic interest, integrating a person with legal capacity and proper patrimony. It is presided voluntarily by the residents of the community with the objective of unifying interests and resources to provide

²³ Cf. Auto 2395 from 2011 (MAVDT); Resolution 059 from 2011; Resolution 080 from 2008 (CORPOCESAR)

for integral and sustainable development on the basis of a participative democracy” (Law 743, 2002: Art. 80, *trans.*).

The **JAC** (*junta de acción comunal*) of *Hatillo* has been presided over by the same person for the last 16 years, who refers to himself as the president of the JAC. This office is decided by election on a four year cycle, meaning the incumbent has been confirmed by the population four consecutive times. The JAC currently consists of 22 persons. The president explained²⁴ the main objectives of the JAC to me as to “safeguard the wellbeing of the community, protecting the rights against violations of outside actors and administer the relations between the community and the municipality”. In another interview²⁵ it was further explained that it serves as a “distributor of funds provided by the central government”. It also serves as the gatekeeper institution for the community and is the first institution that is being contacted when somebody wants to deal with the community. This was also the case when the mining corporations entered into the area.

The president of the JAC is commonly also referred to as the leader of the community, both by the community itself and other actors, such as the NGO or the mining corporations. Besides being the president of the JAC and the unofficial leader of the community, he is also the president of the administration council of the local cooperative **COMULTRAHA** (*Cooperativa de las Mujeres Locales y Trabajadores del Hatillo*). The cooperative has the goal of creating employment and, among other things, undertakes infrastructure and maintenance work for the mining corporations, such as their social investments (as part of their CSR) in the communities. It is an important source of income for the community, as the availability of employment for unqualified labour is very limited. However, this kind of work is offered only on a sporadic basis and is usually of short duration. During my visit in the area they were currently expanding the local *kiosco* (Pavilion) in the school, which serves as a place of encounter. (Fieldnotes 27.07.2012; 21.08.2012; 26.09.2012)

Another kind of representative entity, formed during the first attempt at resettlement in order to create income and employment, was **ASOCAPROHA** (*Asociación de Campesinos y Productores del Hatillo*). This association had initially consisted of 30 members but by and by decreased to 15. Its objective had been the execution of productive projects during the original

²⁴ Interview 27th September 2012

²⁵ Interview 9th October 2012

resettlement plan and included projects in fishing, agriculture and farming. It still exists today but is mostly inactive. (Fieldnotes 23.08.2012)

When the resettlement process began the community was obliged by the operator to form a new kind of representation, separate to the JAC, referred to as the *comité de reasentamiento* (Resettlement Committee). At the first attempt of resettlement, undertaken by *Carbones del Cesar* in 2007, this committee consisted of 15 people, elected by the community through popular vote. As a new resettlement operator (*rePlan*) entered into the process due to transformed circumstances and responsibility for the resettlement being distributed among the three (originally four) mining corporations, the committee was renamed to *comité de concertación* (agreement committee) and its number of members was reduced to seven people.

Portions of the rivers, the forest and large part of the communal savannah are now property of the mining corporations. They are generally fenced in and signs of *propiedad privada* (private property), inform that this property belongs to the mining corporation. While behind some parts of these fences one sees the huge hills of sedimentation - sterile soil, separated from the coal during the extraction process – behind other parts one sees dense forests and seemingly intact eco-systems. This private property is regularly patrolled by units of private security, ensuring that nobody breaches the fences and illegally accesses these areas in search of resources. An elderly woman during an interview gave me an account of how the enclosure of the private property is secured by the corporations:

“L: Before we entered where we wanted to enter. There were no laws. One did not know armed forces around here. You did not know it. And when the mine came, there it was. Now a unit passed ‘Shhh’. When I was caught there was another one passing. And we around here did not know these things. We did not know what that was. And... we moved, we entered where one wanted to. We did not have... and now no, and now we cannot. Firstly: we cannot even cut down a tree. There is nowhere to cut it. Secondly: One cannot enter there. One does not catch anything. Because they make us leave. Because it is prohibited. [...]

S: Who says that?

L: The watchmen over there. That it is prohibited. To put ones animals over there. They make... now they are making a thing... look, they did not detain me, because I walked with some of those fellows. Collecting stones. Here, here, here. But there was no fence. And I started to collect stones, but only a little. There were no more stones and I went on with them. The following day some people from around here went to extract some soil. And immediately they saw them and detained them.”²⁶

²⁶ “L: Nosotros antes nos metíamos por donde quisiéramos meternos. No había ley. Uno por aquí el ejército no lo conocía. No lo conocía. Y cuando entro la mina, esta. Ahorita pasaba un trupo ‘Shhh’. Cuando yo me atrapa pasaba otro. Y nosotros por aquí no conocíamos. No sabíamos que era eso. Y... Nos hacíamos, nos metíamos por donde uno quisiera. No teníamos... y ahora no, y ahora no podemos. Uno: no podemos cortar ni un palo. No tenemos donde cortarlo. Otro: no se puede meter uno por allí. No coge nada. Porque nos hacen salir. Porque es

Through the heavy air contamination caused by the mining activities and the production of fine particulate matter a number of social and environmental consequences have taken place. The community attributes an increase of temperature to the deterioration of the air quality. While this increase has been confirmed by the corporations²⁷, they attribute the causes to global climate change, rather than the mining activities.

The population claims that by the fine particulate matter circulating in the air the environment has started to dry out and the soil has become less fertile. This manifests itself by less earnings in harvests and lower quality of crops and fruits and dried-out fruit trees²⁸. The people claim to only be able to harvest one time a year, while before they used to harvest twice a year.

A further consequence of the fine particulate matter is the deterioration of health of the local communities, with respiratory, skin and ocular diseases being the most frequent. An investigation group of the *Universidad Nacional de Colombia* (National University of Colombia) has been contracted by the departmental government to make a study on the effects of the coal extraction on the respiratory health of the population. However, the results of this study have not been published yet, only a contract including a draft²⁹ outlining the central points of this study has been published. Even though there has been no scientific evidence on the impacts to the health of the local population that has been acknowledged by the resettlement authorities at the moment, the fact that the national government ordered the resettlement (Resolución 0970, 2010), based on the amount of particulate matter in the air, is evidence of an existing concern.

According to a report of the departmental secretary of health from April 5 – 7 of 2011, where 371 out of the 510 inhabitants of the community were surveyed, “toxic gases, such as nitrogen dioxide and carbon monoxide, the exaggerated use of aerosols, but especially the increase of circulating vehicles was discovered [...] affecting directly the air ways, and the ocular apparatus; the diseases of the skin, like mycosis, are more related to the exposure to contaminated waters.” (Secretaria de Salud Departamental 2011, *trans.*)

prohibido. [...]

S: Quien dice eso?

L: Allí los vigilantes. Que es prohibido. De meter sus animales por allí. Hacen... ahora están haciendo la piececita... No me agarraron presa porque yo andaba con unos peladitos de estos vea. Ah recogiendo las piedras. Aquí, aquí, aquí. Aquí. Pero eso no tiene alambre. Y yo empecé a recoger piedras pero yo me iba en pico (?). Se acaba piedra y montaba con ellos. El día siguiente se fueron unos de aquí a sacar una tierra. Y enseguida los vieron y los pusieron preso.” (Interview from 22.08.2012, *Name changed; trans.*)

²⁷ Interview 8th October 2012

²⁸ Interview 22nd August 2012

²⁹ See *Universidad Nacional de Colombia – Gobernación del Cesar. Contrato Interadministrativo 2011020756 – Fase 1*. And *Annexes 1 – 6*, *ibid.*

“In the community el Hatillo (371) 51.48% (191/371) presented some kind of disease related to the environmental contamination, such as diseases of the respiratory system, skin disease and ocular diseases. [...] 39.08% (145/371) at the moment of the survey presented respiratory diseases; 11.59% (43/371) presented some kind of skin disease; and 0.81% (3/371) some kind of ocular disease.” (ibid., *trans.*)

The impact on the water and its contamination is described in various ways. The main attention is given to the river. The river is said to have been teeming with fish and having had high water quality. Almost all of the families had a habit of going to the river and fishing in it in a traditional way³⁰, using *tarrallas* (fish nets), which they cast out to catch fish. As the area around the river has been privatized, access to it has been prohibited. Nonetheless, some daring or desperate people visit the river - defying the danger of being caught by the private security operations patrolling the area - to catch fish, but the quality of the fish has been reported to be poor, even inedible at times³¹. Apart from these economic activities, the river used to be a popular natural attraction for recreation where the people claim to have been swimming day and night, spending a lot of their free time.

The people describe changes to the river such as carrying less water, providing less fish and a significant impact on the water quality. The explanation of this is seen in the deviation of the river by the mining corporations and the increase of sedimentary material into the river. Even dumping of waste directly into the river has been suspected. To a much smaller extent also dumping of waste water by the African palm-oil plantation was named as a negative contributor to the water quality of the river (Fieldnotes 26.09.2012).

Another aspect concerning water is the decline of the ground water level. The main source of fresh water are so called *pozos* (wells), which are deep holes dug into the ground to extract the ground water. The majority of these wells have been reported to have dried out, not providing any more water and thus the people resort to extracting water from the deepest wells. One of these wells is located in the school and was constructed together with one of the mining corporations. The community has the habit of filling tanks, which are generally located at an elevated height above each house, with water pumped out of these wells. When one house has filled up its tank, the neighbour comes for the hose to fill up his tank. The people state that wells keep drying up and that the water extracted from the remaining wells is not of drinking quality. I observed that this water was nevertheless used for cooking and meal preparation. It

³⁰ Interview 21st August 2012

³¹ Interview 22nd August 2012

is also used for personal hygiene, washing clothes and plates, and for the feeding of animals. (cf. Fieldnotes)

The *jagüey*s (pools) are another source of fresh water. They are a kind of pond, but located in one of the privatized areas, belonging to the mining corporations. These *jagüey*s used to be popular for recreation, such as swimming, and also provided some fish. Nowadays they are reported to be contaminated and their access prohibited. An impression that seemed confirmed by my distant observation, was that the water seemed to be dirty and I never saw any people around it. I was told that the area is currently being explored for minerals by the corporations. (cf. Fieldnotes 26/09/2012)

I was also told that there used to be a *ciénaga* (swamp) which served as another source of fresh water. Supposedly this swamp (*Ciénaga El Jabol*) was filled up with sterile soil by the mining corporations, who dumped it into and above the swamp. This, I was told, was reported to the ministry of environment by the community and resulted in a fine of 81.576.000 Colombian Pesos³² for the responsible corporation Vale Coal Colombia Ltd. None of this compensation, so my interlocutor told me, was ever redirected to the community (cf. Fieldnotes).

According to the sample 0390-11 from a microbiological study undertaken on March 23rd 2011, the water in the community *el Hatillo* is not suitable for human consumption, surpassing the limits defined for in Resolution 2115 in 2007. The water is classified as high risk (Undisclosed Source).

After having given a description of the community, the following part will now analyse what these findings mean for our theoretical approach of political ecology and conflict theory and their significance in terms of power, interests and strategies.

Property was traditionally regulated by customary law³³, meaning there were no official land titles, nor were there strict enforcements of property frontiers. Large parts of the property were regulated collectively and thus cattle and/or other animals shared grazing areas. This collective use and administration of common land may be considered an important element for unification and organization of social life.

In terms of political ecology, this area thus constituted a commons (Bryant/Bailey 1997: 163), which is essential for the property and distribution mechanisms of the local population.

³² Resolution 0311 from 2012; Resolution 1424 from 2010 (MAVDI)

³³ Customary law being understood in this context as a set of rules that is respected and obeyed by members of the community, derived from traditional practice within the area, organizing the social life and order

These commons are directly linked to the livelihood of the population and also their social organization to a large extent rests on this basis. Properties in the community are not put up in a strict order of property alignment and grids, with one property bordering exactly on another, or any particular scheme. Rather property frontiers are fluid. Houses are fenced off to some extent, but the usage of land and area outside of the direct enclosures of the living area seemed rather deregulated.

In the following I will point out some of the commons existent in the community and argue that the expansion of the mining activities, along with the resettlement of the community, has introduced an “enclosure of the commons” (cf. The Ecologist 1994: 106ff), which is an essential factor contributing to the socio-environmental conflict taking place and will have important implications for the community in their future location.

People depended directly on their land and environment, as it constituted the main source of food and livelihood production. Excess production was sold in the near-by markets of “*la Loma*”, which can be seen as the local centre of the area at a distance of roughly five kilometres from *el Hatillo*.

The presence of the African oil-palm plantations was generally seen positively because it provided a large number of jobs, also for unqualified labourers. The majority of the population may be seen to belong to the group of unqualified labourers.

Stefan Indermühle, in his analysis of transnational mining in Colombia, demonstrates that coal mining is a highly capital-intensive process with a participation of capital for the exploitation of around 84% (Indepaz 2011: 83), meaning only 16% of the process depends on labour. In real terms roughly 20.000 people out of 370.000 economically active (and 740.000 in working age³⁴) people in Cesar are employed directly or indirectly in the mining sector (UPME 2007: 32).

During an informal conversation with a group of people from the community, some tension was expressed in regard to the JAC, as they explained that it was the entity responsible for directing any kind of social contracts and works with the sole right to decide over these projects. These tensions arose because the committee opposed any kind of work being done that did not pass the decision-making process of the JAC and the JAC – so it was said – even though consisting of around 20 members, really only consisted of the president, as the

³⁴ In Colombia this age is considered 10 years and above for rural areas and 12 years and above in urban areas. http://www.dane.gov.co/files/faqs/faq_ech.pdf [Access 24.07.2013]

remaining members were inactive (Fieldnotes 23.08.2012). This must be seen as a problematic factor, causing some internal division within the community, as this system serves as a source of power for the JAC, while depriving the remaining community from possible benefits and participation. I was also made aware that his role as the president of the administration council of the local cooperative served as an additional source of power (cf. Neumann 2009: 399), as he could abuse his position in the awarding or denial of jobs within the cooperative (Fieldnotes 27.07.2012; 21.08.2012; 26.09.2012). This concentration of power puts the unity of the community at risk and may easily weaken their bargaining and negotiation power when interacting with the other actors, as suggested by Muradian et al. (2004: 5).

The members of the community reported that since the initial resettlement was planned in 2007 there has been a strong inflow of opportunistic people, buying property in the community. They were described as hypocrites looking for a chance to gain benefits through the resettlement and seemed to be a key factor for internal division and dispute in the community. At several occasions I noticed uneasiness among the “original population”, complaining about the new settlers. A sentiment of possible lesser individual gain, as the resettlement benefits would need to be shared with more, undeserving others, could be noted. This anger seemed especially strong when it came down to the issue of compensation.

Especially the health issue causes tension within the community, as the original population claims to be the one affected by the health issues, while the new-comers are seen to have spent too little time in the area to be entitled to these kind of benefits.

Thus, these two elements (concentrated power and newcomers) are a cause of reduced unity within the community, which weakens their position towards their opponents as it reduces their bargaining power (Muradian et al. 2004: 5).

In the negotiation processes, which are held on a monthly basis between the state, the mining corporations and the community, the latter emphasises its dependency on the local environment and natural resources.

An important element of power for the local communities is the sole fact of being and living in the locality. Even though they may be seen as the weakest actor in this analysis they can never be fully ignored and must be acknowledged by the more powerful actors, such as the state or TNCs. This power can be understood better when looking at the network connecting the different actors. The position of the local population is empowered by their cooperation

with NGOs (cf. Kriesberg/Dayton 2011: 6), who, besides supporting them with political and legal knowledge, make sure to publicize and lift awareness of the ongoing conflict to the international community. This element may be seen as more powerful than any ethical or moral considerations by the TNCs, as misconduct and breach of conditions could appear in national and international media, thus impacting the reputation of the company which in turn might affect decisions of consumers about their products. This mechanism is definitely being worked by the NGOs in this particular case, having strong networks between national NGOs (such as PAS, Tierra Digna or Indepaz) and European NGOs (such as ASK or Misereor). These European NGOs publish reports on the activities of the mining companies on a regular basis and also fund the activities of the national NGOs to some extent.

So, to summarise, the mere fact of being in the area under the influence of mining activities constitutes an element of power by the local population, as the other actors (State and TNCs) can never fully ignore their presence, as it is an issue that needs to be addressed in order to expand the activities. However, the way this interaction takes place is strongly influenced by the attention and pressure exerted by the efforts of national and international NGOs, which in their network with the local communities are another source of power.

This interaction may also be seen as the process where the environmental degradation taking place becomes politicized (cf. Bryant/Bailey 1997: 25). The fact that the environment is being degraded, in this particular case the emission rates of pollutants to the air, has been perceived as problematic by the national government thus declaring it an issue of concern and creating the political arena of interaction (cf. Neumann 2005: 42) between the different actors involved. By issuing the resolution 970 it created this basis linking the different actors and distributing responsibilities among them in the process. During this process the understanding of nature, the causes of its degradation as well as the relation of society and nature is contested and portrayed differently, according to the different interests defended by the various actors.

Another source of power for the community is constituted by law and claims evolved on a legal basis (Bryant/Bailey 1997: 107). These bases are i.e. the resettlement resolution 0970 and 1525, the law 160/94 (legal right to take possession of unclaimed right), and resolution 041 regulating agricultural land size. When asked during an interview what legal basis the community had on their claims to land I was told that:

“[W]e may have rights to land, which is a resource. We have rights because the land unit [UAF] has to give us some, because we are peasants. We think we have a right because we are rural. On that part. There we create a right that we have [...], that we have a right to land in

addition to the one we have here in the community. [...] [T]he unit of peasant land. Or something like that. You know. A lawyer was helping us that this is provided by the country. And the state has approved it. That the peasants have right to 34 hectares of land. For cultivation or for whatever it may be. For livestock and these things.”³⁵

The UAF (*Unidad Agrícola Familiar*), or agricultural family unit to which the interlocutor is referring in the citation is a law³⁶ from 1994. This law defines how much agricultural land is necessary for a family to live a life free of poverty in the different parts of the country. These territories are provided by the INCODER (*Instituto Colombiano por el Desarrollo Rural*), the Colombian institute for rural development. Its size depends on the fertility of the area and their agro-ecological conditions and must provide for a profit of at least 2 monthly legal minimum wages (cf. Indepaz 2011: 58f.). In a resolution of 1996³⁷ the size of land for a UAF in the municipalities *El Paso* and *La Jagua de Ibrico* was defined for between 41 and 55 hectares.

The current individual land possession of usable land by the community is estimated to be around 1.5 hectares by one of the NGOs operating in the area (PAS 2011: 4).

The people claim to have been marginalised ever since the mining corporations appeared and initiated their extractive activities. The community has little experience with political practices and legal documents and therefore base their claims and rights mostly on felt rights, which are derived from customs and traditions. Land use and possession was regulated by possession rather than legal land title and this possession in turn was regulated by usage.

The community is emphasising the importance of being compensated for damages to their health in relation to the mining activities. This is a hard fought factor in the negotiation with the companies, but the community managed to get the health status included as an element of the census undertaken for the resettlement. If the link between the increased disease rates and the introduction of mining can be proven, the population may be compensated in monetary terms in the future. Even though more detailed medical exams will be required, this is a first step in recognition and acceptance of social impacts caused by the corporations over the population.

³⁵ “[N]osotros podemos tener derechos a tierras, que es un... Son unos recursos. Tenemos derechos porque la unidad de tierra debe dar les a nosotros que somos campesinos. Nos creemos con un derecho de... somos rurales. Sobre esa parte. Allí creamos un derecho que nosotros tenemos [...] que tenemos derechos a una tierra fuera a la que tengamos acá en la población. [...] [L]a unidad de tierra campesina. O algo así. Oíste. Nos estuvo ayudando un abogado que si eso se dio en el país. Y eso es aprobado por el estado. Que los campesinos tenemos derecho a 34 hectáreas de tierra. Para cultivar. No para lo que sea. Para ganadería y esas cosas.” (Interview from 21.08.2012, *trans.*)

³⁶ Law 160 of 1994

³⁷ Resolution 041 of 1996

Since the corporations came to the area, the community argues that large areas of territory have been privatized and thus access by the community to these lands has been prohibited. These lands consist of privately owned, as well as formerly collectively used land, such as the *tierras baldías* (vacant lands), which were used for collective cattle farming and animal breeding. The *tierras baldías* is a legal concept (Law 160/94, Ch. 12) in Colombia, allowing the use of unclaimed territory by peasants, community companies and cooperatives for agricultural and livestock purposes.

The community, even though it had land titles and was incorporated in a somewhat complex system of *latifundismo*, may be seen to have functioned largely on a system of commons. While property beside private houses and in the direct proximity, is not strictly enclosed, with animals roaming around freely for grazing, the surrounding areas - especially the forest, river and other hydric resources - were used as commons. Commons in the sense that they are public property, which was used by the population for resource extraction and served as a direct contribution to their livelihood, without them owning this area as proprietors.

A key element of commons in the area was made up by the so called *sabanas comunales* (communal savannahs). These savannahs were a common part of the social organization of communities in the *Cesar* and contributed to the community life, as they were an important location for social interaction and integration. These savannahs were used as shared zones for grazing of animals and cultivation of plants. In the past these commonly organized and managed areas were not distributed according to fixed property laws and titles, but rather by possession. The land right was accepted by the members of the community and ceased when the person in question decided to settle on another piece of land. It thus becomes clear that land had no commercial, but rather practical value and that there was a high availability of usable land in this part of the country (cf. Escobar Gutierrez 1969: 29p.).

These lands are commonly managed and organized by the communities themselves in so called common property regimes (CPR) (Bryant/Bailey 1997: 161). Even though the exact means of organization around the use of these lands was not explained to me during my research, it became clear that people used to share common property for the grazing of animals and growing of crops. This kind of organization had been largely discontinued due to the reduction of useable land and the introduction of individual land titles and property frontiers, due to the colonisation of land by latifundistas and later by the division of territory for the issuance of mining concessions and consequent privatization of land. So it can be

noted that “the process of accumulation” has led to an “encroachment and dismantling of traditional commons” (Robbins 2012: 55).

I observed that animals were still roaming freely in the proximity of individual houses during day time, but seemed to return at night, when they got fed. I was made aware that this used to be common practice to a much larger extent in the past and also witnessed accounts of animal theft and illicit slaughter during my time of research.

The cited story above, about a woman being denied access to the property of the mines, reveals a couple of interesting elements for the analysis of the socio-ecological conflict taking place. Not only does it exemplify who is allowed to use which parts of the resources and for what purpose, but also it demonstrates that the more powerful actor (TNC) has the law on his side and thus may resort to violence, in form of private security, to protect his rights. All legitimised and authorised by the state, who by laws and rights protects these resources and awards rights of access (cf. Gudynas 2002: 157). Furthermore, it is also an example of a form of covert resistance by the local population, reclaiming their (perceived) right to resources and traditional way of interaction with the environment, ignoring the imposed rules of access and interaction by the state and TNCs, in pursuing their (now illegal) forms of access of the environment (cf. Bryant/Bailey 1997: 43). It displays that the local population neither acknowledges, nor is willing to respect the enclosure that is taking place, and politicizes this problem through their actions of covert resistance and continued access of the enclosed resources, which they still regard as commons.

Michael Cernea, arguably the most prominent scholar in resettlement theory and main contributor to the resettlement handbook by the World Bank³⁸, which guidelines the resettlement process taking place in this analysis, has pointed out the risk and vulnerability arising out of the “loss of access to common property” as one of the eight main points to consider in his “risk and reconstruction model for resettling displaced populations” (Cernea 1997: 1575). He points out that CPRs are usually not part of compensation mechanisms in resettlements and if not compensated eventually lead to a decline of the standard of living as sources of income and livelihood are decreased in the future location (ibid.).

This in turns leads to pressures on the environment with consequent degradation as the community members are forced to over-exploit the common resources available (or

³⁸ World Bank (2001): Operational Manual. OP 4.12 – Involuntary Resettlement.

unavailable) to them or encroach on resources of others in their future location provoking further socio-ecological conflicts (ibid.).

The prospect of possibly getting employment in the mining corporations has led to a strong inflow of people from other regions, hoping to be able to improve their socio-economic situation. The inflow of foreign populations, together with the limited availability of jobs has led to an increase in crime rates, weakening of local culture and customs, as well as capacity overload of social and public services.

There are problems related to the inflow of foreign populations in connection to the resettlement process. Some people are buying land titles in the communities that will be resettled, anticipating to make a good investment by buying cheap land and hoping for increased value in the future locality. Several members of the community have illegally sold land titles to these new settlers. These illegal sales include selling of collective land; selling of land of others; selling of the same piece of land several times to several people (cf. Fieldnotes). The inflow of opportunity seekers is a problem referred to and emphasised in all important international guidelines on resettlement (cf. World Bank 2001: 3; IFC 2002: 16, 70; IADB: 1999: 94p. [Annex 3: 7]). These guidelines advise to undertake a census and socio-economic studies as fast as possible by the entities responsible for the resettlement to prevent this problem. In the case of *el Hatillo*, being in process of resettlement since 2007, this point has been completely ignored and has afforded the inflow of numerous persons.

