

PITCH BLACK

THE JOURNEY OF COAL FROM COLOMBIA TO ITALY:
THE CURSE OF EXTRACTIVISM



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THE CURSE OF EXTRACTIVISM



RE:COMMON

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Printed by Print on Web srl, Isola del Liri, Frosinone

April 2016

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This publication has been produced with the financial assistance of the European Union in the framework of the project “Promoting sustainable consumption and production of raw materials in the context of EYD 2015 and beyond”. The contents of this publication are the sole responsibility of Re:Common and can in no way be taken to reflect the views of the European Union



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Soy,
Soy lo que dejaron,
soy toda la sobra de lo que se robaron.
Un pueblo escondido en la cima,
mi piel es de cuero por eso aguanta cualquier clima.
Soy una fábrica de humo,
mano de obra campesina para tu consumo
Frente de frío en el medio del verano,
el amor en los tiempos del cólera, mi hermano.
El sol que nace y el día que muere,
con los mejores atardeceres.
Soy el desarrollo en carne viva,
un discurso político sin saliva.
Las caras más bonitas que he conocido,
soy la fotografía de un desaparecido.
Soy la sangre dentro de tus venas,
soy un pedazo de tierra que vale la pena.
soy una canasta con frijoles,
soy Maradona contra Inglaterra anotándote dos goles.
Soy lo que sostiene mi bandera,
la espina dorsal del planeta es mi cordillera.
Soy lo que me enseñó mi padre,
el que no quiere a su patria no quiere a su madre.
Soy América latina,
un pueblo sin piernas pero que camina.
(...)

Tú no puedes comprar al viento.
Tú no puedes comprar al sol.
Tú no puedes comprar la lluvia.
Tú no puedes comprar el calor.
Tú no puedes comprar las nubes.
Tú no puedes comprar los colores.
Tú no puedes comprar mi alegría.
Tú no puedes comprar mis dolores.
(...)

No se puede comprar mi vida.

(Latinoamérica – Calle 13)

Preface

By presenting the horrors suffered under the domination of multinational companies, this work by Re:Common will dispel any lingering doubt that the current economic system based on extractivism is a war against the poor (what subcommander Marcos called the “Fourth World War”).

If someone who trusts the mainstream media and academic analyses thinks that at some point colonialism disappeared from the face of the Earth, this work, based on documents and testimonies, demonstrates otherwise.

For those who believe that progress is the most striking characteristic of our times, starting with the post-World War II period, the voices of the missing that populate these pages will convince you that present-day capitalism is a just a revamped version of the Spanish conquest of five centuries ago.

Throughout this work, all the variables of extractivism can be seen: from occupation of the territory and displacement of people to the role of the offshore banking and financial system, as two complementary and inseparable parts of accumulation by theft/dispossession. In the occupied territories, the displacement occurs in the form of war, with the participation of military, paramilitary, guerrilla and the greatest variety of imaginable armed actors.

The victims are always the weak: poor women and their children, elderly men and women, peasants, Indians, blacks, mestizos, the “wretched of the Earth,” as Frantz Fanon calls them. I want to emphasize, though it may seem anachronistic, and without reference to academic sources, how the extractive model coincides with colonialism, despite the different eras. This is not only due to the violent occupation of territories and the displacement of populations, but also to the salient features of the model.

Economically, extractivism has generated enclave economies, as it did in the colonies, where the walled port and plantations with slaves were its masterworks. This colonial/extractive model held populations

hostage in both 1500 and 2000.

Extractivism produces powerful political interventions by multinational enterprises, often allied with States, which manage to modify legislation, co-opting municipalities and their governors. It is an asymmetrical relationship between powerful multinationals and weak states, or better, states weakened by their own local elite who benefit from the model.

Like colonialism, the extractive model promotes the militarization of the territories, because it is the only way to eradicate the population, which, recalling Subcommander Marcos, is the real enemy in this fourth world war. Militarization, violence, and systematic rape of women and girls are not excesses or errors; they are part of the model because the population is the military objective.

