

# The Profiteers Bulletin

Ending Canadian corporate impunity in Colombia

September 2013



Canadian oil company Pacific Rubiales Energy on trial : A report from the Canadian delegation to the Popular Tribunal on Extractive Policies in Colombia(p.1)

National Agrarian Strike : Canadian organisations express solidarity with Colombia's peasant farmers (p.3)

## Canadian Delegation in Colombia

At the initiative of the Project Accompaniment and Solidarity Colombia (PASC), representatives of Canadian and Quebec civil society organisations were in Colombia this summer to support and observe a popular hearing on the actions of Canadian oil company Pacific Rubiales Energy in Colombia. The hearing was part of the more expansive *Popular Tribunal on Extractive Policies in Colombia*, organised by Colombian social organisations, including the Unión Sindical Obrera (USO), the national oil workers' union.

### Shame on This Canadian Company

Pacific Rubiales Energy is the largest foreign oil company in Colombia. It produces 40% of the country's crude oil and employs 15,000 workers. Over 90% of their employees are subcontracted, meaning that they live in permanent job insecurity, work in dismal conditions, and receive salaries below the oil industry minimum wage. Since 2011, the company has been embroiled in a conflict with its workers and the communities living near the oil fields. In September 2011, Pacific Rubiales and the USO signed an agreement in the presence of the Canadian embassy. The company never respected the agreement.

In December 2012, a subcontractor working for Pacific Rubiales who had been organizing workers on behalf of the union was assassin-

ated shortly after receiving a death threat. The circumstances surrounding his death suggest that the murder was related to his union activities. The company has also created a "blacklist" of USO-affiliated workers and circulated it among other companies in order to bar said workers from getting a job in the region.

The Canadian government has refused to intervene further in the labour dispute despite having brokered the agreement. Amir Khadir, an opposition member of Quebec's legislature who participated in the delegation, has denounced this silence, arguing that the company's behaviour is damaging Canada's reputation in Colombia.

Dave Coles, president of the Communications, Energy and Paperworks Union of Canada (CEP), Canada's largest energy industry union, also participated in the delegation. "Pacific Rubiales has created a violent conflict, in which worker activists not only face threats and violence, but have paid with their lives," he said. "This is a black mark against Canada and the entire Canadian extractive industry." Coles called on politicians to "take their heads out of the sand and take action by calling for a moratorium on all extraction concessions in Colombia until the country revamps its policies. As it stands now, extractive companies are exploiting

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workers and the environment in the blind pursuit of profits."

Pacific Rubiales refuses to recognise the oil workers' union (USO) as the legitimate representative of the subcontracted workers. Union officials said employees have been forced to sever ties with their union in order to get work. They say roads have been blocked and checkpoints set up to keep USO representatives away. "We feel like we're fighting against a monster," said USO President Rodolfo Vecino.

"When the Canadian government signed the Canada-Colombia Free Trade Agreement it also signed an accord concerning labour," argued Guy Martin, member of the delegation and representative of the Confédération des syndicats nationaux (CSN), a Quebec labour union. "The labour agreement stipulates that each country must incorporate and protect fundamental labour rights like the freedom of association and the right to collectively negotiate, including the right to strike. However, since the agreements took effect, the human rights situation in Colombia has not changed. At the same time, a Canadian company -- the largest foreign oil producer in the country -- has been in the middle of a two-year long labour conflict. What is our government doing about it?"

In addition to violations of workers' rights, sources on the ground have reported violations of the economic, social and cultural rights of local indigenous communities. Terry Lynn Brant, who represents the National Aboriginal People's Circle on the Human Rights Committee of the Public Service Alliance of Canada, also participated in the delegation to Puerto Gaitán. She asked for forgiveness on behalf of the indigenous people of her country for "the harm that this Canadian company is causing to Colombian communities." Brant said that the Sikuani, the majority indigenous people in the region, "have watched their rivers become polluted and are experiencing social problems such as unemployment, robbery, and diseases whose consequences will not be known for many years."

"The witnesses can be vulnerable to threats before, during and after the hearing," adds Constance Vaudrin of the Americas Policy Group (APG). That's why a Canadian delegation is so important: to lend visibility to this popular process, and to assure the security of witnesses."



*Members of the Canadian delegation with unions leaders of the Union sindical Obrera – USO, Bogota, July 2013.*

Amir Khadir, who took charge of observing environmental conditions at Campo Rubiales, stated that there is "very clear testimony that some 500 to 1000 heavy trucks are rolling through the area, raising a great deal of dust that is having a direct impact on people's health." He added that the local water supply is threatened "because the company plans to use the land next to the Caño Rubiales river to install wastewater retention facilities."

"We do not know if everything we have heard is caused by Pacific Rubiales," added Khadir, "but we do know that such a large number of complaints about the company strongly suggest noncompliance, and that more in-depth studies about the evidence we have gathered must be conducted."

According to Eva Mascolo, a delegate representing the Committee for Human Rights in Latin America (CDHAL), the people of Canada do not know what energy companies listed on the Toronto Stock Exchange, such as Rubiales, are doing overseas. "There are no mechanisms for bringing multinationals to

justice when they violate human rights outside of Canada, and there is no accountability," she said. "These companies live in a legal haven, and that is why 70% of the world's mining companies are in Canada."