Another problematic point mentioned by the population in accordance with the in-flow of foreign people is the loss of culture and the increase in crime. The people observe that the newcomers arrive with a different vision, searching for economic enrichment and thus having a negative impact on the culture of the original population. Increase of crimes, such as theft, murder and rape are attributed to these non-local individuals. This has caused an increase in suspicion among the population, changing their social interactions from a collective, cooperative lifestyle to a lifestyle of individualism and mistrust. This coincides with the findings of Robbins, who argues that common property regimes can experience failure through “alterations in local social structure and culture” (Robbins 2012: 53).

The high wages of the few people employed directly or indirectly at the mining corporations has a number of problematic consequences:

The prices and services created focus on the high-income miners, driving up prices for the local population, which – contrary to the workers in the mining corporations, who enjoy

higher wages - becomes marginalized. This marginalization is worsened as the area available for livelihood and economic activities is reduced and its fertility downgraded. In real terms this means that the community members produce less food for consumption, while at the same time having less capital available for obtaining materials from outside markets. This marginalization drives the local population to an over-usage and over-exploitation of local resources (such as soils, forests or waters) and thus leads to a further degradation of the environment (cf. Bryant/Bailey 1997: 163).

I was also told a story of poorer families sending out their children to wander the neighbourhood begging for food (Fieldnotes 26.09.2012). This was experienced by the community members in a variety of ways. While they felt a kind of compassion and the need to help, they also felt that helping would only encourage a system of dependency and was prone for repetition. However, this experience was also evidence of the existing inequalities within the community, mainly caused by the wide gap of income between mine and non-mine workers.

Robbins has pointed out that “because surplus value must be constantly extracted from workers and from the soil to landlords and commodity traders, the conditions (human health, soil quality, nutrients) required to maintain that production cannot be sustained” (Robbins 2012: 55). This statement is very relevant for this study and after having discussed the environmental degradation I will now present some of the health concerns around the mining activities. There are several studies on the impact of open-pit coal mining on health. While these studies prioritise the impacts on workers in the mines, some also include populations in direct proximity to open-pit coal mines. I have outlined the most relevant health effects of this literature in the following paragraphs:

These studies show that coal extraction in open-pit mines produces coal dust and silicon oxide / silicon dioxide. These substances have, among others, the following health impacts: coal worker’s pneumoconiosis (CWP); chronic obstructive pulmonary disease (COPD); silicosis; dermatitis; hypertension; hypothyroidism and chronic kidney disease (CKD). The consequences of these diseases may cause deficiency, incapacity and premature death. (cf. NIOSH 2011: III f.; Coggon/Taylor 1998: 398; Douglasdale n.y.: 4).

The exposure to contaminated air can cause irritations of the eyes, nose and throat and contribute to respiratory diseases and is related to cardiovascular diseases. Furthermore there is epidemiological evidence for a reduction in life expectancy by a long term exposure to fine particulate matter PM 2,5 (WHIASHU 2011:35f.). Other diseases may include: asbestosis;

byssinosis and asthma (cf. Scott/Grayson n.y.: 2). Silicon oxide and silicon dioxide is defined as a group 1 carcinogen by *the International Agency for Research on Cancer* and can provoke stomach cancer and lung cancer. (cf. NIOSH 2011: 25). These toxic substances can be absorbed by inhalation; absorption by the skin, eyes, ears and the mucous membrane, as well as ingestion (Scott/Grayson n.y.: 2). Scott and Grayson show in their study that the majority of skin diseases is caused by fine dust (ibid. 9).

The local population described their symptoms with words such as cold, fever, head-ache, spots on the skin and *apretación* (tightness of the chest). Diseases and illnesses were a recurring and preoccupying topic during all interviews with interlocutors from the local population. While these diseases and health impacts were blamed on the mining activities in the area, the contamination caused by the oil-palm plantation was not mentioned during my conversation with workers in the African oil-palm plantations and the plentiful use of *abono* (fertilizer) did not seem to be of any concern to them. CORPOCESAR states that the “treatment of the sewage water” at the *Palmagro* plant “does not work in the expected manner, as the organic material, solids and microorganisms increase their value” upon leaving the factory (CORPOCESAR 2011: 44, *trans.*).

6.2 The Colombian State

The Colombian State must be regarded as a weak state, considering its high levels of corruption and poverty, along with its weak institutionalism. It has been unable to resolve the ongoing internal conflict since the middle of the last century. During this period parts of the country’s territory, along with stability and security, were not under state control, but rather under control of illegal armed groups, resulting in horrendous numbers of human rights abuses. Furthermore, it has a long tradition of corruption, that is detrimental to democratic processes and provide for clientelism and nepotism on all levels of public intervention. Even though its legal framework, laws and constitution are quite modern, the rule of law is extremely weak and widespread impunity is one of the most urgent problems of the nation State. While its market liberalisation and structural adjustment took a slower pace than in most other Latin American countries, Colombia can be said to follow a model of strict neoliberalism at least since Álvaro Uribe³⁹, having already started with the formulation of the new constitution in 1991. As Browitt argues, the new constitution not only weakened the

³⁹ Bebbington (2012): *Inducción Temática: Colombia*. Pp. 8. <http://procasur.org/extractive-industries/wp-content/uploads/2012/07/Introduccion-Colombia-Bebbington.pdf> [Access 25.06.2013]

“social functions of the state”, but also gave the president the “extraordinary powers to abolish or merge public enterprises, to change their juridical status, to change the structure of ministries without congressional consultation, and to exercise almost total control over the national budget” (Browitt 2001: 10). This resulted in a gradual decrease of State participation in production processes and development of economic policies in favour of the global market and global capital, while maintaining strong ties to the USA (Thwaites Rey 2008: 6). The State, highly dependent on foreign capital derived from hydrocarbon exports (Richani 2005: 127), tries to provide for a secure investment climate by investing large sums of its GDP into military expenditure. Plan Colombia, while originally a tool in the “war on drugs”, increasingly enjoyed support by TNCs, interested to strengthen their defence against disruptions caused through attacks by Guerrilla groups (ibid.: 130f.). Special military units, protecting, among others, mining corporations against disruption, sabotage and extortion by illegal armed groups, are common and are also located and operating in the area of this analysis⁴⁰ (Richani 2005: 124).

However, as has been pointed out by Bebbington in many extractivist economies in Latin America there exist “counter-movements within the State”⁴¹. This is also true for the Colombian case, where several institutions and entities on national and sub-national level document, critique and publicise misconduct and effects on the society and the environment by government and corporate actions. In Colombia these institutions are, among others, the *Defensoría del Pueblo* (Office of the Ombudsman), with special focus on the protection of human rights; the *Controloría General de la República* (Office of the Comptroller General of the Republic), with special focus on the usage of resources, goods and patrimonial interests of the state and the control their of; *Procuraduría General de la Nación* (Office of the Inspector General of the Nation), with special focus on compliance to the constitutional and fundamental rights of the society; the *Fiscalía General de la Nación* (Office of the Attorney General of the Nation), with special focus on penal actions and criminal politics. Furthermore, but to a lesser extent the following institutions may also be seen as a kind of “softer” counter-movement within the state for our analysis: the departmental government of Cesar; the municipal government of El Paso; and the Ministry of Environment, which plays a double-roll

⁴⁰ In the carboniferous area of Cesar there operate, among others, the *BATALLÓN ESPECIAL ENERGÉTICO Y VIAL No. 2 “Cr. José María Cancino”* in the municipality La Jagua de Ibirico and *No. 3 “Gral. Pedro Fortul”* in Curumaní. (cf. <http://www.primeradivision.mil.co/index.php?idcategoria=188718> [Access 30.06.2013])

⁴¹ Bebbington (2013): Can Mining Be Inclusive? Social Conflict, Institutional Change and the Governance of Extraction. Pp. 38. http://www.ieim.uqam.ca/IMG/pptx/Presentation_M-_Bebbington_UQAM_March_7th_2013.pptx [Access 01.07.2013]

that will be examined in greater detail below. Finally, the constitutional court serves as an important instrument in limiting and punishing misconduct by the state and corporations, as it issues resolutions, decrees and orders when actions by these stakeholders are breaching constitutional rights. (cf. Bebbington 2012: 7).

The Colombian State may be seen to follow a model that Gudynas (2011: 71) describes as a “classical extractivism” promoting activities of TNCs, while reducing the role of the state to merely control and weaken regulation, thereby encouraging economic growth (ibid.). “In this way, a management model is set up where the State acts as a facilitator of the mining operator work belonging to the private investor” (UPME 2005b: 7).

The following parts will analyse the State and its institutions on the national, departmental and municipal level, as the strategies, interests and power in the process differ considerably and cannot be viewed collectively.

6.2.1 National Level

The Colombian constitution of 1991 (Title 12: Ch. 1: Art. 332) declares that: “The state is the proprietor of the subsoil and the non-renewable resources, without prejudice to the rights acquired and perfected in accordance with prior laws”⁴². Furthermore the mining code, the official legislation for the mining sector, states in its first and thirteenth article that mining is considered an activity of public interest (Law 685, 2001: Art. 1; Art. 13). The constitution states in another article that “[f]or reasons of public benefit or social interest as defined by the legislator, expropriation may happen by the sentence of a court and after prior compensation”⁴³.

The government, in the mining code of 2001, declares that “[t]he duty to properly manage renewable natural resources and the integrity and enjoyment of the environment, is compatible and concurrent with the need to promote and develop rational utilization of mineral resources as basic components of the national economy and social welfare” (Law 685, Ch. 20, Art. 194; 2001: 26, *trans.*).

⁴² “El Estado es propietario del subsuelo y de los recursos naturales no renovables, sin perjuicio de los derechos adquiridos y perfeccionados con arreglo a las leyes preexistentes” (Constitution of 1991: Title 12, Chapter 1, Article 332, *trans.*)

⁴³ “Por motivos de utilidad pública o de interés social definidos por el legislador, podrá haber expropiación mediante sentencia judicial e indemnización previa” (Constitution of 1991: Title 2, Chapter 2, Article 58, modified by Legislative Act No. 1 of 1999, *trans.*)

The exploration license is the first step for initializing any kind of mining activity in the country and can be seen as a sort of contract between the State and the entity willing to extract resources. The mining code (Law 685 of 2001) regulates the different procedures around prospection, exploration, exploitation, benefits, transport and commercialization of the subsoil. (cf. Cordaid 2011: 17)

An employee of the Cesar departmental office of INGEOMINAS explained the process of expropriation and land compensation to me in the following way:

"The surface remains the property of the owner of the surface, the government is only the owner of the subsoil. All that is under the soil. What the land is producing needs to be compensated to the owner of the land of the estate. [...] The mining companies compensate the estate owners for their land. That means they make a valuation of how much the estate could cost and always pay above value. But you know that when the estate is known to have coal the value won't be the same anymore... if one hectare used to cost one million pesos it will now cost five. They always ask for way above value and thus the companies enter into conflict with the titleholders of the land. If there is no person-to-person arrangement [...], the government commissions an expert to say 'Alright, the estate is worth this much. Do you agree?'. If they still cannot find an arrangement the process comes to an expropriation. Thus they expropriate the owner of the land and pay him the land at the value that it is worth and hand it over to the mining companies."⁴⁴

The Colombian state withdrew from state-operated coal mining in 2000 as “a response to pressure from the IMF to open up the Colombian economy to greater foreign corporate control and cut the State's losses”⁴⁵, selling the 50% share it had on the joint venture Intercor⁴⁶/Minercol at the open-pit coal mine *Cerrejon* to foreign transnational corporations⁴⁷. The mining code, which was introduced the following year, further “eliminated the State's role in direct investment, thus eliminating the State's participation in mining operations and leaving it to only regulate the industry and provide oversight” (PBI 2011: 8; *also cf.* Law 685 of 2001). The liquidation of Minercol Ltda. in 2004 is seen as part of the radical neoliberalisation strategy of the Uribe government, following incentives of the IMF and WB

⁴⁴ "[L]a superficie sigue siendo del dueño de la superficie, el gobierno solo es dueño del subsuelo lo que está por debajo de la tierra, lo que esté produciendo la tierra tiene que indemnizar al dueño de la tierra de la finca [...] Las empresas minera indemnizan a los dueños de fincas por sus tierras, o sea ellos hacen un avalúo de cuanto puede costar la finca, siempre las pagan por encima pero usted sabe que cuando la finca dice que hay carbón ya no le va a valer igual, si una hectárea costaba un millón de peso ya le vale cinco, ellos siempre piden mucho por encima entonces las empresas entran en conflicto con los titulares de las tierras, cuando no se da un arreglo persona a persona [...], el gobierno comisiona un perito que el perito diga bueno la finca vale esto están de acuerdo para pagar? No se llegó a un arreglo tampoco entonces entra a una expropiación, entonces expropián al dueño de la tierra les pagan las tierras al precio de lo que valen las tierras y se lo entregan a la empresa minera" (Interview from 01.10.2012 with a representative of the INGEOMINAS Cesar, *trans.*)

⁴⁵ Solly, R. (2001): Background. Stripping Guajira Bare. <http://www.minesandcommunities.org/article.php?a=4115> (Access 21.01.2013)

⁴⁶ Intercor was a subsidiary of the US-American TNC Exxon

⁴⁷ These TNCs were BHP Billiton; Anglo-American; Glencore International plc

to privatize state enterprises as well as the pressure of TNCs. In the decree ordering the liquidation (Decree 254 of January 28th 2004) and the Resolution (18-0073 of January 27th 2004) transferring the responsibilities to the Mining Ministry, the liquidation is justified by unviable activities of Minercol Ltda., making it increasingly dependent on state capital and inefficient in achieving its objectives⁴⁸. The reforms to the mining code in 2010⁴⁹ - besides extending the amount of protected areas, such as moorland (*paramos*) - aimed at further competition in the mining sector, promoting international corporations.

The Ministry of Mining has been under critique in the last years due to the reform of the mining code, where the trends towards diminishing small- and medium-scale mining activities received a legal basis. This, Cordaid states, “restricts even more the possibilities to develop a national mining industry” (Cordaid 2011: 19), as these activities are being illegalized by the Ministry of Environment, due to the alleged environmental damage resulting by the uncontrolled use of chemicals in these operations, which often operate in environmentally sensitive areas.

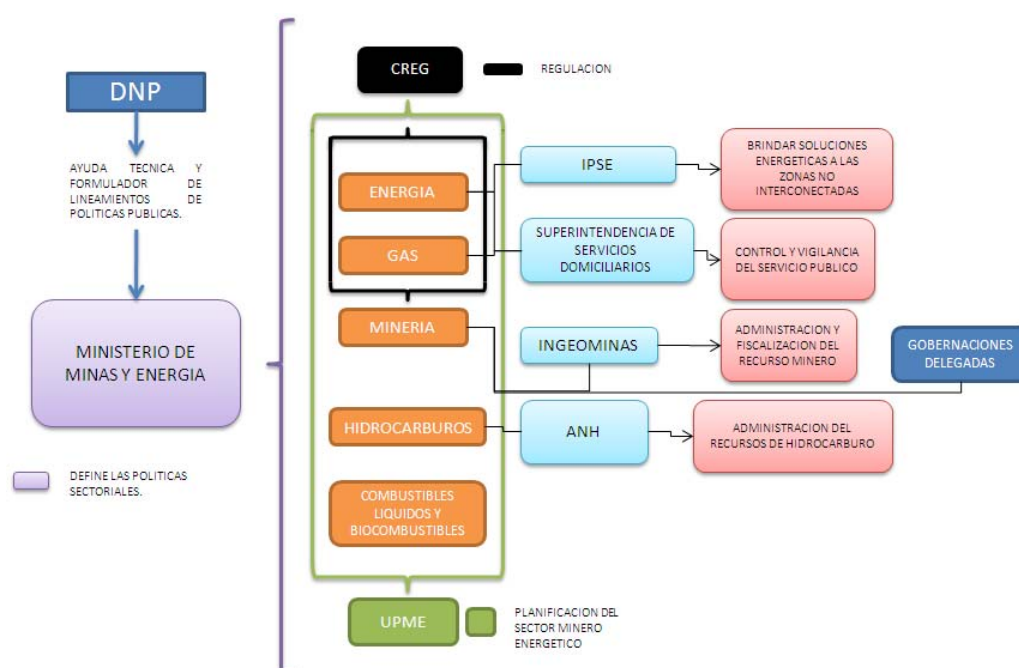


Figure 6-2: DNP: Organogram of the Mining Sector; the Ministry of Environment (MINAMBIENTE) is missing on this illustration⁵⁰

⁴⁸ Cf. <http://www.desdeabajo.info/ediciones/item/58-minercol-liquidan-empresa-estatal.html>; <http://www.labournet.net/world/0402/colomb2.html> [Access 12.06.2013]

⁴⁹ Law 1382 of 2010

⁵⁰ <https://www.dnp.gov.co/Programas/Transportev%C3%ADascomunicacionesenerg%C3%ADaminer%C3%ADa/Subdirecci%C3%B3ndeMinasyEnerg%C3%ADa/Entidadesdelsector.aspx> [Access 22.01.2013]

The administration of the concessions, environmental licences and distribution of mining rights has been delegated to various institutions operating at various levels by the government. These institutions include: the National Department of Planning (**DNP**: *Departamento Nacional de Planificación*); the ministry of mining (**MINMINAS**: *Ministerio de Minas y Energía*), with its sub-department: the Colombian Institute for Geology and Mining (**INGEOMINAS**: *Instituto Colombiano de Geología y Minería*)⁵¹; the ministry of environment and sustainable development (**MINAMBIENTE**: *Ministerio de Ambiente y Desarrollo Sostenible*)⁵², with its sub-department: the National Authority for Environmental Licenses (**ANLA**: *Autoridad Nacional de Licencias Ambientales*); the Unit for Planning of Energetic Mining (**UPME**: *Unidad de Planeación Minero Energética*); the Autonomous Regional Corporations: in this case the Autonomous Regional Corporation of Cesar (**CORPOCESAR**: *Corporación Autónoma Regional del Cesar*); delegated departmental governments: in this case the **departmental government of Cesar** (*Gobernación del Cesar*).

At the top of the institutional hierarchy is the **National Department of Planning (DNP)**: The DNP describes its function as technical advisor of the national government, formulating strategic plans of development for the country. These plans consist especially of policies, programs and projects in the area of economic, social and environmental development, combining efforts at national and regional level. Its current projection is until 2019⁵³. The DNP is the entity that formulates the four-year-development plans for the national government, identifying and defining the core areas for efforts by the government. The current development plan, which is enforced by the government of President Juan Manuel Santos, is called “*Prosperidad para todos 2010 - 2014*” (Prosperity for all 2010 - 2014). Within this 860 page long document, plans for regional development, sustainable growth and competitiveness, equality and opportunity for the social prosperity, the consolidation of peace, environmental sustainability and other topics are addressed.

The ministry of Mining (**MINMINAS**) is the institution that manages the mining industry and public policy of this sector. The Colombian Institute of Geology and Mining

⁵¹ INGEOMINAS is at a stage of transition to the newly formed Agencia Nacional de Minería (**ANM**) at the time of writing

⁵² On 27th September 2011 the Ministry for Environment, Housing and Territorial Development - **MAVDT** (Ministerio de Ambiente, Vivienda y Desarrollo Territorial) was reorganized by Law 1444 (Art. 12), as part of a major reorganisation of the public administration, and became the Ministry for Environment and Sustainable Development - **MINAMBIENTE** (Ministerio de Ambiente y Desarrollo Sostenible). In this paper both terms are used, depending on the date and content of the source.

⁵³ Cf. DNP: Misión - <https://www.dnp.gov.co/Qui%C3%A9nesSomos/Misi%C3%B3nvisi%C3%B3norigen.aspx> [Access 22.01.2013]

(INGEOMINAS) is a sub-unit of the ministry. In 2004, with the liquidation of Minercol Ltda., INGEOMINAS, as well as 6 national departments, was declared the official mining authority, making it responsible for awarding licenses and concessions to stakeholders wanting to exploit minerals. *El Cesar* is one of these departments counting as mining authority, however, coal and emeralds are exempt from this rule, redirecting authority to the central bureau of INGEOMINAS (cf. Fierro Morales 2012: 39). While the first six years of activities (exploration and construction/assembly) are under the supervision of the departmental office of INGEOMINAS, the remaining part of the operations (exploitation) move under the supervision of the central office. The mining authorities are responsible for the control of the agreements stated in the contracts between the state and respective title holders.

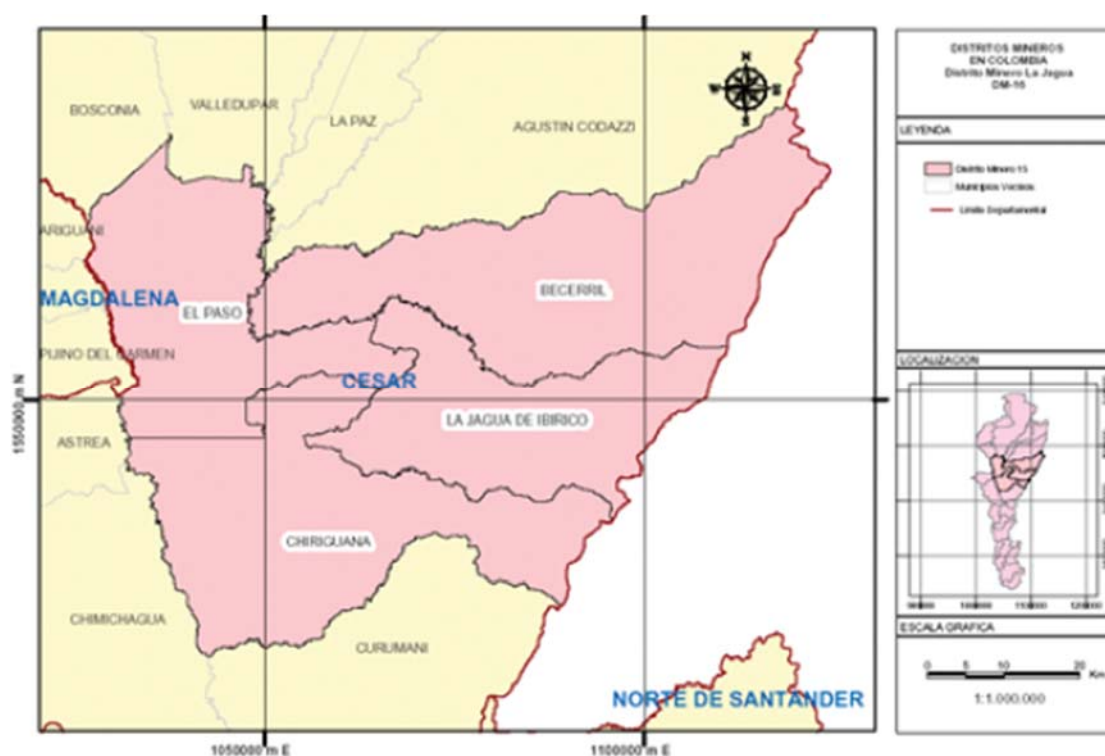


Figure 6-3: Mining District “La Jagua de Ibirico”, encompassing the four municipalities El Paso; Becerril; Chiriguana; La Jagua de Ibirico.⁵⁴

When the government took the decision to declare the central area of *el Cesar*, also referred to as carboniferous area of el Cesar, as a “mining district” it made a crucial decision on the vocation of this area, namely that it would be a “region, whose principal economic activity is the exploitation of one or more minerals” (UPME 2005a: 14, *trans.*).

⁵⁴ Source: UPME 2005a: 23

The environmental control of the mining activities is being made by either the National Authority for Environmental Licenses (ANLA) or the Regional Autonomous Corporations (CARs) of the departments. In the case of our investigation the environmental responsibility lay with CORPOCESAR, the regional autonomous environmental institution of the department of Cesar, but was redirected to the ANLA with a reform in 2007⁵⁵. This reform was necessitated by the weak technical capacity and amount of professionals in the regional corporation. Recently a new entity has been created, connecting the two institutions and different scales, by placing a functionary contracted by the ANLA, in the office of CORPOCESAR in Valledupar, Cesar. (Fieldnotes)

As a response to the inefficient distribution of the benefits related to the capital production of the mining industry, the state reformed the royalty system with the goal to distribute the income generated by royalties to the entire country, rather than some concentrated hot spots, where i.e. mining activities were located. This created the centralised General System of Royalties (*Sistema General de Regalías*). According to a report by the IRC (*Investor Relations Colombia*) only 17% of the Colombian population benefitted from royalties under the old system. Until the reform, royalties were paid to the National Royalties Fund (**FNR**: *Fondo Nacional de Regalías*), which distributed the bigger part of the royalties to the department and municipalities, where resources were extracted. However, high rates of corruption and inefficient transformation of capital into development projects led to a call for reformation of the system.⁵⁶

The problem of weak institutionalism in the mining sector was explained to me in an interview with a representative of CETEC:

“When they [the TNCs] arrived, the country did not prepare its jurisdiction. Neither in the mining part, nor in the environmental part. So – imagine – even today, after the government of Uribe has passed and we have had two years of the government of Santos. Or in other words – ten years have passed in the country. Even at this very moment we do not have a mining code which can give answers to the activities that are currently taking place in the country”⁵⁷.

⁵⁵ Resolution 0295 of 2007

⁵⁶ Cf. Ministerio de Hacienda y Crédito Público (2011): *Reforma al Régimen de Regalías: Equidad, Ahorro, Competitividad y Buen Gobierno*.