To understand extractivism, we must consider it not as an economic model, but as a system. Like capitalism. Certainly there is a capitalist economy, but capitalism is not just the economic aspect. Extractivism (as stated by Re:Common) is capitalism in its financial phase and cannot be understood only as an economic variable. It implies a culture that promotes not work but consumption, which has (systemic) corruption as one of its central features. Put in another way, corruption is the extraction mode of governing.

Therefore, extractivism is not an economic actor; it is a political, social, cultural, and of course also economic actor. At this point, it's crucial that the central part of this work describes human beings and the Earth as the subjects for looting, which is much more than the theft of the commons. Understanding dispossession only as robbery places property ownership at the center of the matter, in the place of people and land; e.g., life.

Those of us who criticize the extractive model have made at least two mistakes in the last decade. On one hand, we focused primarily on the effects of the model on the environment. Hence the response of the World Bank and multinationals, which now defend "sustainable" and even green mining. The first impact observed in the model implementation phase was, indeed, sweeping environmental degradation, impossible to hide, but we only eventually realized the other facets.

The second impact is already implied: belief in the centrality of the economy, giving "cultural accountability" to the capitalist values joyfully assumed by the institutional left and by most critical thinkers.

This is incorrect. The extractive model, as can be read in the pages that follow, is a political model that directly attacks villages and towns, seeking to wipe out the majority of the population of the world, which the elite consider over-populated. There are many ways of doing this: appropriating water and land, destroying family farming and food sovereignty, ruining the health of millions, eradicating bees, removing farmers, and making land where Indian, black, and Mestizo families live unusable. This is why I prefer to speak of the “Fourth World War,” because it seems to me a grass roots description of what people are facing.

However, we cannot limit ourselves to condemning the model. We are always asked about alternatives (as we are reminded by the authors at the end of the work), but we must say out loud that alternatives do not exist. There is no alternative to extractivism without rejecting capitalism. The only alternative is to defeat the 1%; that is, the only political alternative is to resist the 1%, and, while we resist, start to build a different world than that of capital.

There are no alternatives to extractivism because we cannot return to traditional industry. Some progressive governments promote an industrial ‘leap.’ This industrial project is illogical and makes no sense, countering the world’s processes and trends.

Secondly, while there are no economic alternatives to extractivism, there are alternatives that consist of a new power, a new culture, a new society, and new ways of life. Extractivism is not just what happens in mines or soybean crops. We cannot leave extractivism while keeping today’s levels of consumerism, with the lifestyles we have today.

Finally, we cannot come out of extractivism without a crisis. However, if we do not leave, greater crises, political and social, health and environmental, will arise. Two years ago the World Health Organization stated that antibiotics have reached the limit of their efficiency. And what would health be without antibiotics?

Leaving the extractive model implies a profound restructuring of our societies. We can only exit from our situation if we are able to defeat by force, politically, socially and culturally, that 1% of the rich and the State mechanisms that support and serve them.

In Latin America, individuals who resist the extractive model are beginning to discuss rudimentary paths to societal transformation. One of the most important discussions revolves around the electoral issue.

Activists wonder if it is necessary to devote forces to this scenario or if it is a waste of time and resources. In parallel, we discuss the relationship between the State and the movements, the old ones such as the Union and the new movements of women, Indians and blacks.

Secondly, we discuss whether we can raise alternatives within the framework of the Nation-State. Silvia Rivera Cusicanqui, a Bolivian anthropologist, argues that the nation-State is a straitjacket for indigenous movements. We can join her and say that the Nation-State is a straitjacket for struggles for emancipation. This debate is very recent and has permeated more deeply among some indigenous movements. In any case, it is necessary to rethink the State as an emancipatory horizon.

