

The Profiteers Bulletin

Ending Canadian corporate impunity in Colombia

October 2015



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Pacific Rubiales: once again where it shouldn't be...

Pacific Rubiales Energy, the most powerful Canadian Company in Colombia, is now acting under the name Alange Energy Corp and it intends to break ground on the COR-33 project in Colombia's páramo de Sumapaz. It is important to mention that Pacific Rubiales is receiving support from the Canadian government. In 2014 alone, the company was granted close to 50 million dollars (source: Exportation et Développement Canada).

The páramo is a unique ecosystem found in high altitude ranges of the Andes, in the limit between forest and eternal snows. They are known for their important role in the country's water reserves because of the high water retention level in their soils. The páramos are responsible for 75% of Colombia's water reserves and they are home to an interesting diversity of fauna and flora, who, for the most part, live exclusively in these unique ecosystems. It is the case for the frailejones, a plant that grows a centimeter every year and can measure up to 6 meters. We can find this ecosystem in Ecuador, Venezuela, Peru, Costa Rica, and finally Colombia, who hosts up to 60% of



the world's páramos.

The weakness of environmental norms and their application, in addition to the inconsistency between respecting these norms and granting environmental permits, allows many supposedly protected areas to be conceded to multinational companies for exploitation and exploration projects.

Mining and oil exploitation in or near a páramo often aggravates existing socio-environmental conflicts. Pacific Rubiales, or Alange, is not the first corporation to

consider settling near a páramo; GreyStar, now Eco Oro, has been developing the Angostura project in the páramo of Santurban, who provides water to more than 2,2 million Colombians. The initial project consisted in open-pit mining, but was changed to an underground mining project after strong

mobilizations of the Committee for the protection of the Santurban páramo's water, an alliance of close to 40 groups living downstream of the project. This conflict has given place to a national debate on the páramos and their delimitations, the subpáramo zone and the Andean forest.

PROJECT ACCOMPANIMENT AND SOLIDARITY WITH COLOMBIA

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The National Development Plan of 2015-2018, adopted by the Santos government, introduces changes to pre-existing laws, leaving the door open for mining and oil exploitation projects in the páramos. The pressure is strong: 448 mining titles were assigned in 32 of the 36 Colombian páramos, for a total of 118 thousand hectares, 11 thousand of them allotted to 4 oil projects.

The COR-33 project planned the construction of four platforms, each of them possessing three wells, in a total of 18,000 hectares. Alange itself recognizes the socio-environmental consequences of the project. The change in the use of the lands, the rise in their prices, as well as the decrease of the agricultural yield and deforestation of adjacent areas are only a few of the consequences of exploitation projects in the páramos. These consequences also have great impact on the communities, on their folkloric and cultural traditions,

the area's economic activities and public health. It also causes the displacement of fauna, altering its diversity, as well as resulting in pressure for water resources, erosion and change in soil stability.

The hydrocarbon exploration and exploitation contract was signed in March 2011. The communities were informed of the project at the end of 2013 and were committed to prevent the arrival of machinery for seismic activities. The examination for environmental licencing began in September 2014 and the residents of the area multiplied the requests for public hearing. On this year's 4th of July, the members of five municipalities reunited to organize a regional coordination against the project.

« No multinational will pass before the people of Colombia », Alange VS Sumapaz.

Source: PASC, October 2015.

Report: Colombia in the shadow of human right abuses

In 2007, Prime Minister Stephen Harper announced Canada's new "Americas Policy," through which Canada would build trade ties with governments that shared Canada's values of "democracy, human rights, rule-of-law and good governance." The Canadian government then announced negotiations for a free trade and investment deal with Colombia, the country with the worst human rights record in the hemisphere.

The Canada-Colombia Free Trade Agreement (CCOFTA), implemented in 2011, resolved to "protect, enhance and enforce basic workers' rights," and affirmed a commitment to the "protection of human rights and fundamental freedoms." Instead, like Canada's previous trade deals it proved to be a standard neoliberal agreement that promotes market liberalization, privatization and deregulation, and includes no binding obligations regarding human and democratic rights. The FTA raised serious human rights

concerns for vulnerable populations amid Colombia's internal conflict, including fears that it could foment and protect investments associated with militarization, violence and forced displacement. The CCOFTA's investment chapter accorded investors powerful new rights, but no binding human rights obligations for private companies. Civil society groups that had worked in solidarity with Colombian counterparts for decades feared that introducing an FTA into the Colombian context would tilt the scales further against persecuted labour and human rights advocates.