⁵⁷ “Cuando llegaron [los transnacionales], el país no se preparó jurídicamente. Ni en la parte minera, ni en la parte ambiental. Entonces fíjate que aún hoy en día. Después que ya paso el gobierno de Uribe y llegamos dos años de gobierno de Santos. O sea diez años han pasado en el país. No tenemos en ese momento un código de minas que pueda dar respuesta a la actividad que se está desarrollando actualmente en el país.”(Interview from 09.10.2012, *trans.*)

This was confirmed in another interview with a representative of the mining and energy sector of the DNP:

“[I]n mining we do still not have institutionalism. Even though the government has put a lot of effort in making a mining authority. And that the rules remain clear and can be controlled... it doesn't exist. And making rules is very easy. But making them be obeyed is more difficult”⁵⁸.

This is also reflected in the monitoring system of the air quality in the area, which is run partly by CORPOCESAR and partly by auto-monitoring stations of the mining corporations. While particulate matter emission rate limits in Colombia are comparable to those in Northern Countries⁵⁹, their control is not undertaken autonomously by the Ministry of Environment, the entity in charge. However, these rates in the carboniferous area of the Cesar department exceeded the established limits, causing the ministry to define the area as “*área-fuente de contaminación*” (source area for contamination) (Resolution 386, 2007). While stating that there are not sufficient measurements for some of the localities in the area, the resolution determines that *Boquerón*, *La Jagua de Ibirico* and *La Loma* are considered mid-level source areas for contamination (meaning they exceed the annual standard by more than 50% and less than 75%), *La Aurora* and *La Palmita* are considered moderate level source areas for contamination (meaning they exceed the annual standard by more than 25% and less than 50%).

This resolution was modified several times due to reduction measures, ordered by the government, and the inclusion of additional data from CORPOCESAR, resulting in a reclassification of the source areas of contamination. In the resolution 1560 (2009) *Plan Bonito* was considered a high level source area for contamination exceeding the annual limit by 93.7%, *La Jagua de Ibirico* (67.4%) and *La Loma* (64.5%) were considered mid-level and *Hatillo* (42.4%) and *Boquerón* (33.7%) were considered moderate level.

Due to these alarming levels of atmospheric contamination the ministry of environment issued the resolution 0970 of 2010, ordering the resettlement of the communities Plan Bonito,

⁵⁸ “[E]n minería no tenemos institucionalidad todavía. Aunque el gobierno ha hecho muchos esfuerzos por hacer una autoridad minera. Y por qué las reglas quedan claras y por vigilar... no hay. Entonces y hacer reglas es muy fácil. Pero hacer las cumplir es más difícil” (Interview from 06.09.2012, *trans.*)

⁵⁹ In Colombia the limits for PM₁₀ (Particulate Matter 10 microns or less) is 50 µg/m³ for the annual standard and 50 µg/m³ for the 24 hour standard (cf. Resolution 610 of 2010). In the U.S.A. the limits are 50 µg/m³ for the annual standard and 150 µg/m³ for the 24 hour standard for PM₁₀ (cf. <http://www.hcdoes.org/airquality/monitoring/pm.htm> [Access 28.01.2013]). In the European Union the limits for PM₁₀ are 40 µg/m³ for the annual standard and 50 µg/m³ for the 24 hour standard (cf. <http://www.eea.europa.eu/data-and-maps/figures/particulate-matter-pm10-annual-limit-value-for-the-protection-of-human-health-3> [Access 28.01.2013])

Boquerón and El Hatillo by the companies Colombian Natural Resources I. S.A.S., Vale Coal Ltd. Sucursal Colombia, Drummond Ltd. and C.I. Prodeco S.A. Integrated within this resolution are newer results of the emission rates, that are even higher for the hotspots of the above mentioned communities. Furthermore, the resolution states that it forecasts a tendency of increasing emission rates due to the plans of expansion by the different companies. (cf. Resolution 0970, 2010: 8)

According to these emission rates the resolution states, that *Plan Bonito* has the highest priority for resettlement, and ought to be resettled within 6 months of the issuance of the resolution. *Boquerón* and *El Hatillo*, due to lower emission rates are less urgent and may be resettled within the following two years of issuance of the resolution. (cf. Resolution 0970, 2010: 3ff)

The representative of the DNP further exemplified to me that, at this time the country is concentrating its efforts on social development, which make it worth “sacrificing” some of the environment:

“We are sacrificing a bit of landscape, we are sacrificing some environment, but our children will not die. There will be education. There will be a hospital. There will be some roads. And we can deliver the products that we sow to some markets, being more competitive. Etc. etc. So this goal is tried to be reached by means of royalties”⁶⁰.

The two major production sites for coal exploitation, El Cesar and La Guajira have already reached the maximum export rate, directing 100% of their production to international markets (ibid.: 29f.). This high exportation rate is explained by the proximity of the reserves to the Atlantic coast, which makes it more viable for exportation than coal from the central part of the country (cf. UPME 2007: 19). UPME explains this trend toward exportation in that “Colombia needs this export to level out its trade balance” (ibid.). This fact also explains the little creation of jobs by the mining sector in *Cesar*, as the extraction process is more capital-intensive than labour-intensive and all the sub-processing takes place outside of the country and thus these jobs are limited to direct employment in the exploitation process, transportation and logistics (ibid.: 34).

UPME (2007: 19) describes the way the state benefits from the mining activity in a simple manner: “In principle, the coal, for being in the subsoil belongs to the state. For its

⁶⁰ “Estamos sacrificando algo de paisaje, estamos sacrificando algo ambiental, pero nuestros niños no se van a morir, va a haber una educación, va a haber un hospital, va a haber unas vías. Y podemos sacar nuestros productos que sembramos a unos mercados, siendo más competitivos. Etc. etc. Entonces esto se está tratando de hacer por regalías” (Interview from 06.09.2012, *trans.*)

exploitation the state subscribes contracts of concession by the means of which it awards the right of exploration, exploitation and commercialization of the minerals to third parties and these in return pay a series of economic compensations to the state”. “[T]his contract of concession is granted for 30 years. Of these 30 years 3 are for exploration, 3 for construction and assembly and the rest is for exploitation”⁶¹.

From these two documents [constitution and mining code] derives the legal right of the Colombian State to distribute concessions to any actor or investor interested, even if this includes the expropriation of the previous owner, and it may be seen as one of its key elements of power over the remaining stakeholders in this analysis. By being able to take away land from its original land holder and distribute it to another, for differing purposes, the State has control over who possesses a certain piece of territory and to what purpose. Thus, it controls who has access to certain resources and defines the economic vocation of territory, meaning which resources are extracted from the land and the conditions under which this extraction takes place (cf. Bryant/Bailey 1997: 39f). Furthermore, the State has control over the practices under which coal mining takes place and the environmental norms guiding this activity. It has the power of decision over where environmentally degrading activities take place and who is exposed to these activities or, more concretely, it is the actor enforcing the regulations and control over how mining activities affect the local population and what consequences arise when misconduct is taking place.

The two legal articles quoted above (the national constitution and the mining code) are important in the analysis of State power and also for understanding the logic of expropriation taking place in areas under mining concessions. As Neumann explains “structuring land and resources access through laws and policies” (2005: 42) serve as a tool for the accumulation of the dominant classes. Since any resources under the ground are considered property of the State and as mining is considered an activity of public interest (providing for the common good), the State has the right to obtain any piece of land - or in other words expropriate private property or individually used public property - potentially containing minerals and selling the sole usage right to any legal entity, which thereafter initiates a process of exploration. Using the “common good” to achieve “popular legitimation” for the “control over the environment” is a typical strategy employed by States (Bryant/Bailey 1997: 44f.).

⁶¹ „[E]se contrato de concesión se le concede por 30 años, esos 30 años 3 son para exploración, 3 para construcción y montaje y el resto para explotación” (Interview with a representative of the INGEOMINAS Cesar from 01.10.2012, *trans.*)

Mining is seen as a sustainable activity, whose environmental impact is accepted, considering the benefits it brings to the society through its contribution to the national economy. This environmental impact, if it cannot be undone or corrected, may also be compensated by monetary means (ibid.: Art. 204; 2001: 27).

As Cordaid states, in their report on the Colombian mining sector, the fact that exploration is being treated as a free activity under the risk of the respective stakeholder, is highly problematic, as no environmental license is required for this first step. The Mining Code states that: “[m]ining prospection does not require any environmental authorization or permit” (Law 685, Ch. 20, Art. 201, *trans.*). This means neither is there any compensation to the state for damage caused by these operations, nor is there any kind of regulation or norm defined for the protection of the environment. Especially controversial is the fact that these prospecting activities can result in the expropriation of the local population, who lacks any legal base to contest the mining companies (Cordaid 2011: 17).

In its national plan for the development of the mining sector until 2019⁶², with the indicative name “Colombia - Mining Country” (*Colombia – País Minero*), it becomes clear that the economic ambitions for the transformation of the entire country by the government also are represented at a discursive level. Within the document the government identifies three points of benefits resulting from the extensive mining activities in the country: 1) “generate wealth for the mining entrepreneurs”; 2) “contribute [...] to the well-being of the communities involved”; 3) “progress of the national economy” (UPME 2006: 13). The document, describing the ambitious plans for the expansion of the Colombian mining sector, says openly that Colombia is in a competition to other Latin-American mineral exporting countries, such as Mexico, Peru or Argentina (cf. UPME 2006: 20), especially in terms of foreign direct investment and increased production for export (ibid.: 21; 44ff). The “Investors Guide” of UPME, confirms this by stating that “[t]he Colombian State has concentrated its efforts in attracting both capital and technology of foreign nature, for which purpose it has been in the process of consolidating comparative advantages enabling it to compete in the most favourable terms in raising foreign investment resources” (UPME 2005b: 2).

At least until 2005, when the last national census was undertaken in the area, the second point of the “Mining Plan 2019” (*contribute to the well-being of the communities involved*) could not be regarded as successful. According to the Institute on the Development of Cesar (**IDECesar** – *Instituto para el Desarrollo del Cesar*) the mining municipalities in Cesar

⁶² UPME (2006): Colombia País Minero. Plan Nacional de Desarrollo Minero. Visión al Año 2019.

presented the highest number of basic unsatisfied necessities (**NBIs**⁶³). The number was 57%, in comparison to the departmental average of 44.5% and the national average of 28%. (cf. IDECesar n.d.: 8)

This dominantly economic development strategy by the State, focusing merely on the production of capital through FDIs, high export rates and the creation of labour, is emphasized by the fact that mining is considered an activity of public interest. That the distribution of the wealth created by the mining has failed is demonstrated in various studies (cf. Rudas 2010; 2012), showing that poverty rates, such as the unsatisfied basic needs (NBI: *Necesidades Basicas Insatisfechas*) are especially high in areas where mining is undertaken (cf. IDECesar n.d.: 8).

This development goes hand in hand with the change of the purpose (*vocación*) of the territory, which is reflected by the participation of mining in the GDP of the department, where livestock and agricultural activity declined from 45% to 24% from 1990 to 2005, while mining increased from 8% to 35% in the same period. “In other words, the department went from being a territory with agricultural and livestock vocation to one with orientation at mining” (Defensoría del Pueblo 2010: 156, *trans.*).

The following quotation exemplifies the understanding of the central government on the necessity of transforming the local territorial vocation in order to achieve the national project of global capital accumulation:

“[A] territory cannot be conceived any more as the simple passive scene of economic activities but, on the contrary, as a very active and determinant factor of development processes. It points out as well that, in the context of economic globalization, the regional dimension bears as much importance as the supranational does; for this reason, it is deemed that, deep down, the globalizing process has a strong territorial foundation” (UPME 2006: 52).

Part of the four-year development plan (DNP 2011: Chapter 3.C.4., 216ff) covers the development and expansion of the mining and energy sector, as one of the 5 “development locomotives”. Looking in more detail at the plans for the development of the mining sector reveals some insight into the logic behind decisions made at national level. It becomes clear that the mining sector is increasing its importance for the national economy, having increased its participation in the formulation of the national GDP from 8.8% to 9.2% from 2006 to 2009. At the same time it is also attracting more foreign direct investments (FDIs), reaching a

⁶³ NBI (*Necesidades Basicas Insatisfechas*) includes, among others, measurements of: inadequate housing; critically crowded housing; housing with inadequate services; housing with high economic dependency; housing with school-age children not attending school.

total of 4.637 million USD in 2009, resulting in higher export rates. The “main contribution [of the energetic mining sector]” – so the DNP – is thus “the generation of resources for social and productive investments”. “This has in 2009, by means of utilities, royalties, national and local taxes, created an inflow of roughly 20 billion [Colombian pesos] to the government”. The government thus wants to follow the trend of “growing openness towards investments” (DNP 2011: 216, *trans.*), which “is possible if the politics, that have permitted the sector to grow and expand, are maintained” (*ibid.*: 217, *trans.*). In order to position Colombia as a mining country in the global arena “it is necessary to advance a series of reforms to consolidate and materialize the investments in the sector” and to “configure an institutionalism that is capable to respond to the dynamism of the sector” (*ibid.*: 219, *trans.*). Problems identified in the sector are, among others, the illicit extraction of minerals by small-scale miners, the bad interaction with the environmental sector, the cooperation with local communities and the development of transportation infrastructure (*cf. ibid.*).

Due to the “mining boom” taking place in Colombia in the recent years, the government has made efforts to make the system more efficient, creating entities like the National Authority for Environmental Licenses (ANLA) and transforming the institutional structure of the INGEOMINAS, which in the future will be known as the National Agency of Mining (ANM). As the responsibility for the control of environmental impact and issuing of environmental licenses has been transferred from CORPOCESAR to ANLA, the departmental environmental entity has lost a lot of influence and participation in the process. CORPOCESAR, however, is the only local institution in the area and undertakes autonomous investigations in all of Cesar (not only mining related), and thus is aware of the effect that the mining activities are having in the area. However, this institution is disadvantaged in another way, as besides having lost influence, it does not receive any share of the royalties paid by the companies and thus cannot expand its operations toward more control of the sector. This is not a national norm, as other regional autonomous corporations in other departments, such as Magdalena indeed have a share of departmental royalties (*cf. UPME 2007: 31*).

These restructurings are intended to speed up the process of awarding concessions and environmental licenses. The new institutions, even though sub-entities of the Ministry of Environment and Ministry of Mining respectively, are autonomous in their funding and administration. Alone in May 2011, 18.862 applications for concessions were filed and 8906 permitted. A number that is overwhelming and overburdening the administrative capacities of these institutions, resulting in a hastened processing of concessions and environmental

licenses, without the possibility of making adequate investigations and analyses (cf. Cordaid 2011: 19; IMC 2013⁶⁴).

However, control of compliance has – according to Fierro Morales (2012: 40) – not been possible due to the over 10.000 applications being handled by the INGEOMINAS. Eventually control is being made by the title holders themselves, due to the institutional inability of the State. The same institutional overload may be seen as one of the causes for the inefficient use of royalties by the department and municipalities, managing high quantities of capital with very limited personnel (cf. UPME 2007: 32). This phenomenon is typical among nations in the Global South and is arguably one of the elements making these destinations attractive to TNCs, as economically beneficial ignoring of environmental norms is viable (Bryant/Bailey 1997: 112).

This first resettlement resolution reflects the weak institutionalism, along with the government priority of creating economic income, over resolving social and ecological problems adequately. In Colombia there exists no legal framework on resettlement of populations, nor is there any institution ordered to handle resettlement issues. Furthermore it is evident that the environmental licenses of the companies were issued hastily, without further thought on how to deal with future problems with the local populations, which seem imminent.

The ministry of the environment (MINAMBIENTE) is one of the most important institutions for the analysis of the state. While on the one hand it is the entity responsible for issuing the environmental licenses, necessary to undertake exploitation and defining the actual area of exploitation within the concession, on the other hand it is the institution overseeing the compliance with the rules established within these licenses. The non-compliance with the standards for emission rates triggered the resolution ordering the resettlement of the three communities in this analysis.

The original version of the resettlement resolution shows the power of the ministry of environment and the interests it defends in the following statement:

“[T]he Ministry [of environment], as environmental authority, is empowered to impose the measures and conditions for remedying, mitigating and compensating for the negative impacts generated by the economic activity of those [mining] companies, in order to promote sustainable development, combining the economic freedom and autonomy of business with

⁶⁴ IMC (2013): La Institucionalidad Minera Desde una Perspectiva Social: Una Propuesta.
<http://www.imcportal.com/contenido.php?option=shownews&newsid=6243&render=page> [Access 22.01.2013]

the collective right to a healthy environment. This raises the need to implement a resettlement plan, as appropriate measure to ensure and protect the right to a healthy environment, health and life of the inhabitants of the communities affected by the pollution emitted by the mines, thereby aiming to correct the negative effects of the economic activity of the coal companies” (Resolution 0970, 2010: 31, *trans.*).

This demonstrates that the ministry of environment equally acknowledges the constitutional rights of the population to a life in a healthy environment, as to the functioning and autonomous action of the companies. Furthermore, this exemplifies a strongly anthropocentric approach assuming that the environmental degradation is resolved by the relocation of the population, rather than reducing the impact to the environment or more drastically reducing or eliminating the cause for this degradation.

However, the ministry of environment acknowledges the dependence of the local population on the environment in the resolution on air contamination, as “[i]t is evident that the disturbance caused to the environment, through conduct that threatens the conservation of natural resources, the balance of ecosystems, preservation of biodiversity and its stability, usually leads to an implicated breach or direct threat to fundamental rights of the people, such as the right to life, personal integrity, intimacy and in relation with these the right to health, to the extent that there is a vital interdependence between the stability of the external environment as a natural habitat and the human species” (Resolution 386, 2007, *trans.*). The connection and dependence of the local population to their direct environment is thus acknowledged by the ministry and considered as a fundamental right. This contradictory role of the ministry of environment is reflective of the contradictory interest of the State, as a “facilitator of the capitalist system” creating the “environmental problems that are an essential byproduct of that system” and the “key actor involved in finding a solution to those environmental problems” (Bryant/Bailey 1997: 54).

The ministry states that the activities of the carboniferous companies has affected the quality of life and the health conditions of the populations in the areas, due to the increased rates of emissions. This constitutes a violation of the collective right to a healthy environment and it is the duty of the ministry to protect the aforesaid right, by mitigating and correcting the negative effects of the economic activities employed by the respective companies. (Resolution 0970 2010: 25). This correction seems to be seen in the resettlement of the populations.

The little experience and competence of the ministry of environment in dealing with resettlements is reflected by the following statement:

“[T]he first resolution, when the ministry released it, issued some deadlines which were technically unattainable. Yes. The first one said that Plan Bonito needs to be resettled within six months. And in six months is what – let’s see – the lawyers of Plan Bonito want. It would have been like putting up a table in front of a queue with a guy signing checks. ‘And off you go!’. Yes. ((laughing)). ‘Off you go!’. That would have been the only way to do this in six months. Later they modified it to one year and of course there were a lot of matters that remained vague in the resolution”⁶⁵.

We can conclude for the national level that an increasing centralization of the mining administration has taken place, weakening local and regional institutions, facilitating a faster bureaucracy and increased investment, but struggling to provide proper control of social and environmental conduct of the mining sector.

6.2.2 Departmental Level

On the departmental level the coal mining activities are seen with more scepticism, since participation in decision-making is reduced to a minimum and also the profits generated have been reduced by the reforms. This means the department is forced to adapt to the coal mining activities, which have been authorized and permitted on the national level, including it in its future development plans. The departmental government thus states in its development plan for 2012 – 2015 “Safe Prosperity”⁶⁶:

“While the large-scale mining production is a source of revenue from royalties, which are of national interest; it is also true that it generates a negative social, cultural and environmental impact in the region; and therefore should be developed in a responsible and sustainable manner”⁶⁷.

While emphasizing the importance of the synergy of local, regional and national institutions (ibid.), the document states that “the development of the adjacent populations to the area of mining exploitation, depends heavily on the corporate social responsibility, which, despite its legal consecration, due to its voluntary nature has been an inadequate opportunity for improvement” (ibid., *trans.*).

⁶⁵ “[L]a primera resolución, cuando el ministerio lo saco, otorgaba unos plazos, técnicamente incumplibles. Si. La primera decía que a Plan Bonito hay que reasentarla en seis meses. Y en seis meses era que. Pues, a ver, como quieren los abogados de Plan Bonito. O sea que hubiera montado una mesa allá y una fila y un tipo firmando cheques. Y váyanse. Si. ((laughing)) Váyanse. Eso hubiera sido la única manera de haber hecho eso en seis meses. Luego la modificaron a un año y pues por supuesto, que entonces como hay muchos temas que quedaron... difusos en la resolución” (Interview from 09.10.2012, *trans.*)

⁶⁶ Asamblea Departamental del Cesar (2012): Ordenanza No. 047 de 2012. Plan de Desarrollo para el Departamento del Cesar 2012-2015 ‘Prosperidad a Salvo’.

⁶⁷ Ibid.: 95, *trans.*

The departmental document makes an estimation of the environmental externalities (including degradation of the soils, hydric, atmospheric, and geomorphological resources) caused by the mining activities in the centre of Cesar with a result of \$330.387.595 USD. Furthermore the social costs created through the air contamination (meaning the impact on the health of the local population) are seen as an additional externalized cost of the mining activities at an estimated \$129.177.761 USD (Asamblea Departamental del Cesar 2012: 96f.). The department emphasizes that this externalities are not internalized by the TNCs. “As the mining corporations do not pay environmental tax, because the norm does not contemplate this charge, this figure becomes an environmental liability that is assumed exclusively by the society, especially the populations of the carboniferous regions” (ibid.: 98, *trans.*).

Furthermore the department links a variety of social problems directly to the mining activities taking place in the area: child prostitution, early pregnancy, domestic violence, alcohol and drug addiction, child labour (ibid.). A representative of the department summarized this feeling as follows:

“[A]s such the mining industry is not our enemy. Our enemy is the way of doing the mining. Why is it our enemy? Because it is not respecting the international nor the national regulations in environmental and social matters. If they keep up to date we can make a mining industry like it is done in whatever part of the world”⁶⁸.

However, mining is seen as the main contributor to the development in the future by creating capital that may be used for the development of other sectors. “Mining, as source of development, should promote employment and business opportunities that contribute to the consolidation of the productive sector in communities around exploitation areas, preparing for self-sustainability in activities other than the mining sector” (ibid.: 95).

A representative of the departmental government explained the strategy of the department as using the resources created through the compensations of the mining compensations to develop other productive projects on the lands:

“At this moment we are looking at the compensations that we receive from the mining projects, which are a lot of hectares in productive projects, a lot of hectares in reforestation, a lot of hectares that have not been made yet. [...] If you look at these lands between La Jagua and La Loma going by car, there is rice, there are some beautiful lands from Boquerón to here. All these lands are very productive. All these lands with water and technology, with electricity, with well installed machines that can surely be put here. [...] There are resources, emerging from the mining compensations.”⁶⁹

⁶⁸ “[C]omo tal la minería nuestra no es nuestro enemigo, nuestro enemigo es la forma de hacer la minería, por qué es nuestro enemigo? porque no está respetando las normas internacionales ni las nacionales en los temas ambientales y sociales, si ellos se ponen al día podemos hacer una minería como se hace en cualquier parte del mundo” (Interview from 01.10.2012, *trans.*)

⁶⁹ “Nosotros estamos en este momento mirando las compensaciones que tienen los proyectos mineros, que son muchas hectáreas en proyectos productivos, que son muchas hectáreas en reforestación, muchas

The above cited statement, while trying to shift responsibility away from the department for the development and well-being of the local populations to the TNCs, exemplifies the inefficiency of the mining activities for a sustainable development in the region. As the extractive activity by the TNCs creates few regional jobs and the profit to their major parts are exported, thus minimizing local surplus creation, the State with its extractive logic of development has created a system of dependency, where the marginalized local populations depend increasingly on the Corporate Social Responsibility (CSR) of the companies, increasing their power over them (Swampa 2012: 15). In other words, the traditional economy and environmental practices of the local populations has been replaced by one of dependency, relying on the good-will of the companies, to ensure an idea of development that reflects that of the more powerful actor, enabling him/her to ensure the hegemonic understanding and use of the environment.

6.2.3 Municipal Level

The plans of development for the municipality of *El Paso* are stated in the official document called “*La Palabra se Cumple, las Obras se Ven*”⁷⁰ (The word is kept, the works are seen), which outlines the strategies for the period of 2012 – 2015. It is worth mentioning that the paper was written with the support of the mining company “Vale Coal Colombia Ltd. Sucursal Colombia” (ibid.: VI). The document explains that the creation of the plan and the “integral consulting” was funded for by the social foundation of this company (ibid.: C4-3 [p. 37]). Coal mining “represents a great possibility for development for the municipality” (ibid.: C8-5 [p. 92], *trans.*) and thus the vision of the municipality is to be “the carboniferous municipality of the Colombian Caribbean region and the entire country” by 2032 (ibid.: C13-1 [p. 139], *trans.*).