These essential debates are part of our daily work. To take appropriate routes, it is necessary, first, to see the reality as it is, without ideological blinders that often cloud the understanding. Believing that a true way is open before us, when in fact it leads us to the cliff, is a mistake with dramatic consequences measured in human lives. The historian of the *Commune de Paris*, Prosper-Olivier Lissagaray, reminds us of the importance of the successful diagnosis: “He who creates false revolutionary legends for the people and diverts them with captivating stories is as much a criminal as the geographer who draws false maps for sailors.”

This is one of the virtues of this work. It shows the reality of extractivism in all its harshness, without relying on legalistic shortcuts or institutional outlines. It teaches the importance of brotherhood and sisterhood among those at the bottom as the central avenue of emancipation. It does not lose sight of the fact that the extractive model is a vast plan against humanity and life. Before the readers is a work that does not seek to ease anxiety but to call things with their names, which is the first condition to avoid getting lost in the wood.

Raúl Zibechi

Montevideo, March 2016

Introduction

This story begins in your house at the outlet near your bedside table.

It goes from Italy to Colombia, from paradisiacal beaches to fiscal paradises, from the blue Caribbean to the Tyrrhenian coast, from the Sierra Nevada to the Swiss Alps.

We will talk of people who count and people who do not exist, of indigenous people who can no longer manage to dream, of cowboys subject to the vice of power, of fishermen who fish no more, of more or less organized criminal groups, of people who do not give in and people who have already surrendered, of workers and union members, soldiers and bandits.

This is a story of ghost towns, murdered bodies, vessels that cross the ocean, of corruption, of skyscrapers and shanty towns, white pickup trucks with darkened windows and mule-drawn carts, of impunity, of real lawsuits and kangaroo courts, of exploitation and resistance, of profits and of indigenous cosmivision.

This is a story of arrogance and violence, of connivance and fear, of threat and money-laundering, of desolation and smiles, of things that cannot be told, of indistinguishable State and market, of black rain and glasses of brown water, of armored cars along the roads and black market fuel, and of security that makes people nervous.

This is the story of the journey of coal from Colombia to Europe, to the Mediterranean Sea. This is a story of trains and ships, of ports and mines and of the unexpected interests around them.

It is also the story of another journey, ours, to try to understand, to reconstruct the connections where apparently there are none, to find answers to questions that cannot be asked.

Bogotá, October 15, 2015

A mi me mata la tristeza - Sadness is killing me

“I am a victim of El Samario. I knew El Samario; we were from the same town. One day, he phoned me to apologize. My brother had been killed, on the order of Jorge 40. My brother, far from being part of the guerilla, was a baker. They saw him walking along with the “Russian doctor,” one of his friends who was called that because he had studied in Russia. According to them, he was in Russia for training and to enroll in the guerilla, and so they had to get rid of him. That’s what they did. They shot him and my brother who was walking with him. It was April 17, 2003.”

“They killed him in the middle of the night. He was the father of my daughters. Do you have any idea what it means to raise two daughters in a place like this? Between bandits and businessmen, the potential clients are countless. My only happiness is that my daughters never gave in to that. Even if, more than once, I felt tempted to push them in that direction.”

“She was living close by my house. Although she said that she was a nurse, in reality, she was a dental technician. They forced her to go to a camp to treat an injured guerillero. When she returned, those others killed her. That is all it takes to become a target.”

“Every time they find a mass grave they call us for identification. They are almost always bodies in pieces, but up to now, we have never found one matching my uncle’s DNA. We have been searching for him for 11 years. They arrived at his house with a white pickup truck. They stayed there a couple of hours. When they went away, we found a stick stained with blood. That was all. We plucked up our courage and went to talk to one of their bosses to understand what they had done with him. Nothing. He seems to have disappeared into nothingness.”

“I had returned to live with my father on his finca¹ close to the mine. With two children, it is not easy to remake a life after an alcoholic, violent husband, but I was trying. With the animals and the land, we had practically everything we needed. In that place, along with my father, we were starting to do better. Then Jorge 40 ordered him killed and they gave me 24 hours to leave the farm. It was July 29, 2002. I am under psychiatric care, and they are giving me medicine. The sadness is killing me.”