To counter these widespread concerns, the Canadian and Colombian governments agreed to table in their respective parliaments a yearly report on the agreement's human rights impacts. This fell short of expectations for a prior, independent, impartial and comprehensive human rights impact assessment (HRIA) as called for by international experts and the Canadian Parliamentary Standing Committee on International Trade (CIIT).

A review of the annual human rights reports filed since



2011 exposes their shortcomings and supports the claim by human rights monitors that the Canadian government has chosen to turn a blind eye to the human rights crisis in Colombia. The reports contain little acknowledgment of human rights problems, and do not examine the impact of Canadian investment in oil, gas and mining. This contradicts the very essence of the exercise, since Canadian extractive interests in Colombia were one of the government's primary motivations for pursuing the trade deal – and the most pressing concern voiced by human rights groups worried about the agreement.

This report, "Colombia in the Shadow of Human Right Abuses," and its accompanying fact sheets paint a different picture from the Canadian government narrative that trade is the best way to improve Colombia's human rights record. Credible human rights groups, labour unions, NGOs in Colombia and Canada, and the United Nations have compiled compelling documentation demonstrating that human rights

violations against trade unionists, human rights defenders, Indigenous and Afro-descendent communities have not abated over the past four years.

This report also documents the role played by the Canadian state and Canadian multinational corporations. The latter have in some cases reaped benefits by disregarding labour rights, through dangerous and contaminating environmental practices, and by bolstering militarization that has resulted in human rights abuses.

We ask that Members of Parliament engage in an open and transparent debate on the human rights situation in Colombia and Canada's role in it, and that Canada fulfil its legal obligation to conduct a thorough and meaningful human rights impact assessment of the Canada-Colombia Free Trade Agreement, including an analysis of the impact of investments on human rights.

To download the report: <http://pasc.ca/en/cwg>

Source: Colombia Working Group, July 2015

Freedom for detained leaders: a victory for social and popular movement

The People's Congress sees the just action of the 44 Criminal Circuit Judge of Bogotá that granted the freedom of the social activists detained 66 days ago, as a triumph of the social and popular movement.

We commend, in the midst of a carceral society, the bravery of the judge that gave priority to the right of guarantees with not only the media pressure but also from senior officials of the Executive, the prosecuting body, and the Police.

The judicial functionary declared the illegality of the arrest of the youth apprehended on July 8th between 6 and 7:30 AM by establishing that the proper procedure was not realized

by the Supervisory Judge in the following 36 hours, which thus is a illegal prolongation of the deprivation of liberty. The judge affirmed that the case has had a certain complexity for the media reactions that is had had, but in reality the charges pertain only to disturbances that happened in the National University

of Colombia, for 10 of the detained, and the execution of actions of political propaganda of the National Liberation Army (ELN) by way of "pamphleting" that do not have great destructive power.

On the other hand, the judge decreed the nullity of the decision which gave the security measure to put the 13 delete detained in prison because this decision lacked motivation which violates

the obligation held by all judicial functionaries to argue their decisions. In this situation, the judge advised, the



right to due process was infringed upon and the right to the defense, and thus the decision must be revisited and redecided.

On the night of September 12 , they obtained their freedom, after unjustified delays by the penitentiary authority to comply with the order of the judge.

From the moment that the youth were captured, they were publicly accused by the President of the Republic, the Vice Attorney General of the Nation, and Palomino and Guatibonza generals of the National Police, as being responsible for attacks in the different locations of Porvenir, perpetrated July 2, 2015. Since then, we have denounced the irregularities committed by the justice and the accusations made by the mainstream media that have not respected the presumption of innocence of our friends.

We will continue to support our social leaders involved in this investigation and their family members who have demonstrated their strength, and that it is possible to

unveil the injustices of the judicial system. We consider that for there to be peace in our country, structural changes in the model of justice are necessary.

To the human rights defenders, lawyers, we express our sincere appreciation for their outstanding work in this process. We urge the Colombian people to support their work that made possible that today the social leaders are awaiting their freedom.

To the organizations that have accompanied us from Colombia and from other latitudes, we thank them for the solidarity that they showed in these difficult months. We recognize that there is still an important population of political prisoners held in the prisons of our country and the struggle for freedom continues. While this is an important victory , the process continues and the persecution is far from diminished, it increases daily. Our commitment is and continues to be, the construction of a country for a dignified life.

Source: Congreso de los Pueblos, October 2015

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:



The members of **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.