However, during an interview a representative of the municipal government did not share the view portrayed in the official development plan, expressing frustration about the process and administration of licenses and permits for undertaking mining in the region:

“Unfortunately in this process of awarding licenses to the mines, for the mines or the companies exploiting the coal, we do not have a say in anything. Neither the department, nor the municipal administration. [...] They have given them these licenses there in Bogotá and

hectáreas que no se han hecho todavía [...] Si tu miras estas tierras entre La Jagua y La Loma tú te vas en carro en el que has ido, allá hay arroz, hay unas tierras bonitas ahí de Boquerón para allá, todas estas tierras son muy productivas, todas esas tierras con agua con tecnificación, con electricidad, con maquinaria bien instalada seguramente aquí pueden montar [...] hay los recursos, están de las compensaciones mineras” (Interview from 01.10.2012, *trans.*)

⁷⁰ Municipio de el Paso (2012): *La Palabra se Cumple, las Obras se Ven*. Plan de Desarrollo Municipal. El Paso – Cesar 2012-2015.

they do not have in mind, almost, the affectation that this can cause in a community. [...] Thus, to conclude I tell you that we do not have interference. Even more so, not even CORPOCESAR, as the entity responsibly for the environment in the department, has interference in this license”⁷¹.

The objective of the development plan may be summarized as to assure the improvement of the quality of life of the population of *El Paso*, by focusing especially on human rights, moral actions, sustainable incomes and employment, which is possible with a corporate social responsibility (CSR) (cf. *ibid.*: C2-1 [p. 30]). Furthermore, the municipality wants to involve and join the civil society with private sector actors to evolve the development plan in a participative manner, respecting the different interests and necessities (*ibid.*). The guiding framework is the one established by national institutions, such as the DNP, ministries and administrative departments, and also other departmental and local entities (*ibid.*: C1-1 [p. 28]). However, a member of the municipal government stated that there was little spread of information to the municipal level and many issues, such as environmental licenses were administered and handled at national level allowing for little insight. A member of the municipal government explained the interaction between the national and municipal level and the corporations as follows:

“The ministries and mining corporations have those environmental licenses and we almost do not know the responsibility of those companies. There, let’s say, we inform ourselves from other sources over the responsibility that the mines have for our community. But yes, the social responsibility that these people have is a lot”⁷².

The importance of the royalties for the regional development is outlined in another part of the document, affirming that it has been of crucial importance for advancing efforts in social projects, such as drinking water, education, health and housing. However, some of these resources are still held back by the DNP, who is responsible for the assignation of royalties since the reform of the royalty system. (cf. *ibid.* C19-5 [p. 170]).

The municipality reports to face a number of environmental problems of which, among others, “the most significant are the ones generated by the processes of the carboniferous

⁷¹ “Desafortunadamente nosotros en ese proceso de... de... otorgamiento de licencias a las minas... para las minas, o las empresas explotadoras de carbón, nosotros no tenemos el concurso de nada. Ni el departamento, ni la administración municipal. [...] Allí esas licencias les han dado en Bogotá y no tienen en cuenta, casi, que la afectación que se le puede hacer a un pueblo. [...] Entonces, en conclusión te digo que nosotros no tenemos ni injerencia. Es más... ni CORPOCESAR, como la entidad responsable del medioambiente en el departamento, tiene injerencia en esa licencia” (Interview from 24.08.2012, *trans.*).

⁷² “Esas licencias ambientales las tienen las minas, las tienen los ministerios y la responsabilidad de esa empresa casi no la conocemos. Allí, digamos que, que nos enteramos por otras voces de la responsabilidad de las que tienen las minas con nuestra comunidad. Pero si, la responsabilidad social, que esta gente tienen con nosotros si es mucha” (Interview from 24.08.2012, *trans.*).

production” and “the inadequate cultural practices in the subsistence and commercial agriculture” (ibid.: C9-1 [p. 95], *trans.*). In accordance with this perception is also the description of the effect on one of the main water resources, the “Ciénaga Mata de Palma”, which is said to “present a high level of anthropic intervention, not only by the mining activity that has taken place during various decades and is affecting the quality of some of its effluents, but also its high level of intervention by the neighbouring populations in the region and the agricultural and livestock exploitations” (ibid.: C9-2 [p. 96], *trans.*).

Moreover, the document declares that some of the hydric resources are directly affected by the mining exploitations, such as the river Bautista (ibid.: C9-3 [p. 97]). These effects result from increased sedimentation and alterations of the waterways, along with the “irrational use of agro-chemicals for the cultivation of rice” (ibid.: C9-3 [p.97f.]). Equally the fauna and flora are also under pressure by mining activities and human intervention, such as hunting and fishing. Especially some “animals are in danger of extinction by the irresponsible hunting of humans in search for a better living” (ibid., *trans.*). Further environmental problems are identified in the inexistence of plans for the future management of the environment, especially in relation to the mining activities; the ignorance of the evolution of the regional bio-diversity; the lack of environmental regulation of the river Calenturitas; and the high degree of human intervention (ibid.).

The paper by the municipality put forward that there are increased levels of insecurity in the communities of el Hatillo and Plan Bonito due to the high levels of air contamination, which is causing detriment to the health of the population, especially critical among the younger population. This has caused strong tensions and the communities have repeatedly called for solutions to be undertaken by the mining corporations, ministry of environment. The insecurity is related to the protests and demonstrations that have taken place and resulted in confrontation and sometimes even violent collision between these actors. (cf. ibid.: C11-2 [p. 113]).

The municipal development plan emphasizes that the issue of the resettlement was one of the largest concerns expressed during the participatory workshops. At the same time the municipality declares to deal with this issue more thoroughly in its territorial planning scheme (EOT), a document that has not been released at the time of writing. However, it becomes clear that as a general guideline the norms defined by the International Finance Corporation

(IFC), World Bank (WB) and the resolutions ordered by the ministry of environment serve as the basis for the resettlement process. (cf. *ibid.*: C6-15 [p. 58]).

The “cultural particularities” of the populations are stated with special emphasis on their “high levels of vulnerability and high indices of unsatisfied basic necessities”, which creates a “total dependency of their natural environment”. The municipality advises a “collective resettlement”, in order to “mitigate the psychological and cultural effect” and to “facilitate the reconstruction of the social network”. Therefore the process is seen as “a mechanism of protection for the population” (*ibid.*: C6-16 [p. 59], *trans.*).

The document expressed that due to “inconformity between the communities” the “issue of the relocation of the populations” has resulted in a “delay of the advance of the negotiations” (*ibid.*), meaning that the failure to comply with the established deadlines is attributed to complications on part of the communities rather than to an inadequate resolution by the Ministry of Environment or non-compliance by the TNCs. Equally to other documents, the municipality affirms that the three communities need to be resettled due to the high content of atmospheric emissions and Plan Bonito is the most concerning of the three (*ibid.*).

The power of entities on different governmental scales derives directly from the legal right to administer and distribute the access to resources, as is exemplified by the following comment:

“[W]ho has most power over this [resources] is the State. Because the State sells it, does the negotiation and gives the permits for exploitation. We are simply here on paper, owners of some resources that are not ours”⁷³.

And this power, derived from the control over resources and their use and access is handled by the central institutions of the State in the following way:

“The State gives all the right to exploit the coal to the companies. Because what do the companies do? They buy the place where the coal is located. They buy the land. And that is private property. [...] In almost all those lands, that the mines have bought there are some signs saying ‘Private Property, Private Property’. And if that is so, thus that is theirs”⁷⁴.

Hence, we can conclude that the State has taken a lot of efforts to centralise the supervision, control and administration of the coal mining, with the goal of optimising the economic functioning of the activities (Robbins 2012: 52). The reduction of the decision-making

⁷³ “[E]l que tiene mayor poder sobre eso es el estado. Porque el estado los vende, hace la negociación y da permiso para la explotación. Nosotros simplemente somos aquí entre papeles, dueños de unos recursos, que no son de nosotros” (Interview with a representative of the municipality from 24.08.2012, *trans.*)

⁷⁴ “El estado les da todo el derecho a las empresas de explotar el carbón. Porque las empresas que hacen. Al sitio, donde está el carbón, la compran. Compran la tierra. Y eso es una propiedad privada. [...] En casi todas las tierras que han comprado esas minas hay unos letreros que dicen ‘Propiedad privada, propiedad privada.’ Y si eso es así, entonces eso es de ellos” (Interview from 24.08.2012, *trans.*).

possibilities of entities on departmental and municipal level meanwhile, has caused the governments on these levels to move into a counter-movement, questioning the discourse of public benefit of the national government as their access to royalties is limited. At the same time they have to confront the socio-environmental externalities on the local and regional scale, as expressed in their development plans.

6.3 Mining Corporations

Thirty years ago, when coal mining first started in the Cesar region, it was done by local mining companies in an artisanal fashion and there existed over twenty different operations. Gradually these different companies were integrated into larger companies that bought up the smaller operations, leading to the current situation, where the coal mining business is in the hands of a few transnational mining corporations (cf. Interview 01.10.2012). As Indepaz (2011: 80) states, the fact that any legal entity (individual persons or companies) can buy concessions, has led to a kind of land-speculation, making small-scale investors buy concessions in the hope of positive explorations, in order to re-sell their concessions to larger corporations at a higher price.

Nowadays the operation and exploitation of the carboniferous area of the Cesar region is distributed among three transnational corporations (TNCs). Since the activities of these three corporations are considered projects of national interest (PIN: *proyectos de interés nacional*), they are being administered centrally by the offices of **INGEOMINAS** (Instituto Colombiano de Geología y Minería) and **ANLA** (Agencia Nacional de Licencias Ambientales) in Bogotá. Formerly any mining activity with an exploitation rate of under 800.000 tons/year was administered by the departmental offices, but with a reform in 2007⁷⁵ and the introduction of PINs these responsibilities were transferred to the national offices.

Furthermore the possibilities for participation and decision-making by the departmental government were eliminated with the resolution 18-0926 in 2005, abolishing the rights of the governor of the department to process and grant mining titles in the coal and emerald sectors. His functions were reduced to the surveillance and control of the execution of those titles. (cf. Art. 1, Resolution 18-0926, 2005).

Generally the coal sector may be described as being economically highly dynamic with concessions being traded regularly by different actors. C.I. Colombian Natural Resources I.

⁷⁵ Resolution 0295 of 20th February 2007

S.A.S. (CNR) for example has been investing in coal mining over the previous years, buying the operation Compañía de Carbones del Cesar S.A. and later the operations of **Vale Coal Colombia Ltd. Sucursal Colombia**, who in turn had bought its operations of Emcarbon S.A. beforehand. Vale S.A. sold all of its operations (the mining operations, its port as well as its share on the railway) to CNR in 2012 for a total sum of \$407 million USD, leaving the Colombian market. Vale bought the operations only three years before, for a sum of \$305.8 million USD, demonstrating the significance of the growth of the coal sector in Colombia.⁷⁶

The corporations state their commitment and responsibility towards their share-holders, with their interest being the return on investment and satisfaction of their customers, guaranteeing the quality of their products and reliability of supply. While little information is available on the transnational corporations operating in Colombia, all of the TNCs in this analysis are based in the Global North⁷⁷ and the raw material is equally exported to markets in these countries.⁷⁸

The territory treated in this analysis is currently divided under three transnational mining corporations, who hold the concessions for exploration and exploitation. They are called **Drummond Ltd.**; **C.I. Prodeco S.A.**; and **Colombian Natural Resources I. S.A.S.** The mining complex “La Loma”, located in the centre of the carboniferous area, is said to extend over an area of 570 km² by the Procuraduría de la Nación (2008: 26). The three communities affected by the resettlement resolution, along with the city “La Loma”, which has no official resettlement plans at the time of writing, are located inside these concessions and contest the land and resource use of the TNCs, as they depend on it for their livelihood activities.

The relationship between the State and the transnational corporations is one of mutual interest as well as interdependency. While the State - who has defined mining as an activity of public interest (Law 685 of 2001, Art. 1) and as one of its main locomotives of development (DNP 2011: 161) - depends on the transnational corporations for the necessary capital (foreign direct investments, payment of taxes and royalties, creation of jobs, and export of the raw materials)

⁷⁶ Deracamandaca (2012): Multinacional Vale vendió sus Minas del Cesar y el Puerto Carbonera en Ciénaga. 20/06/2012. <http://deracamandaca.com/?p=8020> (Access 27.06.2012)

⁷⁷ For an explanation on the term see the footnote in the introductory chapter

⁷⁸ Cf. Drummond 2013: <http://www.drummondco.com/our-products/coal/sales> (Access 21.01.2013); Prodeco 2010: 13

to bring about the planned development, the corporations depend on the state for the permits (concessions and environmental licenses), territory and legislation to conduct their activities.

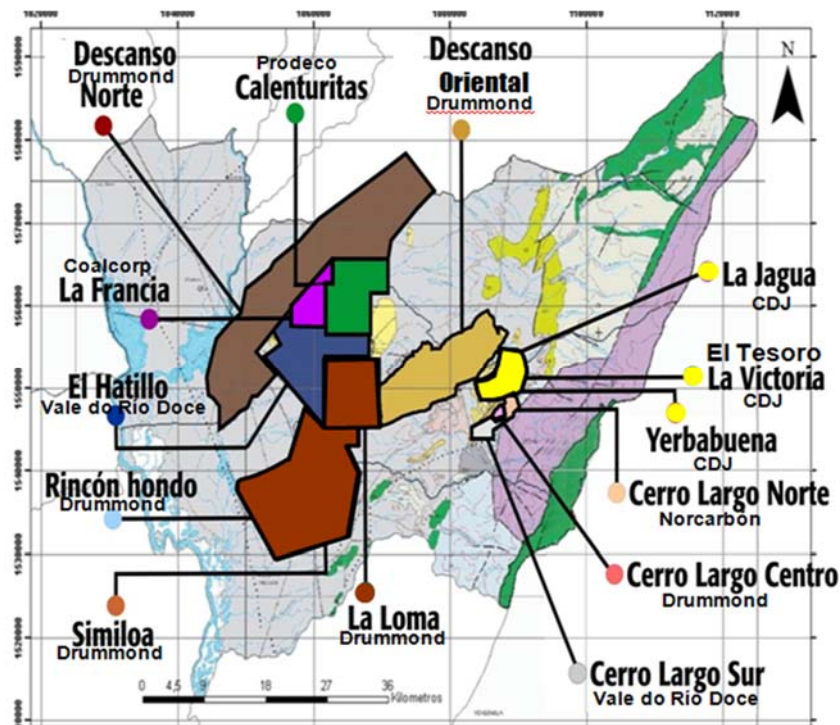


Figure 6-4: Concessions held by the different mining companies within the mining district “La Jagua de Ibirico”.⁷⁹

Mining contributes 5,3% of the national GDP, bringing important sources of foreign direct investments (FDIs) and making up a major part of the country’s exports. In 2009 alone, over 3 billion USD of foreign investment were directed to the mining sector, making Colombia the third largest exporter of bituminous coal (Indepaz 2011: 81ff). This underlines the importance of transnational mining corporations in the country, attracting foreign direct investment and executing the exports of the raw materials and thus making them a major player in the local and national economy. In 2011 Colombia exported 76.1 million tons of coal for power plant use. Out of these 55.9 Mt (million tons) were exported to Europe, 18.3 Mt to markets in the Americas and only 1.9 Mt to Asian markets (VDKI 2012: 87). This underlines that Europe is by far the most significant importer of Colombian coal. This may be explained by the geographic position of the main coal mining departments el Cesar and la Guajira, close to the Atlantic coast, and the limited transportation infrastructure of the country, which makes the

⁷⁹ The operations CDJ (Carbones de Jagua), belong to Prodeco (Glencore). The concessions of “La Francia” and “El Hatillo” nowadays belong to Colombian Natural Resources (Goldman Sachs). Source: González Posso, Camilo (2011): Perspectiva Minero Energética en la Región Caribe Norte. PowerPoint Presentation. Slide: 19.

Atlantic market more viable than the Pacific market⁸⁰. Thus, the corporations are highly dependent on investment and demand activities at the European and North American markets, making them vulnerable to fluctuations.

The following part of this chapter will give an overview of the three companies currently present in the area.

6.3.1 Drummond Ltd.

Drummond Ltd. was founded in 1935 in Sipsy, Alabama. The company is a family business and has experienced a great expansion since the 1970s. There is no official information on the financial value of the company, but it has loans worth 250 million USD for 2014 and 400 million USD projected for 2016 (Indepaz 2011: 120f.). Drummond is the company with the longest presence in the central Cesar region, motivated to invest in Colombia due to the “large quantity of reserves, the high quality of coal and the possibility to efficiently exploit it” (Drummond 2004: 29). It is a subsidiary of Drummond International LLC, and part of a joint venture with a subsidiary of ITOCHU Corporation, a Japanese Fortune 500 trading concern⁸¹. While Drummond Ltd. owns 80% of the Colombian operations, ITOCHU Coal Americas Inc. owns the remaining 20% and the sole right to the Japanese market.⁸²

Apart from being the oldest transnational mining company operating in Cesar, it is also the largest single player in the Colombian coal mining business. Drummond also has coal mining operations in Alabama, USA, where the company started its business and owns a subsidiary known as Alabama By-Products Corp. or ABC Coke.

Drummond Company Inc. ranked 131st in the Forbes list of America’s Largest Private companies. On its website it states to be “a global leader in coal production”, shipping approximately “29 million tons of coal in 2011 and control[ling] reserves of more than two billion tons”⁸³. According to Forbes, Drummond had a revenue of \$3.03 billion USD in 2011, which means a growth of 6.4% to the previous year and shows the profitability of the company’s operations.⁸⁴

⁸⁰ The fact that the USA imports less coal than Europe must be explained by the rich reserves existent in the USA. Colombia is only the fourth largest exporter of coal, because most countries with extensive coal mining use these resources nationally for their own economies. Only 17% of global coal consumption is traded on international markets (Wilde-Ramsing et al. 2012: 13)

⁸¹ Drummond 2013: <http://www.drummondco.com/> (Access 21.01.2013)

⁸² ITOCHU (2011): ITOCHU Corporation Invests in Drummond Company Colombian Mines. http://www.itochu.co.jp/en/news/2011/110616_02.html (Access 13.01.2013)

⁸³ Drummond 2013: <http://www.drummondco.com/> (Access 21.01.2013)

⁸⁴ http://www.forbes.com/lists/2011/21/private-companies-11_Drummond_SBL6.html (Access 21.01.2013)

Drummond started its operations in Colombia in 1987, creating Drummond Ltd., a subsidiary of Drummond Company Inc. and opening its first mine called Pribbenow. After an initial phase of exploration in the early 1990s the first exportation of coal started with the project “la Loma” in 1995. Gradually the company expanded and gained additional concessions, known as “Rincon Hondo” and “Similoa” (Indepaz 2011: 122). Between 1995 and 2003 the company stated it had exported over 73.5 million tons of coal (cf. Drummond 2004: 29ff), increasing shipments from Colombia from 1 million tons in 1995 to approximately 25 million tons in 2011⁸⁵.

Today, 80% of Drummond’s total coal production originate from their operations in Colombia. The company boasts to annually move more than twice the amount of sterile soil used for the construction of the Panamá Canal, which equals 120 million cubic metres. (Drummond 2004: 18)

Drummond states in a report on its social balance “10 Years of Good Energy in Colombia”⁸⁶, that within 13 years coal mining went from an incipient activity to the base of the departmental economy, elevating it from an annual growth below national average (lower than 1%) to more than double the average (3,6%) between 1994 and 2000, whereof coal production contributed 18% to the departmental GDP in 2000. The national average growth rate was 1,4% at the time. (Drummond 2004: 100ff)

According to the corporation in 1990 the department’s economy was predominantly depending on agriculture and livestock, a situation that “compared with 2003 is totally different due to the augmentation of carboniferous exploitations” (Drummond 2004: 102). While the level of bovine livestock has more or less stagnated at the same levels between 1992 and 2001, the amount of porcine livestock decreased by 25% in the same period. The carboniferous area accounts for roughly 30% of the departmental livestock. The report also states that in 1990 the Cesar region was especially dedicated to agriculture with 210.000 hectares under cultivation. Roughly 28% of this areas were for the cultivation of cotton, especially in the areas where later coal was extracted (Drummond 2004: 103f.). The report shows that between 1990 and 2002 the area used for agricultural purposes suffered a reduction of 35%, leaving only 136.240 hectares. Cotton decreased from 58.000 to barely 1.836 hectares. At the same time the area used for African palm increased from 13.400 hectares (1990) to 33.511 hectares (2002). In 1990 the area was thus divided in 136.400

⁸⁵ Drummond (2013): <http://www.drummondco.com/> (Access 21.01.2013)

⁸⁶ Drummond (2004): Diez años de buena energía en Colombia. Balance Social.

hectares for cotton; 13.400 ha for African palm-oil; 9.500 ha for industrial corn; 41.000 for traditional corn; 20.000 ha for other plants such as yam, plantain, yucca and beans (Drummond: 2004: 104). These products also constituted the main diet of the people in the area.

Drummond defends that it positively contributes to the national Colombian economy in four distinct ways: 1. directly through payments of salaries, taxes and royalties; 2. expenditure of received salaries; 3. production of consumables, consumed by the company; 4. positive impact on the trade balance and payments through the export of coal and inflow of currency. (Drummond 2004: 76)

The contribution to local development, according to the corporation, lies within the royalties it pays to the state, the department and the respective municipalities. It refers to the Colombian political constitution, which defines how these royalties have to be converted to means of development, namely by investing in environmental sanitation, health, education, electricity, drinking water, sewers and other basic public services. The department and the affected municipalities, according to Drummond, received royalties amounting to 301.072.5 million Colombian pesos in the period from 1992 – 2003. (cf. Drummond 2004: 105).

The largest project of the company is the concession known as “el Descanso Norte” (see *Figure 6-5 below*), which the company states “will be one of the largest open pit mines in the world” (Drummond 2008: 14). The current concession permits Drummond to operate the mine until 2032, even though the company estimates the mine has sufficient reserves (stated 1.760 million tons) to be able to run for over 60 years at an exploitation rate of 40 million tons per year (*ibid.*). The mining pit and its deposit dump lie just north of the community *el Hatillo*, the river *Calenturitas* and the urban centre of *la Loma* and have an extension of roughly 33 kilometres length and 4 kilometres width (cf. Interview from 01.10.2012).

While Drummond does not mention the resettlement process in any of its annual sustainability and CSR reports, it declares that the over-all objective defining all of their projects is being a good neighbour (Drummond 2009: 3). Only a short section about the resettlement process is found in a publication directed for employees of Drummond in Colombia. In this document the resettlement process is described as “additional measures” requested by the Ministry of Environment to the ones established within the environmental license, “which must be shared

with the other mining companies from the area”, with the objective of “the improvement of the quality of life of the inhabitants of the region”.



Figure 6-5: Mining pit (green) and deposit dump (pink) “El Descanso Norte”, held by Drummond Ltd.⁸⁷

⁸⁷ Source: Drummond Ltd. 2012

The resettlement resolution 0970 (2010: 20) defined Drummond's proportionality in the responsibility for the resettlement of el Hatillo with 51.47%⁸⁸.

The company's connection to the environment is described in a twofold way; on the one hand the company is said to be dependent on nature for their ability to operate, especially on the hydric resources. Especially subterranean water is essential for the production of drinking water for the workers, while rainfall is important for binding fine dust to the ground and thus control emission rates. Drummond states that, on the other hand, the careful interaction with nature is necessary to be able to recover the original state of nature after their operations have finished. (cf. Interview 08.10.2012)

According to Drummond the process of recovery is one of the first steps of operation taking place and involves the removal of the top soil layer (alluvial layer), which is put aside and kept intact through administered drainage systems. After the operations have finished the pits are re-closed with the sterile soil, which is placed in deposits alongside the pits during the operations. Finally the initially removed alluvial layer is placed as the top layer of the pit and thus states the ending of the recovery phase.

Aside from these set-aside alluvial layers, which are used for the re-vegetation of the intervened areas, there are also protected areas for wildlife and biodiversity conservation. The interlocutor of Drummond explained:

"We have one reservoir of 208 hectares. That is also protected. And that reservoir has an impressive lytic richness. Because as we protect it, hunting and fishing is prevented. Thus there is already a great quantity of species. It's so rich this reservoir and it's right next to the mine."⁸⁹

Furthermore, the interlocutor said that the company actually contributes to the protection of local species that nowadays are only found in the enclosed reserves of the company:

"There is something very special in our project. There are species of animals, inside the project, that do not exist in the area anymore. [...] Here they are inside the project, because we have some protected areas. And the animals settle in this area. They feel protected and start to multiply. [...] All because there is a protection. And as soon as you leave the project, these species do not exist."⁹⁰

⁸⁸ 38.69% stemming from the mining operations in the mine "Pribbenow (La Loma)" and 12.78% stemming from the mine "El Descanso".

⁸⁹ "Tenemos un embalse de 208 hectáreas. Que también lo tenemos protegido. Y ese embalse, digamos, que ya la riqueza lítica que tiene, pues es impresionante. Porque como se protege y se evita la caza y la pesca. Entonces ya hay una gran cantidad de especies. Es tan rico ese embalse y está pegado a la mina." (Interview from 08.10.2012, trans.)