We had not been expecting those eyes.

All we knew was that someone was waiting for us, and when we arrived, they were all sitting together in a room, wrapped in shadow. The atmosphere seemed relaxed and cordial. They all smiled at us, shaking hands to introduce themselves and welcome us. Those unknown faces, altogether, seemed to show happiness.

It was only when, seated with each of them, as they told us about Cesar, were we able to look deeply into their eyes. We suddenly realized that those eyes were lifeless, lost in emptiness. We had been in Colombia for only 12 hours.

The paramilitarization of Cesar

“Black gold! Black gold!” Gary Drummond shouted excitedly when he set foot in Cesar for the first time and saw the immense steps covered with coal². The new El Dorado was under his nose. For the family company he managed in Alabama, he envisaged years of big business in Colombia.

It was 1988 when Drummond Company Inc. arrived in Cesar, while the first load of *black gold* was dated 1995. Just years afterward, in 1998, the paramilitary of the AUC³ created the feared Northern Block to control the departments of Cesar, La Guajira, Magdalena and Atlántico, where coal from the mining zones arrived at the ports of Santa Marta, Ciénaga, Barranquilla and Puerto Bolivar. Leadership of the

1 Agricultural property.

2 “El Carbón de Colombia. ¿Quién gana, quien pierde?”, p. 98, Tierra Digna, 2015.

3 AUC stands for Autodefensas Unidas de Colombia (Self-defense in Colombia), established in 1997, the largest and most violent paramilitary group in the country, with more than 13 thousand troops.

Northern Block was assigned to Rodrigo Tovar Pupo, alias “Jorge 40.”

In the following years, the paramilitary violence was brutal. Where the armies did not go to kill and pillage defenseless civilians, there was always politics. Para-politics, that is.

Numa Pompilio Cortés was driving the hospital ambulance of Astrea, a little village west of La Loma, in the heart of Colombian coal country. For every emergency call, Numa Pompilio got into the white van, turned on the siren and sped off to save a human life. For Numa who was king of Rome and successor of Romulus, and also for his namesake in Astrea, the days alternated between splendor and horror. On the days of horror, Numa Pompilio Cortés threatened, kidnapped and forced into flight anyone opposing paramilitary control. Everyone in Astrea knew that the ambulance driver was the urban commander of the AUC⁴.

On January 28, 2000, seventy paramilitary soldiers of the Northern Block invaded Santa Cecilia, a district of Astrea. They carried a list full of names and went door-to-door, hunting for civilians. In the main plaza, they gathered a group of eleven people, all residents of Santa Cecilia, and slaughtered them before the horrified gaze of the community⁵.

In the following months, Numa Pompilio was the man chosen by “Jorge 40” to organize the political campaigns that, starting in 2002, would guarantee the paramilitary’s ability to handpick the mayors of Astrea. The last, Édgar Orlando Barrios Ortega, did not reach the end of his term in office; in 2009, he was arrested for criminal association and involvement with illegal armed groups.

Orlando Barrios was part of the so-called “Group of the 8,” the eight mayors who from 2000 on were supposed to guarantee to the AUC the control of La Jagua, Becerril, El Paso, Bosconia, Astrea, Chiriguaná, El Copey and Chimichagua, all towns in Cesar where coal production was constantly increasing.

The AUC, however, aimed even higher, to the presidency of the department of Cesar; in 2004, Hernando Molina Araújo, strongman of

4 “De cómo los hombres de ‘Jorge 40’ ocuparon el sur del Cesar”, Verdad Abierta, August 20, 2015. <http://www.verdadabierta.com/bloques-de-la-AUC/5928-de-como-los-hombres-de-jorge-40-ocuparon-el-sur-del-Cesar>.