Nine organisations participated in the Canadian delegation to the *Popular Tribunal on Extractive Policies in Colombia*: Québec Solidaire, Confédération des syndicats nationaux (CSN), Public Service Alliance of Canada (PSAC), Americas Policy Group (APG), Canadian Union of Postal Workers (CUPW), Committee for Human Rights in Latin America (CDHAL), CASA – Toronto (Colombia Action Solidarity Alliance), the Committee for the human rights in Latin America (CDHAL) and Project Accompaniment and Solidarity with Colombia (PASC). Press releases and articles available online at [www.pasc.ca](http://www.pasc.ca).

## Colombia Nationwide Strike Against Free Trade Agreements

On August 19<sup>th</sup>, Colombian farmers' organisations initiated a massive nationwide strike. They blocked roads, dumped milk on cars and cut off the food supply to urban centres. Mobilisation began in one part of the country in June and grew into a coordinated national action by August. Seeds emerged as one highly visible issue. Under the free trade agreements signed with North American and European countries, Colombia is required to provide legal monopoly rights over seeds sold by US and European foreign corporations as an incentive for them to invest in Colombia. Farmers who are caught selling farm-saved seeds of such varieties or simply indigenous seeds which have not been formally registered could face fines or even jail time. As is the case in many other countries throughout the world, this criminalisation of farmers' and indigenous peoples' rights to save, exchange and sell seeds puts the country's biodiversity and cultural heritage at risk.

Other sectors soon joined the strike: oil industry workers, miners, truckers, health sector professionals, and others came out in support of the farmers and against the free trade agreements and other devastating

policies of poverty and privatisation pushed by US-backed right-wing President Juan Manuel Santos. "The strike is a condemnation of the situation in which the Santos administration has put the country, as a consequence of its terrible anti-union and unsatisfactory policies," declared the Central Unitaria de Trabajadores (CUT), the country's largest labour union, in a statement.

The response of the government was chaotic and contradictory. Police forces violently repressed and injured scores of protesters, including journalists. Human Rights NGOs are reporting shootings, torture, sexual assault, severe tear-gassing, arbitrary arrests, and other abuses on the part of state agents.



*Montreal Protest in Support of the Colombian Strike September 8, 2013*

### Canadian organisations stand in solidarity with Colombian farmers

*text of the joint declaration :*

We the undersigned organisations stand in solidarity with Colombian rural peasant farmers who along with other members of civil society, including miners, teachers, medical professionals, transport workers, and students have undertaken nationwide strikes. This past weekend an estimated 200,000 people blocked roads and marched peacefully across

Colombia to protest the negative impacts on their communities of the US-Colombia and Europe-Colombia Free Trade Agreements.

There is a growing discontent with Free Trade Agreements that benefit only large multinational corporations and impose privatisation, deregulation and anti-union policies. President Juan Manuel Santos government's economic policy known as "locomotor minera-energetica" is promoting the development of large scale mining and resource extraction in the hands of multinational corporations many of which will benefit Canadian companies like Pacific Rubiales Energy and Gran Colombia Gold at the expense of small scale local miners and workers.

We condemn the heavy handed tactics of the riot police who have used violence in the form of beatings, arrests and tear gas on peaceful protests in an effort to crackdown on civil society. Civil society is also con-

demning the targeted arrests and detention of peasant and labour leaders like Mr. Ballesteros, the Vice President of the Agricultural workers union, FENSUAGRO who was recently elected to the Executive Board of the trade union central CUT. Mr. Ballesteros is an organiser and spokesperson in the labour movement and has played a significant role in the current strikes.

We are also alarmed by the irresponsible comments of Colombia's Defence Minister Juan Carlos Pinzon who claimed that the striking workers are being controlled by "terrorist" groups.

We support civil society calls for President Juan Manuel Santos to guarantee the democratic right for peaceful protests and to establish a meaningful dialogue with striking sectors that will allow their demands to be met.

Cercle Bolivarien Louis Riel  
British Columbia Teachers' Federation (BCTF)  
Christian Peacemaker Teams Colombia  
Common Frontiers  
Comité pour les droits humains en Amérique latine

Council of Canadians  
Idle No More  
The Colombia Action Solidarity Alliance (CASA)  
The Latin American and Caribbean Solidarity Network  
United Steelworkers (USW)

### Canadian Multinationals in Colombia: War Profiteers

Colombia vies for 1st place as the most dangerous country in the world for union activists and 2nd place in terms of forced displacements. More than 85% of internal refugees and murdered unionists come from regions marked by mining and petroleum development. Canada, which has signed a free trade agreement with Colombia, is the primary country of origin for foreign investment in this sector, meaning that Colombia's most important petroleum and precious metals reserves are managed through Canadian capital markets. Yet Canada has no system for regulating the activities of its companies abroad, allowing them to act with complete impunity as they profit from political violence in this war-torn country.

This bulletin intends to break the silence.

**We would like to thank the following unions for their financial support:**



Public Service Alliance of Canada  
Alliance de la Fonction publique du Canada

The Members of the **Projet Accompagnement Solidarité Colombie** are available on demand to visit workplaces and to participate in group discussions on the impacts of Canadian investments in Colombia, and the situation with unions in Colombia.

Don't hesitate to contact us.