⁹⁰ "Hay algo muy particular allá en nuestro proyecto. Que hay especies de animales, dentro del proyecto, que ya no están en la zona. [...] Aquí en el proyecto están, porque nosotros tenemos unas áreas protegidas. Y las

90

In the CSR report for 2004 Drummond portrays how the past economic activities in the area contributed to ecological deterioration since the early 1960s. This deterioration stems primarily from the agricultural production of the local communities, which through its slash-and-burn practices affected the hydric regulation and vegetation covers of the area. The consequent extensive sowing of bananas, cotton, rice, sorghum and corn contributed to a massive soil erosion. Furthermore the practices of extensive livestock breeding, with its large amounts of cattle contributed to the compression of the soil and – so the company states – thus converted the savannahs to pastureland for livestock. (Drummond 2004: 98)

As a representative of the company explained to me in an interview:

“One has to keep in mind what this area was like long ago. The centre of the Cesar region. El Cesar was very, very thriving 50 years ago due to the production of cotton. And that implicated that a lot of areas were deforested. A lot of areas were destroyed for the sowing of cotton. What we found in the mine when we arrived, basically were large farms. Farms with a lot of cattle. Already quite deforested. Because of issues like agriculture, cotton and cattle farming. [...] In summer this seems like a desert. All because of the abuse this land experienced during the time of the cotton production”.⁹¹

Additionally, according to Drummond’s report, the illicit plantations of Marihuana, motivated in part by the cotton recession, upstream in the mountainous areas of *la Serranía de Perijá* and the *Sierra Nevada de Santa Marta* gave incentives for deforestation in order to create space for plantations. This “affected the capacity of hydric regulation, adding up to the effect of the devastated savannahs” (Drummond 2004: 100).

Drummond exemplifies its understanding of development and how to implement it by stating that “the income through royalties have given the authorities the opportunity to carry out investments in municipal development projects, especially those related to the construction and expansion of the structures of the health services, education, recreation, electricity, drinking water, sewers and other essential services” (Drummond 2004: 98, *trans.*). This is in line with Bryant/Bailey’s analysis of the need of TNCs to create “‘green’ [their] corporate strategies” (1997: 118) to challenge the moral legitimacy of the local population..

animales llegan a esas áreas. Se sienten protegidas y empiezan a multiplicarse. [...] Todo, porque existe una protección. Ya si tu sales del proyecto, no hay esas especies.” (Interview from 08.10.2012, *trans.*)

⁹¹ “Hay que tener en cuenta, que era lo que era esa zona hace mucho tiempo. El centro del Cesar. El Cesar fui muy, muy boyante hace unos cincuenta años por el tema del algodón. Y eso implicó que muchas áreas fueran deforestadas. Muchas áreas fueran arrasadas digamos, así, para la siembra del algodón. Lo que se encontraba en la mina, cuando nosotros llegamos, básicamente eran grandes fincas. Fincas con mucho ganado. Bastante deforestadas ya. Para temas agrícolas, del algodón y ganaderos. [...] En la época de verano ese parece un desierto. Todo eso es por el maltrato que sufro esa tierra en la época del algodón” (Interview from 08.10.2012, *trans.*)

Drummond is very clear on that the responsibility for development and the translation of royalties into development lies with the State and not the company as they declare that “it is the State and not Drummond who has to be concerned about and direct with seriousness that they [the communities] assume their own development” (Drummond 2004: 105, *trans.*). The company emphasises that “the people in general think that the royalties are administered by the company or that it has some kind of control, but it is clear that it is a direct responsibility of the State” (Drummond 2004: 106, *trans.*). However, a representative of the corporation admitted in an interview that the development and benefits were not happening as expected, but saw this as a short-coming of the State:

“But unfortunately, due to our [Colombia’s] levels of corruption, all the money, that the companies pay, does not translate to benefits for the communities. Unfortunately. There are investigations by the national audit office in the area where you were. And it hurts to see, that the total sums of which they speak sum up to 200 hundred, 300 hundred billion lost pesos. With that they could have put water. Sewers. They could have had a health post. But unfortunately it did not translate [to benefits]. And I think that there, in part, it is the government that did not know how to control these resources, because the mining industry should leave a lot of profitability in the surroundings. And it delivers. Because it delivers this money. Well, not directly the company, but through the entities that direct these resources. It delivers this money to the mayors but unfortunately the last fifteen, twenty years these investments have been lost.”⁹²

In relation to the population number the above mentioned decrease of livestock per capita in real terms must be seen as a drastic development, as the population has grown over the same period of time as livestock has decreased. In Codazzi the population nearly doubled between 1993 (52,943 people) and 2003 (98,450); while in El Paso (1993: 18,026; 2003: 26,095) and La Jagua de Ibirico (1993: 22,043; 2003: 33,616) they increased by roughly one third (Drummond 2004: 110, *the population numbers for 2003 were estimations at the time*). This is especially important considering that a large part of the population depends, at least partially, on livestock for their subsistence.

The corporation seems to follow a logic, where they not only divide nature into areas of protection and non-protection, but also want to control the effect of human activities on

⁹² “Pero que desafortunadamente, por nuestro nivel de corrupción todo ese dinero, que las empresas pagan, no se traduce en beneficio de las comunidades. Desafortunadamente. Allí hay investigaciones de las controlaría en las zonas donde tú estuviste. Y dar tristeza ver que los montos, de los que hablan, son de dos cientos y de tres cientos mil millones de pesos perdidos, que con eso hubieran podido poner agua. Alcantarillado. Tener puesto de salud. Pero desafortunadamente no se ha traducido eso. Y yo creo que en parte allí si es el gobierno que no... no ha sabido cómo controlar esos recursos, porque la minería debería dejar mucha rentabilidad alrededor. Y la entrega. Porque la entrega esos dineros. Pues, no directamente la empresa, pero a través de los entes que entregan esos recursos. Se le entregan a los alcaldes las platas y eso desafortunadamente llegamos quince, veinte años y esas platas desafortunadamente se han perdido.” (Interview from 08.10.2012, *trans.*)

wildlife. By the creation of property borders, either used for mining activities or the protection and future re-activation of nature, they strongly impact the natural environment of the local population, which used these lands for the collection of resources destined for livelihood contribution and infrastructure creation. These areas are enclosed by big wire mesh fences, bearing signs every 50 metres, reminding any potential intruder that this is private property of the respective mining company and access is prohibited. To enforce this protection of private property the companies use private security units, patrolling the areas and hassling people who ignore these property laws, granted to the corporations by the state in form of concessions. Furthermore, they allege to reach ecological improvements by providing “environmental education” to the communities (Drummond 2009: 6), providing insight into the perception of human-environment interaction of the company. They seemingly perceive themselves as owning knowledge on proper interaction with the environment, while the local population needs to be *educated* on this knowledge, suggesting a degrading interaction. Robbins has warned that the alteration of ecological systems through conservation, permitting access by some while denying it to others is an element contributing to conflict (Robbins 2012: 201).

6.3.2 C.I. Prodeco S.A. – Glencore International PLC

C.I. Prodeco S.A. is a wholly owned subsidiary of Glencore International plc. As Glencore states in its prospectus for 2012, Glencore sold Prodeco to Xstrata in March 2009, “[f]ollowing shareholder approval [...] for a net cost of US\$2 billion” (Glencore 2012: 33). The following year Glencore repurchased Prodeco from Xstrata for US\$2.25 billion. In the same document Glencore describes its contractual relationship with Prodeco as a “Marketing agency agreement” (ibid.: 72)⁹³. Glencore (**G**lobal **E**nergy **C**ommodities and **R**esources) is one of the largest transnational corporations trading with energy resource commodities in the world and “by far the most important coal trading company in the world by volume traded” (Wilde-Ramsing et al. 2012: 17). It has a substantial share in the world’s largest open-pit coal mine, *el Cerrejon* located in *la Guajira*, Colombia, due to its merger with the corporation Xstrata, forming Glencore-Xstrata. Glencore trades in metals, minerals and agricultural commodities and, as the Transnational Institute adds, in 2010 controls the trade of “a third of the coal transported by sea” (ODG/TNI 2013: 44f.).

⁹³ These kinds of contracts generally regulate the relationship between a principal and an agent. For a detailed account on how decisions in principal-agent social relations affected local livelihoods in the area around the Cerrejon coal mine see: Chomsky/Leech/Striffler 2007: 16-19.

It participates both in the physical and financial trade of the resources (cf. Wilde-Ramsing et al. 2012: 15). While the financial trade consists of buying and re-selling coal, with speculation on prices which are manipulated by geographic area, blending of coal, time of sale and prices of storage and freight (ibid.: 22f.), the physical trade consists of the actual mining, freight and storage (ibid.: 23). Prodeco thus constitutes a subsidiary, belonging to the physical trade/industrial activity, and is positioned at the first and second part of the coal supply chain, conducting the actual coal mining activity and the logistics, while speculation on that activity, the prices of the commodity and the transportation belongs to the financial trade, undertaken by the parent company Glencore itself. Bryant and Bailey affirm that subsidiaries are a strategy for TNCs to evade accountability and responsibility as they, by their “transnationalism”, evade national jurisdiction and “it is exceptionally difficult to make parent companies liable for destruction wrought by their subsidiaries in the Third World” (Bryant/Bailey 1997: 113f.).

Glencore operates in over 40 countries, with around 38% of its sales proceeds coming from the European Union (ODG/TNI 2013: 44f.). Glencore, owning Prodeco and thus the coal mining operator; having shares in Fenoco and thus the railway connecting the mines with the ports; and finally owning ports at the Atlantic coast, operates three of the four instances in the coal supply chain identified by Wilde-Ramsing (2012: 18ff), having operations in a) coal-mining, b) logistics and c) trade. Only the last instance of the coal supply chain, d) energy utilities operating the power plants, is not part of Glencore’s business. While 46% of the coal produced in *Cerrejon* is exported to Europe, likewise the coal produced by Prodeco in *el Cesar* is exported to Europe, Asia and the USA (ibid.: 47).

Glencore has ambitious expansion plans for the Prodeco coal mining operations, wanting to increase production by a third from 2011 until the end of 2013, stating that “[t]his expansion is aimed at exploiting Prodeco’s existing extensive reserve base to take advantage of global demand for imported coal. The planned expansion is expected to have a significant positive impact on Prodeco’s future revenues, cost structure and earnings” (Glencore 2012: 71).

One of the points on the politics of Corporate Social Responsibility (CSR) by the company includes procurement from the local economy. “We [Prodeco] promote local businesses to ensure they benefit from these opportunities. It is our policy to promote the procurement of goods and services from local businesses provided they comply with our requirements on quality, timing and cost” (Prodeco 2010: 56). Thus, Prodeco asserts to have increased their

purchasing commitments of local suppliers by 69% between 2006 and 2010, leaving a total of \$142,319 USD of investments in 2010.

The relationship to nature described by Prodeco, is similar to that of Drummond stating that:

“[w]e [Prodeco] are aware that our mining operations make it necessary to disturb the environment. We therefore undertake our mining activities with a commitment to the environment and a goal of maintaining long-term biodiversity to allow the local area to recover as much as possible.” (Prodeco 2010: 62)

Prodeco says that roughly 10% of the area disturbed by its operations has been reclaimed, meaning 242 of 2480 ha. The mine “La Jagua”, by Prodeco, was located in one such reserved area and the company writes in its CSR report of 2010: “2.864 hectares of our land are located near or within protected areas: the La Jagua mine, for instance, sits in what was part of a nature reserve, the Serranía de los Motilones. When Prodeco bought the lease, this area was removed from the national reserve by the national government, with appropriate environmental compensation” (Prodeco 2010: 72).

As it was explained to me in an interview with a representative of the entity overlooking the resettlement process (CETEC), the compensation for forest area takes place far away from the mining area. This – so it was explained – is because all the territory in the area is mining land and thus there is a deficit of areas for compensation. This compensation works in the following way: The companies go into negotiation with local inhabitants of the far away areas of the “Serranía de los Motilones” and eventually pay them for not using parts of their forest land. This counts as compensation for destroyed forest in the area of mining operation. My interlocutor explained:

“So the company tells you ‘Look Sir, I need that of your three hectares – I understand that you need one hectare for producing, right, the goods for subsistence – but the other two, I pay you in order not to touch them.’ Because the squatters were destroying the Serranía de los Motilones. Or what I mean is, they took all the illegal wood they could and thus they were deforesting it.”⁹⁴

It was further explained that this process was causing problems, as the affected populations in the area of influence could not see these activities, which took place far away from the mining areas, and consequently were not aware of the environmental measures by the companies.

⁹⁴ “Entonces, la compañía te dice ‘Mira señor. Yo necesito que usted de esas tres hectáreas, yo entiendo que usted necesita un hectárea para producir cierto. Los bienes de pan coger, pero esas otras dos yo le pago para que usted no les toque.’. Porque los colonos estaban arrasando con la Serranía de los Motilones. O sea estaban sacando toda la madera ilegal que podían y eso lo estaban deforestando.” (Interview from 08.10.2012, *trans.*)

On a more detailed account of the measures for the minimization of environmental impacts the company explains how they contribute to the reduced consumption of energy, which in 2010 consisted of almost 100% non-renewable sources (Prodeco 2010: 64); the distribution of their water usage, which stems from local sources, such as creeks and rivers and is used mostly for dust suppression on dumps and roads and also for human consumption. The company does “not believe that any of [their] sources are significantly affected by water withdrawals” (ibid.: 64). In 2010 Prodeco admits to having discharged 69,270 m³ of untreated wastewater, corresponding 48% of the total wastewater discharged (ibid.: 65). Even though air emissions is the most detailed part of the chapter on environmental measures in the company’s CSR report, explaining the quite advanced system of emission monitoring, no mention is made of the significant pollution existing in the area, which triggered the entire resettlement process. Prodeco states to have incinerated 19% (381 tons) of its hazardous waste, while recycling the remaining 81%.

As is common practice with all companies, Prodeco puts the waste rock and the topsoil layer aside for future rehabilitation processes (cf. Prodeco 2010: 68). Part of the environmental plans of the companies is the relocation of wildlife to safe areas, with the goal of “avoidance of biodiversity losses” (ibid.: 68). Prodeco states to have relocated 1.116 animals and 13.000 fish in the concession “Calenturitas” alone (ibid.: 69). For 2010 Prodeco had planted roughly 10% of the planned planting rate, meaning 176,000 trees planted of 1,508,617 planned for the mine “La Jagua”. For the mine “Calenturitas” this number was even less. (ibid.)

One of the largest impacts on the local ecology by Prodeco was the deviation of the River Calenturitas. Prodeco, in order to access some coal reserves within its concession, redirected part of the river. The company claims that

“[t]his project was planned and designed in close consultation with local authorities and local communities as part of the Ministry of the Environment’s approval of [Prodeco’s] environmental management plan” (Prodeco 2010: 70).

A representative of the environmental department of Drummond Ltd. expressed his worries about the relocation of the Calenturitas, as he said that there were

“very few permanent rivers. One of the most important is the Calenturitas. The Calenturitas is the most important in the entire area. [...] I am worried about the issue with the Calenturitas, because there is no space to do anything. The thing is that the Calenturitas is in the middle of all these operations that are right next to it. Of Prodeco, of *la Francia* [a mine operated by CNR]. And really there should be an integral design. And I have the impression that every

company is presenting its own solution in the process. And there needs to be a much more integral vision. And that really is a pending work by the ministry.”⁹⁵

According to the resettlement resolution 0970 (2010: 20), Prodeco’s proportionality in the responsibility for the resettlement of el Hatillo is 9.18%.

Prodeco mentions the resettlement in its CSR, without specifying the cause for the resettlement or the responsibilities of the companies involved:

“The Ministry of Environment, Housing, and Territorial Development has imposed an obligation on the mining companies in the area of La Jagua and El Paso to resettle three towns located near our mining operations in Calenturitas. [...] Based on an initial census, about 320 families will need to be resettled. However, we have found that news of this resettlement has triggered an influx of people to these towns due to perceived economic benefits” (Prodeco 2010: 59).

Within this part of their CSR document they also refer to the World Bank guidelines and point out that livelihoods after resettlement should be restored to “pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher” (ibid.).

In the CSR document of 2011 it has been additionally added that Prodeco is concerned about “protect[ing] the rights of these residents” and “will spare nothing in the way of time or resources” for the resettlement process (Prodeco 2011: 5).

The chapter dedicated to the resettlement also explains why the original resettlement operator, the state-owned company FONADE (*Fondo Financiero de Proyectos de Desarrollo*), had been replaced by an international private company called RePlan Inc. This, according to Prodeco, was because the “residents’ expectations were not being met by the process” (2011: 73). An impression that was confirmed to me by the community and the NGO, underlining that the census and socio-economic survey undertaken by FONADE did not provide usable results⁹⁶. Finally, the company declared in the document that it wanted to have a “[c]omplete design and preparation of the Resettlement Action Plan” (ibid.: 75) by the end of January 2013.

The strong interest of the State in the mining sector, “privileg[ing] economic development over environmental conservation” (Bryant/Bailey 1997: 58), can be seen by measures taken to

⁹⁵ “Y hay muy poco ríos permanentes. Uno de los más importantes es el Calenturitas. El Calenturitas es el más importante de toda esa zona. [...] A mí el tema de calenturitas sí me preocupa, porque es que no hay espacio para nada. Es que el Calenturitas está en la mitad de todas esas operaciones que están al lado. De PRODECO, de 'la Francia'. Y realmente debería tener un diseño integral. Y a mí me parece que cada empresa está presentando su propia solución. En su trámite. Y eso tiene que tener una visión mucho más integral. Y eso sí es un pendiente del ministerio.” (Interview from 08.10.2012, trans.)

⁹⁶ Cf. Interview from 24.08.2012; Interview from 09.10.2012

increase the area eligible for mining activities. Thus it happens occasionally that protected land, such as forest reserves or national parks, get a changed status by the national government in order to be able to sell concessions for the respective territory. Important to note is that the government of ex-president Álvaro Uribe, between the approval to reform the mining code by the congress and its ratification by the president (an eight month period) increased the area eligible for mining concessions by approximately 80% (PBI 2011: 9). That means, even though the reform of the mining code in 2010 increased the area under protection and included moorland and other vulnerable eco-systems, the total area under concession increased substantially.

Prodeco's environmental program, as explained in the list of measures taken, is fully focused on a process of reparation of the damage inflicted onto the environment and makes use of a similar technocratic-managerial language as Drummond, exemplifying their understanding of human-nature relationships as one of management, rather than reduced usage. Examples are terms such as: "topsoil recovery", "water treatment", "management of solid waste", "land restoration", "reforestation" (Prodeco 2010: 64), thus following a logic of compensating for the environmental impacts of their operations (2010: 62), where values such as non-utilisation have no consideration (cf. de Villalobos 2002: 369). As can be seen by the example of the deviation of the Calenturitas River the companies work in competition with each other and also pursue individual goals, but more importantly the individual deviation underlines that the companies accuse the state institutions for their failure to comply with effective environmental norms.

While the CSR document of Prodeco (2011) is the most thorough and elaborate one on the resettlement issue, only little explanation is provided on the cause for the resettlement. The document explains that the resettlement of the three communities by the three companies was ordered due to "[a]ir quality monitoring in the area", but no mention is made of related health issues or concern (Prodeco 2011: 73). While the air quality monitoring system is described in greater detail, explaining the different measurements of PM10 and the introduction of new measurements of PM2.5, making it possible to measure "particles that may affect the respiratory system" (Prodeco 2011: 53), and even though the company states that "[o]ne of the largest impacts of open-pit mining [...] is the dust generation" (ibid.: 53), the actual impact that has taken place is not mentioned.

Although Prodeco states that it wants to restore livelihoods to pre-project levels, in the negotiations taking place between the TNCs and the local community this has been a contested element. The community of Hatillo succeeded in getting this element included in the negotiation and compensation talks, resulting in the creation of a committee of community members, mine employees and members of the resettlement operator, focusing on collection of information on the past situation. It is not clear until this moment how this information will be used and how it will convert into compensation for the community.

At the time of writing the RAP (Resettlement Action Plan) was still not completed. In fact, the resettlement negotiation process was halted in April 2013, as the community of Hatillo refused to further participate in the negotiations, as it became clear that the companies had not created (or were not using) the legal entity established for in the resettlement resolution (Resolution 0970, 2010: 45f., 52f.) to guarantee the existence of funds for the execution of the resettlement process. The community declared that this was illegal and was slowing down the work of the operator, as it had to request financing for every individual action, and that the community would not return to the negotiations until this entity was created (Comité de Concertación del Hatillo 2013: 1).

6.3.3 CNR – C.I. Colombian Natural Resources I. S.A.S. – Goldman Sachs Group, Inc.

C.I. Colombian Natural Resources I. S.A.S. is a subsidiary of *Natural Resources Investments S.L.* (based in Spain), which in turn is a subsidiary of *GS Power Holdings LLC* (based in the USA). The parent corporation of all these subsidiaries is *The Goldman Sachs Group, Inc.*⁹⁷

No public information is available on this company and they have no active website at the moment of writing. All attempts to receive information or get interviews were denied and/or ignored by the company and even though this is a strong statement in itself this makes it hard to evaluate the position of CNR for this analysis. Equally the parent companies provided no public information and their interrelation was very difficult to discern, leaving the perception that this TNC is not trying to be transparent.

CNR bought the mining operations, including the port *Rio Córdoba* and a share on the railway *Fenoco S.A.* from Vale Coal Colombia Ltd. Sucursal Colombia. Vale thereby left the coal mining sector in Colombia. CNR is currently operating the mines “La Francia” and “El Hatillo” in the carboniferous area of Cesar. Indepaz (2011: 138) states that Vale had a production capacity of 4.5 million tonnes per annum in the mine El Hatillo. The mine “La

⁹⁷ Cf. <https://www.sec.gov/Archives/edgar/data/886982/000119312512085822/d276319dex211.htm> [Access 04.07.2013]

Francia I” is estimated to have an annual production of 2.4 million tonnes (AUSTRADE 2010: 44). Vale was the company that initiated the first resettlement process of the community El Hatillo, but this process was halted as operations were sold from Vale to CNR, and CNR pursued different plans of expansion (cf. Fieldnotes). The resettlement process was only reinstated after the governmental resolution and thus by coercive legislative order due to contamination, rather than voluntary economic interest of expansion by the corporation.

Similarly to Glencore, Goldman Sachs thus operates its business at several points in the coal supply chain, participating in the financial and physical trade of the resource. Having bought the actual coal mining operations; shares in the railway and port, thus managing the logistics; and finally participating in the trade of the coal and connected activities, positions it at three of the four elements of the coal supply chain. Due to lack of information, transparency and accessibility I will not treat Goldman Sachs in the same detail as Glencore, but I assume their practices to be of very similar nature.

According to the resettlement resolution 0970 (2010: 20), CNR’s proportionality in the responsibility for the resettlement of el Hatillo is 39.35%⁹⁸.

To the companies, environmental degradation is seen differently than that of the perspective of the local population. The introduction of a managerial understanding of interaction with the environment, with “the new centrally designed schemes for the ‘management of environmental resources’ threaten to collide with [...] locally based knowledge about conservation” (Sachs 2010: 33), where “[a]n ecology that aim[s] at the management of scarce natural resources clashe[s] with an ecology that wishe[s] to preserve the local commons” (ibid.).

To the TNCs firstly, the environment was already left in a vulnerable state by former economic activities by the local people and other economic actors, such as the oil-palm plantations. These include the clearing of large areas of terrain for cattle farming and cultivation of different crops (rice, cotton, plantain), of which above all the cotton, with its strong use of pesticides, was detrimental to the environment. Secondly, they argue that the majority of the environmental degradation caused by their activities may be undone as the

⁹⁸ 27.93% stemming from its operations in the mine “La Francia” and 11,42% stemming from operations in the mine “El Hatillo”

operations come to an end and the mines are being resealed with the set-aside deposit dumps, covered over with the recovered alluvial layer. In addition wild-life and bio-diversity is protected and conserved in the protected areas, which later can be resettled to the newly re-established ecosystems. These protected sites, they argue, may contribute to a richer and more diverse environment, than if it had been left in its natural state, with the risks and pressure generated through hunting and gathering by the local population. Thirdly, the part of nature that cannot be reset to its original state is repaired through compensations. These compensations are either reforestations and/or other measures creating whatever is lost somewhere else as far as possible and monetary compensation wherever this is not possible. This logic demonstrates that the environmental problem is addressed and managed at a different scale by the companies, than by the local communities. While, for the company, the sole fact that destroyed forest is replanted in another location compensates the loss of this forest in the mining areas, this does not contribute to the socio-ecological degradation taking place on the local scale, namely the destruction of resources and habitat serving as a base of livelihood for the local communities.

Thus they assume some of the responsibility for environmental degradation, but argue that their activities are just another kind of impact to an already vulnerable and degraded environment. Obviously, as is in the nature of any company, their key interest lies in the creation of maximum profit in minimum time and environmental protection and conservation is merely a necessity for gaining access to the resources necessary for creating these profits. Their vision thus aims at measures which comply with the standards and laws defined and demanded by the state but seem to have no ambition above this. Furthermore, there lies little interest in a large-scale planning for the future of the area, as the interest of the companies terminates as soon as the resources have been depleted and they wander off to other locations. This may not only be seen as problematic out of an ecological perspective, but also has social consequences. While the department of Cesar is focusing its development plans on the expanding mining sector, which by now is the main contributor to the departments GDP, all other sectors are in decline. However, as coal is a non-renewable resource, the reserves will be depleted at some point in the future⁹⁹, leaving a population oriented at coal mining behind. This causes concern for an increased risk of Dutch disease, which may even affect the entire country with the ambitious plans of increased coal export.