5 “Los mismos con las mismas”, El Heraldo, October 11, 2015 (<http://m.elheraldo.co/columnas-de-opinion/los-mismos-con-las-mismas-222069>).

the Liberal party, was elected. Araújo should have given up in 2007 when he was arrested within the investigations on “para-politics.”

The Supreme Court⁶, which had condemned Édgar Orlando Barrios⁷, ascertained the involvement of Molina Araújo. “The election of Molina Araújo was not the result of democratic expression, but a decision arising from the agreements with the Northern Block of the AUC headed by Jorge 40;” this was imprinted in the memory of Cesar’s residents by the highest judicial authority of Colombia.

Terror in the coal region was especially spread by the Juan Andrés Álvarez Front, one of the most ruthless groups of the Northern Block. In the early 1990’s, both FARC and ELN had major presence in the departments of Cesar and Magdalena. There, the two Marxist-type paramilitary groups demanded protection money, kidnapped livestock farmers and business people, and burned large agricultural estates. In a few years, the investments in the area decreased and the job opportunities began to dry up.

Some local politicians and business people turned to Salvatore Mancuso, a former livestock farmer whose origins led to the ‘ndrina Mancuso of Limbadi, one of the most powerful of Calabria, and, at that time at the summit of the ACCU, a paramilitary group from which the AUC then arose. Rodrigo Tovar Pupo also requested paramilitary intervention against the guerilla; he was a well-known livestock farmer from Valledupar, who knew Mancuso in his university years in Bogotá.

At the end of 1996, the ACCU sent twelve armed and well-prepared men to Magdalena and another twelve to Cesar. Among them were ex-soldiers and ex-guerrilleros who, within a few weeks, drove the two departments into a spiral of violence. The paramilitary operation was financed by the business people and the livestock farmers of the area. Even those who did not agree had to give in to the threats⁸.

Mancuso made Tovar Pupo the head of the Cesar group; Pupo named ex-guerrillero Juan Andrés Álvarez Pastrana as his second. Also under the direction of Tovar Pupo and Álvarez, the group of twelve paramilitary grew to forty units in just months. They devoted themsel-

6 Order of the Constitutional Court of July 29, 2015.

7 <http://190.24.134.121/webcsj/Documentos/Penal/Estados/EDICTO%20-%202008%20%20Ago-sto%2011.pdf>.

8 “La historia del ‘Juan Andrés Álvarez’”, Verdad Abierta, August 22, 2013 (<http://www.verdadabierta.com/bloques-de-la-AUC/4803-la-historia-del-juan-andres-alvarez>).

ves to extortion, targeting business people and farmers, and to hunting guerillas and civilians. Those who did not accept their control or were suspected of being close to the FARC were persecuted and killed. It was enough for the guerilla to force them to turn over the harvest or part of the livestock to arouse the suspicions of the paramilitary.

To coordinate the criminal activities of the departments of the north, the AUC established the Northern Block. Mancuso once again chose his friend Pupo as leader. It was then that Tovar Pupo took the name of “Jorge 40,” in just a few years becoming one of the most powerful men of paramilitarism.

When, in December of 1998, Juan Andrés Álvarez was killed in an encounter under fire with the army, “Jorge 40” decided to re-christen the group of forty men who controlled the mining area of the Cesar with the name of the former guerillero. The command of the “Juan Andrés Álvarez” Front was taken by John Jairo Esquivel Cuadrado, alias “El Tigre,” who, in 2001, following his arrest, was replaced by Oscar José Ospino Pacheco, alias “Tolemaida.” In just a few years, the paramilitary group managed to control the towns of Becerril, Agustín Codazzi, La Jagua de Ibérico, El Paso and Bosconia.

In addition to extortion, the Front was dedicated to stealing livestock and trucks. They especially got their hands on the coal bonuses intended for the community.

According to the Dutch NGO PAX in its report *The dark side of coal*, published in the Netherlands in June 2014, financing for the Juan Andrés Álvarez Front came especially from Drummond and Prodeco⁹, the companies with general coal production headquarters in Cesar. In 1999, according to the report, Alfredo Araújo Castro would have been responsible for the industrial relations of Drummond in Colombia, and would turn to Jorge 40 to “*guarantee the security of Drummond and chase the FARC from Cesar.*”¹⁰ The AUC allegedly entrusted this task to the “*Juan Andrés Álvarez Front*”, “*operating in the immediate vicinity of Drummond and Prodeco mines.*”¹¹

9 The Prodeco Group is owned by the multinational Glencore and is in charge of all the operations of Glencore in Colombia regarding exploration, production, transportation and exportation of the coal intended for the markets in Europe, America and Asia, and the pertinent infrastructures.

10 “The Dark Side of Coal: Paramilitary Violence in the Mining Region of Cesar, Colombia”. PAX, The Netherlands, June 2014, p. 52, written statement of El Tigre in the Balcerio trial, 2009.

11 “The Dark Side of Coal: Paramilitary Violence in the Mining Region of Cesar, Colombia”. PAX,

Obviously all this is firmly denied by the companies.

Today, the paramilitary presence in Cesar continues to feed on coal, its subsidies, subcontracts, and the rivers of money that legally or illegally flood the poorest areas of Colombia. The result is an interminable series of massacres, torture, sexual abuse, forced disappearances and a climate of terror and fragility that the residents of the Cesar bear within them and finally spew out onto a sympathetic shoulder with their lightless eyes, trembling voices, anti-depressants and stories of dehumanized lives.

Union - no thanks!

It is March 12, 2001. Night is now falling on Cesar.

A bus bearing about twenty Drummond workers is returning from the Loma mine. It is slowly crossing the village Casa de Zinc, in the municipality of Bosconia. The atmosphere is the usual after a long day spent excavating in the bowels of the earth. The miners, tired but happy to finally return home, chat loudly of this and that.

Among them are also two union members of Sintramienergética, Valmore Locarno Rodríguez, president of the local section of the union, and his vice president, Victor Hugo Orcasita Maya. Both have been engaged for some time in a dispute regarding the poor quality of the food provided to the workers of the mine. They have just participated in a meeting with the company executives to try to settle the matter once and for all.

Suddenly the driver hits the brake. A green pick up is blocking the road, preventing them from continuing. Just a few seconds pass and heavily armed men order everyone out of the vehicle and tell them to lie down.

“They climbed onto the bus and began to threaten us, shouting that they wanted to talk with Valmore Locarno. They knew that he was on the bus. He stood up without hesitation and said, ‘if you want to talk to me, leave my co-workers alone.’ Instead, they made us all get out. A fierce argument broke out between Valmore and that man. They shot him. And

in case he was still alive, once he was on the ground, they pumped him full of bullets to finish him off. They shot him before our eyes. Then they took Victor, tied him up and loaded him onto the truck. Before heading out, they told us not to do anything, because this is what happens to those who get involved in things that are not their business.”

The news of Victor’s death arrived at about four in the morning, when someone called his mother to tell her that his body had been found in the middle of a road, riddled with bullets and with clear signs of torture.

At the time they were killed, Valmore Locarno was 42 years old, and Victor Orcasita was 36.

Gustavo Soler replaced Locarno as the union leader after the double homicide. He was killed shortly afterward, on October 5 of the same year, in nearly identical circumstances. He was forced by an armed paramilitary group to get off the bus that was taking him back home to Chiriguaná, and was taken away. His body was recovered two days later, abandoned on the roadside with evident signs of torture.

According to the investigations in Colombia the day after the savage murders, due to the already mentioned poor-quality food services to the company workers, Locarno and Orcasita were planning a strike that appeared to have jeopardized the existing contracts with the ISA, the *Industrial de Servicios y Alimentos*. The owner of the company was Jaime Blanco Maya, stepbrother of Edgardo Maya, then General Prosecutor of Colombia.