⁹⁹ It has been estimated that the known Colombian coal reserves at the current rate of extraction will be depleted in the year 2056 (Franco/Gallo/Franco 2010: 73)

6.4 NGOs - Non-Governmental-Organisations

NGOs, as the name implies, are organisations that are independent of the state and state organisations, but may still receive funding by the state. In this analysis the main NGOs work as consultants and advisors in environmental and social issues, generally taking advocacy for subaltern groups, such as indigenous or other marginalised people. Within this analysis we differentiate between national Colombian NGOs, international NGOs and European NGOs. Generally the national NGOs cooperate closely with their international or European partners and to a large extent depend on them for funding for their projects. In return the national NGOs provide the foreign NGOs with information and access to issues, which the latter use for creating public awareness and information for civil society, politicians, shareholders and other people in their home countries. Often the objective of these strategies is to create pressure on TNCs or politics, based in the Global North, which support the detrimental situation in the Global South, where the national NGO is operating. The most common strategy and used instrument is the demonstration of connectedness and interrelation of economic practices on the local scale in the developing country and politics, economic policies and managerial practices in developed countries.

In Colombia there exists a huge variety of NGOs, representing almost all political currents in the country and following a wide array of strategies. In the context of this analysis the activity of only a few is very important and will serve as the basis of understanding and representation.

The national NGOs working most closely with the communities in the resettlement process in central Cesar region are PAS (*Pensamiento y Acción Social*), being the official advisor of the community of el Hatillo and Tierra Digna (*Centro de Estudios para la Justicia Social*), being the official advisor of the community of Boquerón. The third community, Plan Bonito, was advised by PAS, but after the community's leader was imprisoned it chose to pursue its resettlement negotiations without any NGO support. The community pursues a process of legal strategies, trying to negotiate resettlement and compensation terms on an individual basis, supported by lawyers.

Another relevant NGOs in this context is Indepaz (*Instituto de Estudios para el Desarrollo y la Paz*), one of the largest and most significant NGOs in Colombia working with resettlements and trying to formulate a legal framework and norm for resettlement within the country. They have been advising communities with similar resettlement issues in relation to Colombia's

(and the world's) largest open-pit coal mining project, *El Cerrejon*, in the department La Guajira.

The main focus of the NGOs generally lies on the compliance with the human rights, trying to point out failures by the TNCs and/or national government to live up to their commitments. Furthermore, Colombia has signed the Rio Declaration of 1992 and the ILO Convention 169, serving as further ground for the NGOs in requesting accountability by the State, even if the principles in these documents are mostly voluntary. Another legal basis for the strategies of the NGOs lies in the resettlement resolutions (2010: 0970; 1525), where the ministry of environment established a list of rights and principles being impacted by the mining activities in the Cesar region. These are, among others, the right to a healthy environment; the principles of sustainable development; the principle of proportionality in environmental right; the principle of solidarity. (cf. Indepaz 2011: 10ff)

Furthermore the resolution also establishes that international norms for resettlement, such as the World Bank operational manual OP 4.12¹⁰⁰ or the Resettlement Handbook of the International Finance Corporation¹⁰¹, serve as the guiding principles for the process.

6.4.1 ask! – Aktionsgruppe Schweiz-Kolumbien

All three of the aforementioned NGOs are in close alliance with the Swiss NGO ask! (*Aktionsgruppe Schweiz-Kolumbien*), who describes its work as knowledge creation, political information and lobbying work, giving voice to the Colombian civil society and aiming at structural change in Colombia and Switzerland, by publishing reports and newsletters on a regular basis¹⁰². While ask! is especially focusing on the actions of the Swiss TNCs Glencore and Xstrata in Colombia, they went into alliance with these national NGOs to extend their investigations and consequently to research Glencore's involvement in the resettlement process (ask! 2011: 15f). As the document states the NGO alliance between PAS and ask! succeeded in demonstrating environmental violations and fraud in the payment of royalties by Glencore-Prodeco (ibid.: 16).

Furthermore, ask! explains in its annual report that PAS during three workshops educated the local communities on the content of the resettlement resolution along with the rights of the communities in the process; prepared strategies for negotiations and concertedly formulated a "life plan" (*plan de vida*) (ibid.) Further measures of the cooperation of the NGO with the

¹⁰⁰ World Bank (2001): Operational Manual. OP 4.12 – Involuntary Resettlement.

¹⁰¹ International Finance Corporation (2002): Handbook for Preparing a Resettlement Action Plan.

¹⁰² ASK (2013): Ziele/Philosophie. <http://www.askonline.ch/ueber-uns/zielephilosophie/> [Access 09.07.2013]

local community consisted of training and preparation of the various steps undertaken in the resettlement process at the time. This meant explaining the contents of the socio-economic study or census that form part of the RAP, so that the community would be prepared for it when this step was undertaken by the resettlement operator (ibid.). The NGO claims that through the interaction with various State entities these entities started to assume more responsibility, which eventually resulted in a writ for the protection of the fundamental right (*tutela*) to health and obliged the TNCs to take action regarding waste management and drinking water supply (ibid.).

Ask! claims to interact regularly with the headquarters of Glencore in Switzerland, along with Swiss government entities and organises workshops and events informing about the conditions and consequences of coal mining in Colombia. Furthermore, ask! also cooperates with the labour unions of the labourers in the TNCs (ibid.: 17).

The final NGO relevant for our analysis is CENSAT Agua Viva, an environmental NGO affiliated with “Friends of the Earth International”, focusing more on ecological factors, rather than the legal focus of the three former ones.

Besides “Friends of the Earth International” other international organisations and NGOs are also involved in research about coal mining in Colombia and the resettlement and cooperate to some extent with the national NGOs. These include, among others, the “German Catholic Bishops’ Organisation for Development Cooperation MISEREOR”; the international NGO “Food First Information- and Action-Network FIAN”; the USA based grassroots organisation “Witness for Peace WFP”; the office of the United Nations High Commissioner on Refugees Colombia; the United Nations Office for Coordination of Humanitarian Affairs. However, these organisations are involved to a lesser extent with the issue of this analysis than the aforementioned and will therefore not be dealt with in depth.

The NGOs generally try to emphasize the alternative world view held by peasant communities, which is not always compatible with a Western understanding of development and use of nature, resources and territory, as it is being promoted by the State and the TNCs. CENSAT Agua Viva describes it in the following way:

“[T]he large-scale mining projects have produced alterations in the use and possession of land. For the peasant, indigenous and afro-descendant communities, life is impossible without territory, understood not only as a space, but as a place with all its symbolic and material attributions. The concepts of territory, and with it the notions of environment and natural resources, are diametrically opposed between the ancestral habitants and the transnational

corporations. For the companies, that with difficulty accept the former ways of organisation and try to reorganise the people to consolidate their power, the territory is essentially a business and a way of accumulating wealth and the lands they possess are used in a protected model, where the entry of unauthorized persons is prohibited. On the other hand, for the alternative and local perspective, territory is not defined by the typical western opposition between nature and culture, the principle underlying the extractivist model and which is materialized in a kind of apartheid. When the communities lose their lands by way of violent or coercive actions, they lose their vitality, by being dispossessed of their territories, they are not only dispossessed of the material, but they are also dispossessed of their identity and history, that is to say, they are dispossessed of the order that they have created over generations in a relation that is not antagonistic with nature” (CENSAT Agua Viva 2010: 28f., *trans.*).

CINEP (*Centro de Investigación y Educación Popular*) describes the livelihood of the peasant, indigenous and afro populations as one

“severely threatened by an extractive economic model that, accompanied by a public policy in favour of vast capital, leaves the habitants and their territories violated in their rights and their biological, political, cultural and social patrimony destroyed” (CINEP/PPP 2012: 8, *trans.*).

Accordingly, their struggles are directed “against a State that hopes to impose its conception of development by the means of free trade agreements, privatization policies, facilitating foreign investment and the incorporation of the economy into the global market” (*ibid.*, *trans.*).

6.4.2 PAS – Pensamiento y Acción Social

PAS is the official advisor of the community *el Hatillo* in the resettlement process and works in close alliance with ask!. As official advisor it has the right to attend the monthly negotiation meetings and advise the community on decisions and strategies. The NGO generally spends at least one week a month in the community, gathering information on the current situation and holding workshops in order to prepare the community for the negotiations held at the end of each month.

PAS describes its strategy in the context of the cooperation with the community *el Hatillo* as “oriented at the protection and guarantee of the fundamental rights of the communities in the centre of Cesar and western part of Antioquia, by investigation, accompaniment and political incidence”. These rights include social, political, economic, cultural and territorial rights. To fulfil these strategies the NGO wants to publicize its investigations about the activities of the TNC *Glencore plc* and the situation of the communities in Cesar, along with empowering the community in the negotiation process by capacity-building. Furthermore, PAS works at the

establishment of an international network of NGOs working in the surveillance of the activities of Glencore-Xstrata.¹⁰³

According to a document published by PAS the greatest impact of the mining activities in the Cesar region is the change of the purpose (*vocación*) of the territory from an agricultural to a mining one. This “has practically implicated the extinction of the peasant economy in the region, the absolute absence of food crops and the conversion of the peasant communities” (PAS 2011: 8, *trans.*). Thus the NGO states that, for example, the deviation of the river Calenturitas by the TNC *Glencore plc* has significantly affected the availability of fish and water resources, which represented a key ecological feature for the communities in the past. Furthermore, the NGO sees a direct contradiction in the plans of the national government in expanding the mining sector, while protecting and conserving the biodiversity of the country, emphasizing the enormous amount of solicited concessions in Cesar, covering nearly the entire department (*ibid.*). This conflict is explained by the absence of a coherent and cooperative environmental and mining policy by the national government (*ibid.*: 10), a view shared by other NGOs, such as CENSAT Agua Viva (*cf.* 2010: 34).

In our analysis the main contribution of the NGOs for the local struggle is the publicity they produce and the awareness they raise in the public opinion for “local realities” (*cf.* Bryant/Bailey 1997: 46). This advocacy at the same time means that the NGOs depend heavily on the local population for their moral legitimacy and, thus, in a way depend on their misery in order to attract interest and consequently funding from their partners in the Global North. Notwithstanding, the alliance (Giesen 1993: 95) between NGOs and local populations is beneficial for both parts, because the moral legitimacy (Jeong 2008: 10) of many claims of the local population would not receive the attention of a broad audience without the outreach work of the NGOs, especially at the scale where the TNCs and State usually re-act. According to Bryant and Bailey the creation of publicity is “the key contribution” of this actor “in contemporary political-ecology conflicts” (1997: 46). This publicity directly challenges the portrayed realities of the latter actors in their CSR plans or national development plans. What is more, the NGOs are essential in guiding and advising local populations in interaction processes, such as negotiations, with the other actors. These are arenas of technocratic language about legal, political and economic issues, which in most cases are not common

¹⁰³ <http://www.pas.org.co/#!empresas-ddhh-y-t> “Protección de derechos de las comunidades en contexto de explotación de recursos naturales” [Access 15.02.2013]

knowledge to the local population. This actor is forced to articulate concerns about his environment and livelihood in a way that is understandable to the hegemonic, capitalist reality of the State and TNCs.

CENSAT Agua Viva describes how the TNCs in Colombia (as in other countries of the Global South) use tactics of subsidiary companies in order to maintain a “clean reputation” for the parent company. This is clearly true in the case of our analysis, where “Prodeco” is the subsidiary of “Glencore plc” and “Colombian Natural Resources” the subsidiary of “Goldman Sachs”. The relationships between parent and subsidiary companies are usually organised by an agent-principal relationship, where conditions are set up in order to distance shareholders (principals) from morally questionable decisions and vice versa create an environment where the executors (agents) of morally questionable decisions, such as representatives of the subsidiary companies, feel an obligation towards the CEOs (principals/agents) of the parent companies (Chomsky et al. 2007: 17ff).

Furthermore, according to CENSAT Agua Viva, the companies, by means of cooperatives and third-party contractors delegate responsibility for working conditions and labour dignity outside of their accountability, destroying the economic autonomy of the peasants and making them dependent on the employment as cheap, unskilled labourers in the mining companies (cf. CENSAT Agua Viva 2010: 30f.).

As Bryant and Bailey have pointed out the source of power of NGOs derives from another sphere than the power of TNCs, which usually stems from extensive amounts of capital, and the power of States, which stems from “a formal monopoly on the means of coercion within a defined territory” (1997: 131). The power of the NGOs comes from their “strong ‘moral’ character seemingly absent in most other actors” (ibid.). While this is certainly true, I would add to this conclusion that a substantial part of power associated with NGOs derives from their political and legal knowledge, which they strategically use to bring action against misconduct by the other actors.

All this being said, the NGOs need to cooperate not only with the local population, but also with the State and the TNCs. They depend on the State as it is the actor enforcing laws and establishing norms and rules of interaction, as well as permitting them to operate (ibid.: 152) and they need to cooperate with the TNCs, as a healthy relationship which allows for negotiations, compromises and compensations tends to be more beneficial for the local populations, than a strategy of purely legal sanctions and threats (cf. Fieldnotes).

The NGOs follow a so called rights-based approach, such as law suits where rights have been curtailed and laws have been breached by government or private sector actors along with political advocacy publicizing these misconducts.

In the rights-based approach, sometimes also referred to as human-rights-based approach, the legal basis of the rights of a certain group are at the foreground. By creating rights to protect this group, informing this group about those rights and striving for the compliance to these rights it is hoped to strengthen the role of the state and provide incentives different to economic and political approaches (Hickey/Mitlin 2009: 8f.). Nevertheless, this approach has weaknesses, as most nation states have already signed treaties and agreements, such as the United Nations Declaration on Human Rights, obliging themselves to the protection of the fundamental rights of its citizens. It is not so much a lack of rights, but a failure to protect these rights that stems from a general weakness of the Colombian state in the enforcement of law, causing widespread impunity, as well as the subordination of the economic, social and cultural rights in relation to the civil and political rights within the United Nations Declaration in general (ODI 1999: 1). The rights-based approach of NGOs has been criticised to “promote a universal view of human rights that has little time for localized, context-specific interpretations” (Kindornay/Ron 2012: 17). The critique is that too little attention and participation is granted to local specificities, thus possibly contributing to the globalization of Northern ideologies and values (ibid.: 17f.). More importantly it has been argued, that the rights-based approach is not a suitable approach to overcome poverty for marginalised people, as it is “not incorporating strategies of empowerment and participation” and gives no “alternatives to the current neoliberal paradigm”, but rather gives “one-dimensional responses” reproducing dominant ideologies without questioning power structures (Chapman 2005: 3). Also, NGOs have been accused of doing advocacy work for subaltern groups lacking their participation in the formulation of these campaigns (ibid.: 7).

The NGOs are in need of a close cooperation and interaction with the communities affected by the actions of these two actors, in order to legitimise their own actions and to gain public support. Only by being recognised as advisors and representatives of the communities can they gain credibility and power in the interaction with the other actors.

This ongoing relationship between communities and NGOs results in a continuous process of reshaping mutual strategies (Bryant/Bailey 1997: 132). While the NGO, by measures of workshops, papers and presentations informs the community about its rights and recommended strategies to defend them, as well as its idea on “adequate compensation”, the

community at the same time affects the strategies of the NGO by their customs, traditions and cultural practices, which need to be taken into account for any serious and functioning creation of strategies. Thus it becomes necessary for the NGO to understand livelihood strategies, internal organization and socio-cultural affiliation with the environment.

The NGO also plays a pivotal role in helping the community to formulate ideas and plans of development, which are often not expressed and summarised in any oral or written manner. While these ideas certainly exist, their expression has not taken place, as it has not been necessary in the past. These “development plans” become an essential part in the resettlement process embodying the vision of the community for its future.

During my fieldwork I repeatedly discovered: firstly, the existence of two alliances, sampled on their positions within the conflict, which in conformity with Kriesberg and Dayton (2011: 14) even though having several actors, consists of two conflicted sides, containing the NGOs and local community on one side and the TNCs and the State¹⁰⁴ on the other. Secondly, that the “NGO-Community Alliance” was the weaker actor as opposed to the “State-TNC Alliance”. This becomes especially visible in the definition of the “rules of the game”, where the State defines the laws, rules and terms of the resettlement and hands over responsibility for its execution to the companies. The companies in turn are free to choose their operator and supervisor of the resettlement, both paid for by the companies. The operator, a Canadian private-firm called *RePlan*, specialized in resettlement and land acquisition, then defined the form of representation of the community, the frequency of negotiation meetings, the modes and extent of participation of the community and the options of choice when negotiating actions. Within these two alliances the confronting power shares become more visible, concentrating the enforcement of law; the definition of land purpose; the modes of participation in the process; and capital on the “TNC-State” side versus a moral legitimacy; public support; and legal interaction within the provided framework of the State on the “NGO-Community” side. As the “rules of the game” have been unquestioned within the conflict, with questions about compensation mechanisms and access to resources prevailing, it suggests that the conflict is a “distribution conflict” rather than a “rules conflict” (Giesen 1993: 104ff).

¹⁰⁴ See the chapter “The Colombian State” above on the double roll of the State and counter-movement institutions within the State. This generalisation of the roll of the State within an alliance is based on the prevalent and more powerful State institutions that form part of that alliance.

The NGOs have an important role in bringing the local struggle of the local population on to other scales of interaction. While they work closely with the communities in situ on a local scale, they are based ex situ in Bogotá. There they work on the analysis of existing legislation, file complaints and petitions to different State and non-State actors and interact with their international partners in other countries. Thus the local struggle of the communities - which is mostly based on the direct experience with nature and bordering actors, such as the local river, the mines or the municipality - becomes elevated to other scales of actions, transforming the way this struggle is articulated.

While at the local scale this struggle pursues the form of what Bryant and Bailey (1997: 170) call “everyday resistance” or “covert resistance”, resulting in the breach of property borders, the illicit collection of resources and other similar forms of lived rights to resources and the environment, on the national and international scale the struggle becomes transformed to a more political and legal shape. It may be noted, however, that at times the “covert resistance” has turned into “overt resistance”, when the situation seemed unbearable or stagnant and resulted in violent confrontation between the various actors during demonstrations and blockades (*see chapter 8*).

It is important to note that while the local struggle becomes elevated to these different scales and its outreach becomes stronger it also becomes transformed to a different kind of action, more suitable for a western understanding and political incidence, and may constitute what Giesen calls a “rationalisation of the conflict” (Giesen 1993: 107). The sole “felt right to resources and the environment” and “historic and traditional existence” of the community is not an argument legitimate in a political struggle on an (inter)national basis. Thus it becomes necessary to undermine these actions with legal articles and political rights which make sense in the understanding of international jurisdiction and a western understanding of economy.

The main function of the NGOs thereby is one of transforming local struggles into a demonstration of violated rights trying to gain support from a broad audience, while building capacity within the community by informing them about their rights. To insure this support another key strategy is the demonstration of benefits and costs, showing the impact of the environment and social consequences in relation to the economic benefits. In this context it is necessary to illustrate who benefits in which way at what scale and who bears the costs of the actions and in which way.

7 Strikes and Conflict

This chapter will outline some of the major strikes and protests that have taken place in recent years in the carboniferous area in relation to the coal mining activities. I claim that these events have contributed to several dynamics in the socio-ecological conflict taking place. These strikes, causing confrontations between the different actor groups, will help to visualize the otherwise often blurred and complex conflict elements, existing alliances, demands and mutual understandings. I argue that the strikes especially serve the communities and labour unions as a tool and instrument in the conflict in order to contribute to their power. They do so by gaining national and international attention in the articulation of a moral questioning of the legitimacy of the State approved activities of the TNCs and consequently pressuring both the TNCs and the State to act and respond.

In terms of political ecology these actions of civil disobedience and social rebellion may be seen as a form of collective, overt resistance, as it “directly challenges prevailing political and economic norms” (Bryant/Bailey: 1997: 170), while in terms of conflict theory it may be seen as a distribution conflict (Giesen 1993: 105), following a strategy by the communities to increase the share of power in the defence of their interests.

As outlined in the previous chapters we find a situation in which the mining sector was increasingly dominated by foreign transnational corporations, gradually displacing locally led, small-scale and artisanal mining while at the same time favouring the acquisition of private and public properties by mining corporations. Thus former artisanal miners, having lost their jobs in the mining sector were now increasingly looking for employment within the agricultural and livestock sector, the historically most important economic activity in the area. However, this sector saw a drastic reduction in productivity and territory availability as the large-scale mining operations affected it on two fronts: by taking away large parts of the territory on the one hand and lessen its productivity through contamination on the other.

Out of the local perspective of the community of el Hatillo the situation was becoming more pressing as sources of subsistence and income was increasingly reduced, whereas their health was gradually deteriorating. The environmental issue of contamination was acknowledged in 2007 by the government since the area was declared a source area of air contamination (*área-fuente*) by the ministry of environment (Resolution 386 of 2007).

Carbones del Cesar S.A., the holder of the concession “El Hatillo” operating the mine closest to the community, saw the necessity to create and formulate its politics of CSR and thus

contracted the private company CETEC to do so. When the company decided to expand its operations northward they saw the necessity to resettle the community. Thus the contract of CETEC is extended and at this moment also encompasses the resettlement of the community. It is worth noting that at the time the resettlement of the community was a voluntary intention by the corporation and happened out of economic interest¹⁰⁵. As notice of the resettlement became public, migration started taking place towards the community, while at the same time the regional government cut public investment to a minimum, not seeing any more necessity to invest in the community¹⁰⁶, as it was going to be resettled.

In line with the international guidelines on resettlement a so called resettlement action plan (RAP) was created in participation with the community, and various steps, such as a census, a socio-economic survey, the negotiation of compensation mechanisms, the prospection of a new location, etc. were executed. After 18 months, when the preparatory steps for the resettlement were almost finished and the terms of the resettlement had been agreed upon Carbones del Cesar S.A. sold their operations to CNR (Goldman Sachs). CNR decided not to pursue expansion in the direction Carbones del Cesar S.A. had planned for and consequently the resettlement of the community was deemed unnecessary, resulting in the cancelation of the resettlement process. The community, prepared to relocate to another location, now faced the new prospect of remaining at their original location¹⁰⁷.

Simultaneously, dynamics regarding the working conditions of miners in terms of working hours, safety, wages and their undermined right to form unions, increasingly created unrest. The miners in the area, organised by the union, decided to take action. The labour unions have had several struggles with the TNCs at present and in the past triggering vigorous responses by the corporations. In one case Glencore plc, terminated the cooperation with a sub-contractor (OMC) as its workers unionised, causing protests and blockades of its mines in August 2007. The protest was violently resolved by the mobile anti-disturbance squadron ESMAD¹⁰⁸. In another case Drummond Ltd. has been accused of hiring paramilitaries to kill two union leaders in 2001. The case is under trial at court in the USA¹⁰⁹. Prodeco has also

¹⁰⁵ Cf. Interview from 09.10.2012

¹⁰⁶ Cf. RePlan 2013: 111

¹⁰⁷ Cf. Interview from 09.10.2012

¹⁰⁸ Hanimann, Carlos (2007): Glencore. Verfolgt, gekündigt, geräumt. In: WOZ/Die Wochenzeitung, No. 34, 23.08.2007. <http://www.woz.ch/0734/glencore/verfolgt-gekuendigt-geraeumt> [Access 05.06.2013]

¹⁰⁹ Cf. <http://colombiareports.com/drummond-paid-to-kill-unionists-ex-paramilitary/> [Access 12.07.2013]

been in the focus of international media for allegedly buying the territory “El Prado” in 2004, which was previously illegally acquired by paramilitary forces¹¹⁰.

The community, frustrated by the cancelation of the resettlement process and thrown back into a situation with an uncertain future in a contaminated environment, started to take action. It was by means of formal letters of complaint to the regional, departmental and national governments, as well as the mining corporations themselves, that the communities articulated their precarious situation, finding themselves increasingly affected: in regard to their health by the circulation of fine particulate matter, causing respiratory diseases; by the decrease of yields in their harvests due to contamination and induced climate change; and their impossibility of finding employment, with the meanwhile largest economic contributor in the region, the mining corporations due to their lack of qualifications. The communities felt that the government was not living up to its obligations of protecting the social and environmental wellbeing of the population, nor did they feel that they were benefiting in the supposedly invested royalties. Furthermore, their perception of the corporations was that they did not comply with their politics of CSR¹¹¹.

The community not receiving any kind of response to their petitions and complaints accused the local and national government to favour the interests of capital over the rights of the communities (Ardila Beltrán et al. 2010: 45). Thus the last resort remaining for the community to get the attention of the government was a demonstration and road block interrupting the coal mining activities.

7.1 La Jagua, February 8th 2007

Similar events occurred in the community of Boquerón, in the municipality of La Jagua. Here, the probably most significant demonstrations and blockades took place on February 8th 2007. Frustration was mounting among the people, as the constant passing of trucks between la Loma and la Jagua caused immense amounts of air contamination, deteriorated the road and there were basically no employment opportunities within the mines. Moreover, social investment, as part of the CSR in the communities, and the related productive projects stopped after Carbones del Cesar S.A. sold its operations to CNR (cf. Ardila Beltrán et al. 2011: 58). After not receiving any kind of response to their formal letters of complaints (ibid.:

¹¹⁰ <http://www.verdadabierta.com/justicia-y-paz/2816-carbon-y-sangre-en-las-tierras-de-jorge-40> [Access 12.07.2013]

¹¹¹ Cf. Interview from 27.09.2012

50) about 500 people, consisting of local peasants as well as mining employees, decided to occupy the main road of la Jagua. For several days these roads were occupied, while the miners were striking, requesting response by the national President to the unbearable situation which was attributed mainly to the operations of Drummond Ltd. and Glencore plc¹¹². The main demands requested local employment in the mines; a greater share in the royalties, which were said to be non-existent; the pavement of the roads, which were said to be the main cause of fine particulate matter; reduction of the environmental contamination and tackling the immense health problems. The national government initially responded by sending the anti-disturbance squadron ESMAD, upon which the protesters burned the local police station. The protests left around forty wounded and one dead. Four days later President Álvaro Uribe made a visit to la Jagua to resolve the conflict¹¹³. The president in his visit promised to unfreeze \$41 billion COP of royalties, which had been frozen previously due to allegations of corruption of the municipal government in connection with the imprisonment of five mayors. Moreover, the Ministry of Environment promised to take action and an improvement plan was announced to cope with environmental deterioration; a plan for reinvesting part of the royalties into housing and sewage systems; a plan of paving the roads in conjunction with the TNCs; and examination of local employment options and existing contracts¹¹⁴. The regional *Defensoría del Pueblo* expressed solidarity with the protests, as he affirmed that only 13 of 92 points of the environmental plan were being fulfilled and the local population was lacking access to drinking water, sewage systems and a functioning health system¹¹⁵.

A letter signed by various national and regional labour unions, indigenous movements and other social movements claimed the motivation of the community and workers to the strike was initiated by the immense amounts of contamination caused by the coal mining and transportation activities. In it they complain about the high rates of unemployment; the respiratory diseases of the children; the misery in general and the presence of military and

¹¹² Mines and Communities (2007): Civil Society Statement.
<http://www.minesandcommunities.org/article.php?a=150> [09.10.2012]

¹¹³ El Espectador (2010): El Pueblo Más Robado de Colombia.
<http://www.elespectador.com/impreso/negocios/articuloimpreso-223828-el-pueblo-mas-robado-de-colombia>
 [Access 09.10.2012]

¹¹⁴ El Tiempo (2007): Visita de Uribe Calmó a La Jagua de Ibirico.
<http://www.eltiempo.com/archivo/documento/MAM-2386052> [Access 09.10.2012]; La Semana (2007): La Jagua de Ibirico, un Pueblo Rico Convertido en la Tierra del Olvido. <http://m.semana.com/on-line/jagua-ibirico-pueblo-rico-convertido-tierra-del-olvido/100995-3.aspx> [Access 09.10.2012]

¹¹⁵ WRadio (2007): Es una Protesta Justa. Defensor del Pueblo del Cesar.
<http://www.wradio.com.co/noticias/actualidad/es-una-protesta-justa-defensor-del-pueblo-del-cesar/20070212/nota/390009.aspx> [Access 09.10.2012]

paramilitary units since the arrival of the TNCs and human rights violations in general¹¹⁶. Additionally, the miners complain about the unsafe working environments and claim that 80 fatal accidents had taken place since 2004, coinciding with the closure of the State-owned Minercol Ltda., an institution responsible for the surveillance and vigilance of the mines. The letter contains demands by the signing parties addressed partially to the State and partially to the TNCs.

The strike in early February 2007 eventually led to the creation of working groups (*mesas de trabajo*), destined to deal with the various problems and made up of representatives of the ministry of environment, the local population and government, the mine workers and the corporations. On February 26th the environmental working group was set up, with the objective of making a strategic environmental evaluation; a declaration of source areas for contamination; a monitoring network for air and water quality and an agreement for cleaner production¹¹⁷.

This statement of the Ministry of Environment acknowledges that these working groups had an essential impact on community participation and for the creation of an arena of interaction between the various conflicting stakeholders:

“It is important to point out, that as part of the process generated in La Jagua de Ibrico, since February 2007, emerged from the Common Council and the concurrence of wills, the community participation, and a great part of the community representation has been through the formation and operation of the various working groups, [...] whose members have been active social actors in the monitoring that is continuously undertaken over the development of the activities of the mining companies” (Resolution 0824, 2009: 6, *trans.*).

More importantly, the environmental working group resulted in the resolution 386 (2007), declaring the area a source area of air contamination, which eventually led to the issuance of the resettlement order, resolution 0970 (2010).

However, ever since these large scale protests in February 2007 were held, with all the public attention they received, there have been numerous disputes taking place as the local communities feel that the corporations and state entities are not living up to the promises articulated in the working groups and the miners feel that their labour rights are being curtailed.

¹¹⁶ Cf. http://www.cdca.it/IMG/doc/AGREDIDA_VIOLENTAMENTE_PROTESTA_DE_HABITANTES_DE_LA_JAGUA_DE_IBIRICO.doc, p.1 [Access 11.06.2013]

¹¹⁷ Instalación Mesas de Trabajo 2007: 1. http://lajaguadeibirico-cesar.gov.co/apc-aa-files/63383530316434333530616230323339/MESA_DE_TRABAJO_1.doc [Access 12.07.2013]

For the case of el Hatillo, the leader of the JAC explained in an interview that since 2008, when the community started to feel strongly disturbed by the mining operations in direct proximity with the frequent explosions and dust creation¹¹⁸, they had gone into protest on three various occasions, occupying streets and thus disrupting the transport routes to the mines. A representative of CETEC affirmed that both the protests undertaken in la Jagua and in el Hatillo received support by the main labour union Sintramienergetica. Concerns expressed in the protests of el Hatillo, among others, was the non-existence of waste management¹¹⁹; the lack of water supply; employment¹²⁰; power supply¹²¹. Additional demands were made for the training of the youth both towards mining and agriculture and receiving a share of the wealth created by the royalties (Ardila Beltrán et al. 2010: 43).

As the president of the JAC of el Hatillo explained to me, after February 2007 and the consequent protests, the community received water supply in the form of a water pump (*bomba*); power supply in the form of a generator; the hiring of a few people; enlargement of the school and related infrastructure, such as a school canteen and computer hall; which he said was financed by the municipal government¹²². However, when visiting the school I encountered several signs in form of imprints on garbage bins, or posters on the wall, informing that these items had been sponsored by CNR (Goldman Sachs) (Fieldnotes 21.08.2012). During an informal conversation with one of the locals he pointed out that the school had been funded by various sources, naming CNR, the palm-oil plantation and the church (Fieldnotes 25.09.2012). The protests in el Hatillo were rather peaceful and in general were resolved by negotiations with the TNCs and local government that brought the mentioned results.

According to Ardila Beltrán et al. (2010) the other two communities affected by the resettlement expressed similar demands. Boquerón thus is said to demand direct employment with the corporations; capacity building for the youth; general improvement of public services and being compensated and/or resettled (ibid.: 45f.). Plan Bonito, besides demanding access to environmental information, on the other hand demands monetary compensation, as they

¹¹⁸ Instalación Mesas de Trabajo 2007: 1. http://lajaguadeibirico-cesar.gov.co/apc-aa-files/63383530316434333530616230323339/MESA_DE_TRABAJO_1.doc [Access 12.07.2013]

¹¹⁹ As La Loma does not have the necessary capital and capacity to deal with the over-population of the city, waste is simply deposited along the road connecting el Hatillo with la Loma at a length of roughly 500 metres

¹²⁰ At the time not a single person of the community was employed by any of the mining corporations

¹²¹ Cf. Interview from 09.10.2012

¹²² Cf. Interview from 27.09.2012; Interview from 09.10.2012

regard a resettlement as pointless, stating there is no area with guarantee of being undisturbed by future mining development (ibid.: 44).

7.2 Plan Bonito and La Loma, February 13th 2012

The last strike event to be treated in this chapter took place on February 13th 2012, in the community of Plan Bonito. This protest is of special interest, not only because of the violent response with devastating consequences for the community, but also because it is directly connected to the resettlement process.

The community decided to occupy the main streets and thereby disrupt the coal transportation. The protestors expressed anger and frustration about the unfulfilled promises of the TNCs and the resettlement operator FONADE, along with the increasing environmental contamination affecting the health of the local population and the lack of employment. Plan Bonito originally was supposed to be resettled within 6 months of issuance of the resettlement resolution, which was issued on 20th May 2010 (Resolution 0970, 2010: 6). The protest was initiated after a negotiation meeting between FONADE and the community, because several of the previously negotiated agreements had not been fulfilled by the resettlement operator, such as the future steps to be taken following the census and socio-economic study (Ask! 2012: 1). As neither FONADE nor the corporations appeared two weeks later, following an ultimatum to resolve the issue, posed by the community, they went to the streets. As the corporations failed to appear to another agreed meeting, on the following days the protestors continued the occupation of the streets resulting in confrontation with the mobile anti-disturbance squadron ESMAD. These confrontations led to the burning of houses and cars in the community, several injured and two killed police men. In negotiations later between the Defensoría del Pueblo, the community and the corporations, the community demanded more consistency in the process and complained about frequent changes in the representative of FONADE (ibid.: 1f.).

Following the protests in Plan Bonito, the city La Loma also decided to go into protest and thus occupied the streets on the 15th of February, complaining about the environmental contamination, unemployment and the necessity of training. Moreover, they demanded the refilling of the mining pits, a stop to the felling of trees and the moving of the deposit dump of the corporation Vale (ibid.: 2). As in Plan Bonito these protests escalated, provoking conflict between the ESMAD and the protestors, resulting in several wounded, destruction of infrastructure and the death of one police man (ibid.).

El Hatillo decided not to take part in the protests of La Loma or Plan Bontio, but publicised a communiqué, expressing their solidarity with the protests and affirming being affected by the protests taking place. These disturbances consisted of the inability to visit the urban centre La Loma to obtain basic necessities; the exposure to tear gas by the children attending school in La Loma; the presence of police forces in the community; the fear of extension of violence to the community; and the false reports of participation of el Hatillo in the protests by the media. The community demanded a peaceful resolution to the struggles in La Loma and Plan Bonito and the guarantee of respect of their fundamental rights (Comunidad del Hatillo 2012: 1).

These protests resulted in a meeting between representatives of the TNCs, the Defensoría del Pueblo, the departmental government, the Ministry of Mining and the communities Plan Bonito and El Hatillo in Valledupar. During this meeting it was agreed to respect the rights of the communities; ensure their participation in the process; make the process more transparent; and the creation of a transition plan to ensure stability until the fulfilment of the resettlement (Ask! 2012: 2). The leader of the community Plan Bonito was arrested the following month and charged with the murder of the police man of the ESMAD who had died during the riot¹²³. The verdict seems questionable, as strong proof was presented by the defence showing a video recording of the person at a different location than that of the shooting¹²⁴.

Implications

The outline of the events described here is intended to demonstrate how the happenings that took place in February 2007 and thereafter contributed to spark the dynamic which we find today. After almost two decades of large-scale mining, with constant growth of the mining sector and parallel decline of the traditional sectors, the communities feel increasingly disturbed and affected by the presence of the mining corporations. While they are involuntarily bearing the costs of the mining activities in the form of increased contamination to the air and hydric resources, affecting their health and agricultural activities; increased prices in the local markets and urban centre la Loma due to the high wages of the miners and the increasing necessity to import food products; deteriorated mobility due to the constant passing of trucks and an increase of crime due to the demographic explosion, they are exempt

¹²³ Vanguardia (2012): Capturado Presunto Homicida de Agente del Esmad.

<http://www.vanguardiavalledupar.com/judicial/41058-capturado-presunto-homicida-de-agente-del-esmad> [Access 15.07.2013]

¹²⁴ Vanguardia (2012): Niegan Libertad a Presunto Homicida de Policía en La Loma.

<http://www.vanguardiavalledupar.com/judicial/47333-niegan-libertad-a-presunto-homicida-de-policia-en-la-loma> [Access 15.07.2013]

of the benefits of the mining activities, as demand for local labour is basically non-existent and the weak institutions, on local and regional level, misuse or defalcate the money derived from royalties. Thus almost all points outlined in the theoretic part and as elaborated by Muradian et al. (2004: 4), for a mining-related environmental distribution conflict are given, leading up to an ignition of the of the latent conflict making it manifest (Giesen 1993: 97).

As the problems seem to be most related to the TNCs out of a local perspective an affective mobilisation (Giesen 1993: 101) towards this actor, uniting the local population, is a logic outcome. Out of a conflict theory perspective the communities decide to take the first action in the conflict order and start posing threats (ibid.: 97), in the form of formal complaints, filing rights to petition (*derecho de petición*) and letters to local, regional and national institutions. It is within these threats that the conflict actors become visible, showing the communities addressing their concerns towards the State on the one hand and the TNCs on the other, seeing responsibility for their condition lying with both these actors.

Moreover, these threats serve to demonstrate the concerns of the communities as their demands give insights into their necessities (Jeong 2008: 28). While these claims are contested by the State and the TNCs, accusing the communities of using a strategy of environmental concern in order to pressure them into giving them employment¹²⁵, thus being driven by motives of individual gain rather than true concern for the environment, I argue that on the contrary the claims filed by the communities must be seen as a form of “environmentalism of the poor” (Martinez-Alier 2002b: 40), arising out of a livelihood threat that is directly connected to the local ecology. It is in this sense that I claim their concern about the ecology is in fact much greater, as ecology is experienced as a lived space and its degradation is felt on several spheres, while for the TNCs and the State with their programs of ecological compensation, such as reforestation; animal reserves; or waste management, ecology is a distant environment, which becomes understandable through a monetary valuation.

Even though the demands filed by the communities may not overtly stem from ecological concern, most if not all of the claims can be associated with environmental degradation and increased dependency due to the encroachment of mining activities (Martinez-Alier 2002b: 40; Oliver-Smith 2001: 32). Hence, as has been noted on several occasions previously, all of the environmental degradation that took place has meant less income and fewer subsistence products and marked health impacts through environmental contamination, all creating a stronger dependency on capital, as the products that traditionally could be provided by the

¹²⁵ Cf. Interview from 01.10.2012; Interview from 08.10.2012

natural environment now need to be obtained from outside by means of money, or can only be produced through an over-exploitation of local resources. Additionally excessive expenses need to be made for health care. In hand with this need for interaction with outside capital and the involuntary interaction with the present mines comes an intense exchange with non-local cultures, lifestyles, demands and thus a change of vision is brought upon the community. All of these factors combined must be seen as attempts to alter the ecological, cultural and economic sphere (Escobar 2006) of the local population by the stronger actors, such as the TNC and State, with the ultimate goal of transforming these spheres to incorporate them into their dominant understanding.

Analysing the conflict order (Giesen 1993: 97), the first conflict action (*threat*) does not achieve any satisfying outcome, so the communities, in alliance with the labour unions, feel the necessity to make a demonstration of power (ibid.), entering the second conflict stage (*sanction*), starting large scale strikes to disrupt production and requiring action by the remaining conflict actors. It is at this stage that the alliances (ibid.: 95) become clearly visible, between local communities and labour union on the one hand and State and TNC on the other hand. While the local actors show power by the disruption of production, the other alliance relies on capital and the legitimate monopoly of force (Bryant/Bailey 1997: 131). Thus the State makes use of this monopoly, sending in its police forces to violently repress the sanctions of the communities and defending the interest of the State and TNCs. However, as national and international media and the attention of control entities within the State (such as the Ombudsman for Human Rights) enter the conflict, the cost of the sanctions (violent repression) seem to become too high and thus the local actors gain political power, as they receive public support due to their perceived moral legitimacy of their claims. Entering into new alliances with civil society actors (NGOs) that are able to lift their local struggle to a national or even international level, finally leads up to the last conflict stage (*negotiation*) (Giesen 1993: 97).

It is within these negotiations that the State becomes pressured to argue how the decisions made on the national scale contribute to benefits on the local scale and becomes forced into taking actions to enhance the relation between the national and local levels. The TNCs on the other hand are pressured into justifying the discrepancy between their contested actions and the representation within their policy of CSR, especially towards the shareholders, customers and politicians in their home countries.

On the ground these reactions take the form of resolutions sanctioning the environmental contamination and requiring resettlement and the improved distribution of royalties, as well as increased programs of CSR in the local communities.

However, these developments also contribute to an increasing dependency of the local actors on the dominant actors, creating an asymmetrical relation (Kriesberg/Dayton 2011: 15) and the distribution of power between them. This has caused the situation to fall back into the second conflict stage (*sanctions*) several times since the beginning of negotiations, leading to a dwindling of power created by this strategy of the local population.

8 Conclusion

This study set out to explore the underlying causes for the socio-ecological conflict around a resettlement process that is taking place in the carboniferous area of Cesar. A conflict taking place amid the widely praised discourse of financial and social benefits to the Colombian nation State due to the rapid growth of coal mining. The high prevalence of unsatisfied basic necessities and misery in local communities urged questioning of the public discourse and analysis of which actors were contributing to that situation, led by which interests and promoting what kind of justification for their actions and interference with nature and the local population.

Due to the ambitious plans of expansion of the coal mining activities by the national government and the consequent anticipation of similar events affecting other actors in the future, with the simultaneous lack of legal frameworks or institutions giving answers to these questions, a study shedding light on these questions and positioning local events in a historic development and scalar connection was highly relevant and in need of locally based fieldwork.

Moreover, the study wants to understand how power is created by the various actors and how this power could be used to enhance positions in the negotiation processes surrounding the resettlement, persistently guided by the assumption that this power resulted from an interaction with the environment. Theoretic literature combining a political ecology approach with conflict theory in resettlement processes is almost non-existent, at best scarce, but seems to provide a relevant approach to articulate the underrepresented concerns of the local communities.

This study's empirical findings were presented in various chapters under the focus of historicity, stakeholder perception and conflict, and in synthesis with the research question resulted in the following findings:

By leading up historically, rather than outlining the positions of each actor and finally giving an example of crucial interaction between actors I demonstrated the effect of the actions of global players in the neoliberal market system across scales. These actions affect the national macro-economic decisions and their eventual outcome on the local level, which was outlined by a conflict that, more than challenging merely the conditions of a resettlement, challenge the economic logics of the State, which is based entirely on extractivism.

Thus the approach aimed at providing an answer to the research question by suggesting that the extractivism employed by the State is the problematic factor, which needs to dispossess its

own citizens in order to create an accumulation (Harvey 2003) that is exported and leaving the dispossessed with the socialised costs while benefits are privatised. Following an historic increase of encroachment of the capitalist market economy on the lifestyles of the local populations and the extraction of natural resources, from *latifundismo* to cotton farming, to rice farming, to palm-oil plantations, the maximum expansion of capitalism is reached by an expulsion of the original population, being in need of their territory, but not their labour.

The resettlement is presented as an opportunity for the local community by providing them with extrinsically perceived benefits, but it is simultaneously the final step of an extractivism, where accumulation expels the original population from capitalistically interesting to less interesting locations, having profit as the only legitimate value.

Strategies by the dominant actors, aiming to delegitimise the credibility of real environmental concern by the local population, accusing them of environmental degradation, must be questioned and rather the actions of the local populations need to be deconstructed and should be seen as an “environmentalism of the poor” (Martinez-Alier 2002b: 40), attempting to articulate their environmental concern, which is directly linked to local forms of interaction with nature and the resulting creation of livelihoods, within a language understandable to western, capitalist hegemony. The different human-nature interactions and relationships affect the different understandings of the actors, forcing the subaltern local populations to articulate their interaction in the language of the dominant actors.

Within the attempt of articulating these concerns in the language of the dominant it seems that many aspects of the true environmentalism of the local community are lost (or will be lost) in the negotiation with the remaining actors and features of their human-nature relationships, such as common property regimes, are in danger of disappearing.

Furthermore, the weakness of the State institutions responsible for supervision and administration of mining activities, with the simultaneous non-existence of national legal frameworks for resettlement are main elements contributing to a conflictive interaction between the actors.

The local population managed to create power by going into alliances with other actors and gained public attention by civil unrest, supporting their way of interaction with the environment and providing legitimacy for their claims. However, they are forced to represent these claims in the arena of interaction and guidelines provided by the dominant actors (the State, TNCs and the World Bank), leading to a further encroachment of their lifestyles, visions, culture and an enclosure of their commons.

I therefore would argue that it is crucial to more thoroughly elaborate the claims, understandings and demands of the local population on their interaction with nature, their use of resources and right to land, being sensitive to how these claims are articulated in non-environmental terms, as has been partly suggested by Oliver-Smith (2001: 32). Moreover, it seems necessary to create an institution and legal framework dealing with resettlement issues that provides a space for articulation in non-dominant terms, in line with the understanding of the population being resettled, rather than the dominant World Bank discourse of group resettlement.

The findings of this study confirm the pattern elaborated by Muradian et al. (2004) on their theory of environmental distribution conflicts related to mining, as the events leading up to the conflict outlined in this study are coherent with the points established in their theory. They also line up with the Marxist critique of Hardin's "tragedy of the commons" (1968), as proposed by Ostrom (1999; 2001) or Robbins (2012), as the enclosure of the commons that has taken place in the location of this study, in the form of mining concessions, has encouraged, rather than prevented, an over-usage of resources by the TNCs, extracting the benefits individually while socialising the costs, thus being in direct contradiction to the proposed advantages suggested by Harding.

Future research should focus on the possibilities and opportunities of alternative economies to mining that can be defended or established despite the weakness of the nation state and contribute more directly to the creation of benefits within local communities, without imposing external imaginations of development, modernity or sustainability. Meanwhile, a national resettlement policy, protecting the rights of local communities with their best interest in mind and respecting national legal frameworks such as the national constitution and fundamental rights not only on paper but in real terms, is of utmost urgency in a nation that refers to itself as "mining country".

The limitations of this study, as mentioned in the chapter on methods, consist firstly in the asymmetry of access between the vulnerable and the dominant actors, resulting in an imbalance of data available for representation, due to the unwillingness to cooperate by the State and TNCs and my personal choice of taking agency as member of the NGO. Secondly, some dynamics were consciously left out of the focus of this research, as they seemed too blurred and inaccessible to be included within the timely and budgetary limits of the empirical

research for this thesis. These dynamics were the significance and impact of illegal armed groups on land disputes, actor relationship and general opposition to dominant forces.

Despite the numbers so generously presented by the national government on the positive effects of mining on the national economy, this contested economic growth cannot be confirmed to result in any kind of positive social or environmental development for the country, neither on the local nor on the national level. This study helped to show that the socio-ecological conflict surrounding the resettlement processes in the Cesar region clearly confirms the discrepancy between public discourse and local reality. Even though the outcome of the resettlement cannot be foretold at the moment, it can be clearly noted that mining in its current form is detrimental to local communities where it is undertaken and if not reformed in the long-run will be the cause of many more potentially violent conflicts negatively affecting the nation as a whole.

9 Literature

- Adamoli, Ambrosio** (1973): La Realidad Sagrada en una Comunidad Pentecostal del Cesar. In: Cuadernos de Antropología 2. Bogotá.
- Agar, Michael** (1996): The Professional Stranger. An Informal Introduction to Ethnography. 2nd Ed. San Diego: Academic Press.
- Ardila Beltrán, Esperanza; Ternera Lobato, Cristian E.; Giraldo Barbosa, Jorge E.** (2010): Las Paradojas de una Bonanza. Impactos de la Actividad Carbonera en los Departamentos del Cesar y Magdalena. Santa Marta: Editorial Unimagdalena.
- Ardila Beltrán, Esperanza; Ternera Lobato, Cristian E.; Giraldo Barbosa, Jorge E.; Silva Vallejo, Fabio** (2011): Imágenes y Relatos Sociales de la Actividad Carbonera en el Cesar y el Magdalena. 1st Ed. Santa Marta: Editorial UniMagdalena.
- Asamblea Departamental del Cesar** (2012): Ordenanza No. 047 de 2012. Plan de Desarrollo para el Departamento del Cesar 2012-2015 'Prosperidad a Salvo'.
- Ask! – Arbeitsgruppe Schweiz-Kolumbien** (2011): Jahresbericht 2011 der Arbeitsgruppe Schweiz-Kolumbien ask!.
- AUSTRADE** (2010): Colombia Mining Projects Report 2010. Projected Investment on Mine Development and Expansion Projects in Colombia 2010 to 2020. Bogotá.
- Bebbington, A.** (2012): Underground Political Ecologies: The Second Annual Lecture of the Cultural and Political Ecology Specialty Group of the Association of American Geographers. Geoforum (2012), <http://dx.doi.org/10.1016/j.geoforum.2012.05.011> [Access 01.07.2013]
- Bonacker, Thorsten** (1996): Konflikttheorien. Eine sozialwissenschaftliche Einführung mit Quellen. Opladen: Leske & Budrich.
- Bonet, Jaime** (2007): Minería y Desarrollo Económico en el Cesar. In: Documentos de Trabajo Sobre Economía Regional, No. 85. Cartagena de Indias: Banco de la Republica.
- Browitt, Jeff** (2001): Capital punishment: The fragmentation of Colombia and the Crisis of the Nation-State, Third World Quarterly, 22:6, 1063-1078.
- Casas Navarro, Victor; et al.** (n.d. [1988]): Tu Cesar. Fondo Mixto de Promoción del Cesar. N.p.: Servigraphic Ltda.
- CENSAT Agua Viva** (2010): Conflictos Socio-Ambientales por la Extracción Minera en Colombia. Casos de la Inversión Británica. Calí: Merlín S.E.
- Cernea, Michael** (1997): The Risks and Reconstruction Model for Resettling Displaced Populations. In: World Development, Vol. 25, No. 10. Washington D.C.: Elsevier Science Ltd. 1569-1587.

CETEC (2008): Reseña de la Historia de la Vereda del Hatillo del Municipio del Paso – Cesar.

Chapman Jennifer (2005): Rights-Based Development: The Challenge of Change and Power.

Chomsky, Aviva; Leech, Garry M.; Striffler, Steve (2007): The People Behind Colombian Coal. Mining, Multinationals and Human Rights. Bogotá: Casa Editorial Pisando Callos.

CINEP / PPP (2012): Minería, Conflictos Sociales y Violación de Derechos Humanos en Colombia. Bogotá.

Ciparisse, Gérard (2003): Tesoro plurilingüe de tierras. Versión en español. Roma: FAO.

Coggon, David; Taylor, Anthony N. (1998): Coal Mining and Chronic Obstructive Pulmonary Disease: A Review of the Evidence. In: Thorax, 53, 398-407.

Comunidad del Hatillo (2012): Comunicado Público de la Comunidad del Hatillo. 15 February 2012.

Comunidad del Hatillo (2013): Comunicado Público de la Vereda del Hatillo. 25 April 2013.

Contraloría General de la República (2013): Minería en Colombia. Fundamentos para Superar el Modelo Extractivista.

CORDAID (2011): Conflictividad en el Sector Minero Energético en Colombia. Bogotá.

CORPOCESAR (2011): Caracterización e Impactos Ambientales por Vertimientos en Tramos de la Cuenca Media y Baja del Río Cesar, Valledupar 2011. Caracterización de Efluentes Objeto de Cobro de la Tasa Retributiva. Barranquilla: Universidad del Atlántico.

Crang, Mike; Cook, Ian (2007): Doing Ethnographies. Los Angeles; London; New Delhi; Singapore; Washington DC: SAGE Publications.

Daza Torres, Hermel; Araújo T., Jose (1991): El Cesar. Provincia, Expresión y Desarrollo. Bogotá: Talleres de OP Gráficas.

de Villalobos, Ruy (2002): La Valuación de Recursos Naturales Extinguibles: El Caso de la Merluza en el Mar Continental Argentino. In: Alimonda, Héctor (Ed): Ecología Política. Naturaleza, Sociedad y Utopía. 1st Ed. Buenos Aires: CLACSO-Consejo Latinoamericano de Ciencias Sociales.

Defensoría del Pueblo (2010): La minería de Hecho en Colombia. Defensoría Delegada para los Derechos Colectivos y del Ambiente. Bogotá: Imprenta Nacional de Colombia.

DNP (2011): Bases del Plan Nacional de Desarrollo 2010 – 2014. Prosperidad Para Todos.

Douglasdale (n.d.): Coal Health Study. Douglasdale Community Coal Health Study.

Drummond (2004): Diez Años de Buena Energía en Colombia. Balance Social.

- Drummond** (2008): *Generating Development in Partnership with the Community*. Corporate Social Responsibility 2008. N.p.: Panamericana Formas e Impresos.
- Drummond** (2009): *Our Greatest Value: The Social Responsibility*. Publication for Employees of Drummond in Colombia, No. 27, July 2009.
- Escobar Gutierrez, Maria Elvira** (1969): *Influencias Externas en una Comunidad Tradicional del Cesar*. Bogotá.
- Escobar, Arturo** (1999): *After Nature: Steps to an Antiessentialist Political Ecology*. In: *Current Anthropology* 40, no. 1 (February 1999): 1-30.
- Escobar, Arturo** (2006): *Difference and Conflict in the Struggle over Natural Resources: A Political Ecology Framework*. In: *Development* 49 (3): 6-13.
- Escobar, Arturo** (2008): *Territories of Difference: Place, Movements, Life, Redes*. Durham: Duke University Press.
- Fierro Morales, Julio** (2012): *Políticas Mineras en Colombia*. Bogotá: Digiprint Editores E.U.
- Franco, Giovanni; Gallo, Adrián Felipe; Franco, Esteban** (2010): *El Carbón Colombiano y el Modelo de Hotelling*. In: *Revista EIA*, Vol. 14: 67-74.
- Galeano, Eduardo** (1997): *Open Veins of Latin America. Five Centuries of the Pillage of a Continent*. 25th Ed. New York: Monthly Review Press.
- Galeano, Eduardo** (2012): *Die offenen Adern Lateinamerikas. Die Geschichte eines Kontinents*. 3rd Ed. Wuppertal: Peter Hammer Verlag.
- Gamarra Vergara, Jose R.** (2005): *La Economía del Cesar Después del Algodón*. In: *Documentos de Trabajo Sobre Economía Regional*, No. 59. Cartagena de Indias: Banco de la Republica.
- Genat, Bill** (2009): *Building Emergent Situated Knowledges in Participatory Action Research*. In: *Action Research* 2009, Vol. 7(1). Los Angeles; London; New Delhi; Singapore; Washington DC: SAGE Publications: 101-115.
- Giesen, Bernhard** (1993): *Die Konflikttheorie*. In: Endruweit, Günter [Ed.]: *Moderne Theorien der Soziologie. Ein Lehrbuch*. Stuttgart: Ferdinand Enke. Pp. 87-134.
- Glencore** (2012): *Glencore International plc Prospectus*.
<http://www.glencorexstrata.com/assets/Uploads/Glencore-Prospectus.pdf> [Access 06.07.2013]
- Gudynas, Eduardo** (2002): *La Ecología Política de la Integración: Reconstrucción de la Ciudadanía y Regionalismo Autónomo*. In: Alimonda, Héctor (Ed): *Ecología Política. Naturaleza, Sociedad y Utopía*. 1st Ed. Buenos Aires: CLACSO-Consejo Latinoamericano de Ciencias Sociales.

- Gudynas, Eduardo** (2011): Neo-Extraktivismus und Ausgleichsmechanismen der progressiven südamerikanischen Regierungen. In: Kurswechsel 3/2011: 69-80.
- Hardin, G.** (1968): The Tragedy of the Commons. In: Science Vol. 162, 1243-1248.
- Harvey, David** (2003): The New Imperialism. Oxford: Oxford University Press.
- Hickey, Samuel; Mitlin, Diana** (2009): Rights-based Approaches to Development. Exploring the Potential and Pitfalls. Sterling, VA: Kumarian Press.
- IDE Cesar** (n.d.): Diagnóstico Estratégico. Contrato Interadministrativo 1234 Gobernación del Cesar – Idecesar.
- Indepaz** (2011): Megaminería y Reasentamientos Forzados. Bogotá: Punto de Encuentro.
- International Finance Corporation** (2002): Handbook for Preparing a Resettlement Action Plan.
- Jeong, Ho-Won** (2008): Understanding conflict and conflict analysis. Los Angeles: SAGE.
- Khittel, Stefan** (1999): The Law Concerning the Black Communities in Colombia: Ethnic Rights or Anti-Discrimination Rights? In: René Kuppe und Richard Potz (Eds.): Law and Anthropology, Vol. 10, pp 265-282.
- Kindornay, Shannon; Ron, James** (2012): Rights Based Approaches to Development: Implications for NGOs. Forthcoming in: Human Rights Quarterly 2012.
- Kriesberg, Louis; Dayton, Bruce W.** (2011): Constructive conflicts. From Escalation to Resolution. 4th Ed. Lanham: Rowman & Littlefield.
- Kuppe, R.; Potz, R.** (2001): Law & Anthropology: International Yearbook for Legal Anthropology, Volume 11. The Hague: Kluwer Law International.
- Little, Paul E.** (1999): Political Ecology as Ethnography. The Case of Ecuador's Aguarico River Basin. In: Série Antropologia, No. 258. Brasília.
- Little, Paul E.** (2007): Political Ecology as Ethnography. A Theoretical and Methodological Guide. In: Horiz. Antropol. Vol. 3. Porto Alegre.
- Luxemburg, Rosa** (1975 [1913]): Gesammelte Werke. Herausgegeben vom Institut für Marxismus-Leninismus beim ZK des SED. Vol. 5. „Die Akkumulation des Kapitals. Ein Beitrag zur ökonomischen Erklärung des Imperialismus“. P. 5-411.
- Martínez Ubáñez, Simón; Iguarán Aguilar, Jorge** (n.d. [2003]): Orígenes. El Cesar y Sus Municipios. N.p.: Editorial Apice.
- Martinez-Alier, Joan** (2002a): The Environmentalism of the Poor. A Study of Ecological Conflicts and Valuation. Northampton: Edward Elgar Publications.
- Martinez-Alier, Joan** (2002b): The Environmentalism of the Poor. Paper for: The Political Economy of Sustainable Development: Environmental Conflict, Participation and

Movements. World Summit on Sustainable Development; 30.08.2002, Johannesburg: Unpublished Draft.

Mayring, Philipp (1993): Einführung in die qualitative Sozialforschung. Eine Anleitung zu qualitativem Denken. 2nd Ed. Weinheim: Psychologie Verlags Union.

Mayring, Philipp (2002): Einführung in die qualitative Sozialforschung. Eine Anleitung zu qualitativem Denken. 5th Ed. Weinheim: Beltz.

Ministerio de Minas y Energía (2007): Modelo de Gestión para la Productividad y la Competitividad Sostenible de los Distritos Mineros en Colombia. Marco Orientador.

Municipio de el Paso (2012): La Palabra se Cumple, las Obras se Ven. Plan de Desarrollo Municipal. El Paso – Cesar 2012-2015.

Muradian, Roldan; Folchi, Mauricio; Martinez-Alier, Joan (2004): ‘Remoteness’ and Environmental Conflicts: Some Insights from the Political Ecology and Economic Geography of Copper. In: International Journal of Sustainable Development. Vol. 7 (3): 1-20.

Neumann, Roderick P. (2005): Making Political Ecology. London; New York: Hodder Education; Oxford University Press.

Neumann, Roderick P. (2009): Political ecology: Theorizing Scale. In: Progress in Human Geography 33 (3): 398–406.

NIOSH (2011): Coal Mine Dust Exposures and Associated Health Outcomes. A Review of Information Published Since 1995. In: Current Intelligence Bulletin 64, (2011-172).

ODG – Observatorio de la Deuda en la Globalización; TNI – Transnational Institute (2013): Impunity Inc. Reflections on the “Super-Rights” and “Super-Powers” of Corporate Capital. Barcelona.

ODI (1999): What Can We Do With a Rights-based Approach to Development? In: Overseas Development Institute. Briefing Paper: 11/99 (3).

Oliver-Smith, Anthony (2001): Displacement, Resistance and the Critique of Development. From the Grass Roots to the Global. Final Report prepared for: ESCOR R7644 and the Research Programme on Development Induced Displacement and Resettlement.

Oliver-Smith, Anthony (2005): Applied Anthropology and Development-Induced Displacement and Resettlement. In: Kedia, Satish; van Willigen, John (Eds.): Applied anthropology. Domains of Application. Westport: Greenwood; Praeger. Pp: 189-219.

Ostrom, Elinor (2001): Reformulating the Commons. In: Burger, Joanna et al. (Eds.): Protecting the Commons. A Framework for Resource Management in the Americas. Washington D.C.: Island Press.

- Ostrom, Elinor et al.** (1999): Revisiting the Commons. Local Lesson, Global Challenges. In: Science, Vol. 284, 278-282.
- Paredes Cruz, Joaquín** (1975): Departamento del Cesar. Factores Socioeconómicos, Culturales y Turísticos. Bogotá: Ediciones Cima.
- PAS – Pensamiento y Acción Social** (2011): Caracterización del Caso el Hatillo. Actores, Dinámicas y Conflictos. Bogotá.
- PBI – Peace Brigades International** (2011): Colombia. Mining in Colombia: At What Cost? Newsletter No. 18, November 2011.
- Peet, Richard; Robbins, Paul; Watts, Michael** (2011): Global Political Ecology. London; New York: Routledge.
- Polanyi, Karl** (1944): The Great Transformation: The Political and Economic Origins of Our Time. 2nd Edition. Boston: Beacon Press.
- Procuraduría General de la Nación** (2008): La Explotación del Carbón en el Cesar. Informe Preventivo. Bogotá.
- Prodeco** (2010): Sustainability Report 2010.
- Prodeco** (2011): Our Sustainability Report 2011.
- RePlan** (2013): Plan de Acción Reasentamiento de el Hatillo. Proyecto Cesar. Colombia. Borrador 5 Capítulos Iniciales. Unpublished Draft from 16.05.2013.
- Richani, N.** (2005): Multinational Corporations, Rentier Capitalism, and the War System in Colombia. Latin American Politics and Society, 47: 113–144.
- Rudas Lleras, Guillermo** (2010): Política Ambiental del Presidente Uribe, 2002 – 2010. Niveles de Prioridad y Retos Futuros.
- Rudas Lleras, Guillermo** (2012a): La Locomotora Minera. ¿Crecimiento Compatible con la Adaptación al Cambio Climático? Powerpoint Presentation for: Foro Nacional Ambiental.
- Rudas Lleras, Guillermo** (2012b): Minería y Finanzas Públicas. Regalías, Canon Superficial y Régimen Tributario. Powerpoint Presentation for: 4. Convención Nacional Minera.
- Sachs, Wolfgang** (2010): The Development Dictionary. A Guide to Knowledge as Power. 2nd Ed. London; New York: Zed Books.
- Scott, Douglas F.; Grayson, Larry R.** (n.d.): Selected Health Issues in Mining. N.p.
- Secretaría de la Salud Departamental** (2011): Informe de Estudio Poblacional Sobre Prevalencia de Enfermedades Relacionadas con la Contaminación Ambiental en la Vereda el Hatillo-Corregimiento de La Loma, Municipio de el Paso. April 5 – 7.
- Spradley, J.P** (1980): Participant Observation. N.p.: Holt, Rinehart and Winston.

- Stanley, Jason** (2004) Development-Induced Displacement and Resettlement. Research Paper for: Forced Migration Online Research Guide. Refugee Studies Centre: University of Oxford, January 2004. <http://www.forcedmigration.org/research-resources/expert-guides/development-induced-displacement-and-resettlement/fmo022.pdf> [Access 06.06.2013]
- Swampa, Maristella** (2012): Bergbau und Neo-Extraktivismus in Lateinamerika. In: Forschungs- und Dokumentationszentrum Chile-Lateinamerika. Rosa-Luxemburg-Stiftung (Eds.): Der Neue Extraktivismus. Eine Debatte über die Grenzen des Rohstoffmodells in Lateinamerika. Berlin: FDCL-Verlag, 14-23.
- Terminski, Bogumil** (2013): Development-Induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges. University of Geneva.
- The Ecologist** (1994): Whose Common Future: Reclaiming the Commons. In: Environment and Urbanization 6 (1), 106–130.
- Thwaites Rey, Mabel** (2008): The Poulantzas Contribution to Think Latin America. Seminar Paper for: European Studies Research Institute (ESRI), Centre for Contemporary History and Politics, Manchester: University of Salford. <http://www.mabelthwaitesrey.com.ar/wp-content/uploads/art-period/Poulantzas%20in%20Latin%20America-2.pdf> [Access: 01.07.2013]
- Trimmel, Michael** (1997): Wissenschaftliches Arbeiten: Ein Leitfaden für Diplomarbeiten und Dissertationen in den Sozial- und Humanwissenschaften mit besonderer Berücksichtigung der Psychologie. Wien: Facultas.
- Trumka, Richard L.** (1984): The Prevention of Dust Diseases in Coal Miners. In: Journal of Public Health Policy, 5/3, 338-343.
- UNDP** (2010): Cesar. Análisis de la Conflictividad. N.p.: Impresol Ediciones.
- UPME** (2005a): Distritos Mineros. Exportaciones e Infraestructura de Transporte. Bogotá: Dígitos y Diseños.
- UPME** (2005b): Mining, an Excellent Choice for Colombia. The Investor's Guide.
- UPME** (2006): Colombia País Minero. Plan Nacional de Desarrollo Minero. Visión al Año 2019.
- UPME** (2007): Contrato 1517-12-2007. Programa de Aprovechamiento Sostenible de Carbón –PASC- en la Zona Central del Cesar Aplicando Evaluación Ambiental Estratégica –EAE-.
- UPME** (2012): Cadena del Carbón. Bogotá.
- USAID** (2010): USAID Country Profile. Property Rights and Resource Governance. Colombia.

VDKI – Verein Der Kohlenimporteure (2012): Jahresbericht 2012. Fakten und Trends 2011/2012.

WHIASU (2011): A Guide to Assessing the Health and Wellbeing Impacts of Opencast Mining. In: Wales HIA Support Unit. March 2011.

Wilde-Ramsing, Joseph; Steinweg, Tim; Racz, Kristof; Scheele, Fleur (2012): The Black Box. Obscurity and Transparency in the Dutch Coal Supply Chain. Amsterdam: SOMO.

Wissen, Markus (2011): Gesellschaftliche Naturverhältnisse in der Internationalisierung des Staates. Konflikte um die Räumlichkeit staatlicher Politik und die Kontrolle natürlicher Ressourcen. 1st Ed. Münster: Westfälisches Dampfboot.

World Bank (2001): Operational Manual. OP 4.12 – Involuntary Resettlement.

10 Appendices

10.1 Sample Interview Questions (Adjusted for TNC)

1. ¿Qué significa desarrollo para la empresa?
2. ¿Qué es la estrategia de desarrollo de su empresa en términos económico, social y ambiental? ¿Para las comunidades* y el país?
3. ¿Cuáles son los problemas en el sector minero?
4. ¿Qué uso tiene la tierra para la empresa?
5. ¿Cómo se beneficia la sociedad de las actividades mineras?
6. ¿Cuáles son los intereses del estado Colombiano en sus actividades?
7. ¿Cuáles son las necesidades más importantes de las comunidades*?
8. ¿Qué efecto tiene su presencia para las comunidades locales*? ¿Qué derecho tienen? ¿Qué beneficios tienen? ¿Cómo atribuyen a su desarrollo?
9. ¿Cuáles son las zonas de impacto? ¿Cuál impactos hay? ¿Qué impacto tienen sus operaciones al medio ambiente?
10. ¿Cómo usan sus inversiones sociales? ¿Cuáles son los enfoques?
11. ¿Qué derecho tiene la empresa a los recursos en la zona? ¿Cómo se establece ese derecho? ¿Qué derecho tienen las comunidades* a los recursos?
12. ¿Qué derecho tiene la empresa a la tierra en la zona? ¿Cómo se establece ese derecho? ¿Qué derecho tienen las comunidades* a la tierra?
13. ¿Cómo pueden las autoridades locales / regionales / departamentales participar en decisiones en el sector minero?
14. ¿Cómo era la situación en la zona antes de su llegada? ¿Cómo se ha cambiado?
15. ¿Porque es necesario reasentar a las comunidades*?
16. ¿Cómo se va a cambiar la vida de las comunidades* con el reasentamiento? ¿Cuáles son los beneficios del reasentamiento?
17. ¿Cuáles son los beneficios de las actividades de la minería? ¿En el nivel local, departamental, nacional e internacional?
18. ¿Cómo se representa la empresa políticamente? ¿Cómo defiende sus derechos e intereses?
19. ¿Cómo ve la distribución entre costos y beneficios de la minería?

*Las comunidades: Plan Bonito, Boquerón y el Hatillo

10.2 Abstract

Coal mining has become an increasingly important and dominant part of the Colombian economy. While currently the fourth largest exporter of coal globally, ambitious expansion plans have been articulated for the future. This economic expansion, based on an extractivism requiring extensive areas of land for mining and exclusively aimed at export, is causing a wide array of socio-ecological problems throughout the country. The objective of this study is to demonstrate some of these problems by exploring a resettlement process of three communities in the carboniferous area of Cesar, Colombia. Through the use of ethnographic techniques, such as participant observation, qualitative interviews and literature research, led by a framework of political ecology and conflict theory it discusses differing understandings of nature, rights to resources and the allocation of costs and benefits related to the coal mining activities. The results of this study demonstrate that local and national realities do not coincide with positive development as advertised by transnational corporations and the Colombian nation state. On the contrary, the country has failed to prepare its institutional capacity to handle the vast mining industry it is trying to implement. It increasingly defends the interest of foreign capital, rather than that of its own population, willingly sacrificing nature and displacing local communities for the prospect of economic development.

10.3 Zusammenfassung

Kohlebergbau wird ein zunehmend bedeutsamerer und marktbeherrschender Teil der kolumbianischen Wirtschaft. Während das Land momentan noch der weltweit viertgrößte Exporteur von Kohle ist, hat es bereits ambitionöse Expansionspläne für die Zukunft präsentiert. Diese wirtschaftliche Expansion, basierend in einem Extraktivismus, der enorme Landflächen für einen, rein an den Export orientierten, Bergbau benötigt, wird mit einer Fülle von sozio-ökologischen Problemen in Verbindung gebracht. Das Ziel dieser Studie ist es einige dieser Probleme, durch die Analyse eines Umsiedelungsprozesses dreier Gemeinden in dem kohlefördernden Gebiet Cesar in Kolumbien, zu beleuchten. Durch die Verwendung ethnographischer Methoden, wie teilnehmende Beobachtung, qualitative Interviews und Literaturrecherche, werden, geleitet durch den theoretischen Rahmen der Politischen Ökologie und Konflikttheorie, unterschiedliche Verständnisse von Natur, Recht auf Ressourcen und die Verteilung von Kosten und Nutzen in Verbindung mit Kohlebergbau diskutiert. Die Ergebnisse dieser Studie veranschaulichen die Diskrepanz zwischen der, von transnationalen Unternehmen und dem Nationalstaat, angepriesenen positiven wirtschaftlichen Entwicklung und der Realität auf lokaler und nationaler Ebene. Geleitet durch die Notwendigkeit ausländisches Kapital zu attrahieren hat der Nationalstaat es verabsäumt seine institutionelle Kapazität auf die rapide Expansion des Bergbausektors vorzubereiten. Er vertritt vermehrt die Interessen ausländischer Akteure anstelle seine eigene Bevölkerung zu schützen. Mit der Aussicht auf wirtschaftliche Entwicklung bereitwillig wird Natur geopfert und die lokale Bevölkerung vertrieben.

10.4 Curriculum Vitae

Persönliche Daten

Vorname Sören
Zuname Ronge
Geburtsdatum 16.11.1986
E-Mail s.ronge@gmail.com

Ausbildung

März/2008 – Oktober/2013: Internationale Entwicklung, Universität Wien
(Diplomstudium)

Studienschwerpunkte: Lateinamerika
 Umwelt- und Bio-Ressourcen-Management
 Politische Ökologie
 Interne Vertreibung

September/1997 - Juni/2005: BG/BRG Sillgasse, Innsbruck
(Matura)

Auslandsaufenthalte zu Studienzwecken

Juli/2012 – Oktober/2012: KWA-Stipendium
 Feldforschung in Bogotá und Cesar, Kolumbien

März/2011 – Juli/2012: Joint Study
 Universidad de Chile, Santiago, Chile

Sept./2010 – Feb./2011: Erasmus
 Universidad de Valladolid, Valladolid, Spanien

August/2003 – Juli/2004: Rotary International Youth Exchange Scholarship
 Cawthra Park Secondary School, Mississauga, Kanada

Berufserfahrung

Sept./2013 – Okt./2013: Übersetzungsarbeit für Forschungsprojekt „Medien- und kommunikationspolitische Steuerung in der Krise. Neue Spielräume, neue Handlungszwänge?“
 Universität Salzburg

Juli/2012 – Okt./2012: Praktikum bei der NGO „Pensamiento y Acción Social“ im Department für “Firmen, Territorium und Menschenrechte“. Bogotá, Kolumbien

März/2010 – Juni/2010: Praktikum bei der internationalen Friedensorganisation SCI Austria als Public Relations (PR) Verantwortlicher der NGO. Wien, Österreich

April/2006 – Juni/2007: Militärdienst. 15 Monatige Ausbildung bis zum Sergeant als Gruppenchef einer Militärpolizeieinheit.
Stockholm, Schweden

2004 – 2011: Diverse Ferialarbeiten, Projekte und Nebenjobs

Unterbrechung der Schul- und Studienzeiten

Juli/2005 – März/2006: Berufliche Tätigkeit & Auslandsaufenthalt;
Perth, Australien

Juli/2007 – Februar/2008: Berufliche Tätigkeit & Auslandsaufenthalt;
Tongariro, Neuseeland

Weitere Qualifikationen

Fremdsprachenkenntnisse:	Deutsch	Muttersprache
	Schwedisch	Muttersprache
	Englisch	Verhandlungssicher
	Spanisch	Fließend
	Französisch	Grundkenntnisse

Computerkenntnisse:	MS Office	Word, Excel, Powerpoint, Access
	Datenanalyse	Atlas.ti, Citavi, Acrobat Pro
	Medienbearbeitung	Adobe Premiere Pro, Adobe Photoshop
	Social Media	Facebook, Twitter, Tumblr, Blogger

Seminare: UGL Understanding Group & Leader. Funktionalität und Dynamik von Gruppen, sowie intensives Leadershiptraining.
1 Wöchiges, isoliertes Seminar