The main subjects of investigation for the double homicide were Jairo del Jesus Charris Castro, alias “Viejo Migue,” at the time responsible for security at Blanco Maya’s company; Charris was captured in July 2008 and condemned on August 4, 2009 to 30 years in prison¹². Then it was the turn of the same Blanco Maya, who was arrested in September of 2010; on January 25, 2013, he was sentenced to 38 years imprisonment.

With a motive this clear and with the main accused confessing to the crime, the case seemed to close with success and to the satisfaction of

¹² “Primera condena por crimen de sindicalista de la Drummond”, El Espectador, August 7 2009, <http://www.elespectador.com/noticias/judicial/articulo154987-primera-condena-crimen-de-sindicalista-de-drummond>.

the competent authorities.

But we are in Colombia and nothing is truly what it seems. Ever.

Ignoring this detail means overlooking that violent chapter of Colombian history that, between 1996 and 2006, made the Cesar mining area the main stage of violence and massacres attributed to the Juan Andrés Alvarez paramilitary Front of the AUC; official accounts of lives lost include approximately 2,600 victims of targeted murders, 500 victims of massacres and 240 victims of forced disappearances¹³.

Justice and Truth: a pair never taken for granted

Given that the truth, assuming the ability to demonstrate it, is often far more evil than fiction, at a certain point someone decided to attempt to connect the dots and frame the facts of March 12, 2001 within the many “coincidences” of those years.

Starting from 2002, the multinational Drummond, present in Cesar since 1988, as we know, has been repeatedly sued in the Northern District Court of Alabama - Western Division, by the American attorney Terry Collingsworth and a pool of his colleagues between the United States and Colombia. Collingsworth was convinced that the American company financed the establishment of the paramilitary group Juan Andrés Alvarez to guarantee the security of their operations in the entire mining corridor, from the Cesar mines to the ports of coal embarkation in Ciénaga, in the Department of Magdalena. In the successive trials from 2002 to today, the prosecutor has repeatedly attempted and in vain to demonstrate an indissoluble connection between the existence of paramilitary groups in the area and the mining company's need for security against potential attacks of the FARC guerilla. That is, the attempt was to demonstrate not only the substantial culpability of the company for the homicide of the three union members in 2001, but especially complicity and connivance with the paramilitary groups in killings of thousands of Colombian civilians.

These are strong accusations, but not unimaginable or extraneous to the Colombia of those years. In 2007, the banana giants of Cincinnati,

13 “The Dark Side of Coal: Paramilitary Violence in the Mining Region of Cesar, Colombia”. PAX, The Netherlands, June 2014.

Chiquita, admitted having financed the Colombian AUC¹⁴, with more than a million and half dollars, agreeing to pay 25 million dollars in fines with the understanding that they would not be forced to reveal the names of the executives involved in the ugly business. Obviously, the company defended itself by declaring having fallen victim to extortion, from which it could not escape without jeopardizing the lives of its workers.

The saga of the trials against Drummond spanned more than a decade of Colombia's history, depicting a framework, as dramatic as it is disturbing, of doing business in a context of conflict. This is a litany of very severe accusations and counter-arguments. In the background there is a civil war that, in the meantime, shows no sign of softening, despite the bilateral disarmament and pacification attempts underway among paramilitary groups, guerilla and the Colombian State.

The American front

The American trials are quickly summarized.

On one hand there is a pool of American and Colombian attorneys who, in the name of the families of the victims of Cesar's paramilitary violence, have accused Drummond since 2002 of complicity and co-responsibility with the paramilitary groups' terrorism activities. They have done so repeatedly and always without success. The entire argument of the prosecutor is founded on the testimony of the families of the victims and the paramilitary soldiers now in jail and intending to enter the disarmament program provided by the Justice and Peace law of 2005. Based on this regulation, anyone confessing responsibility for crimes committed in the prior years has the right to a reduced penalty, as long as they make a commitment to compensate the victims. According to the testimony given in the trial, some well-known ex-paramilitary with the nicknames of "El Tigre," "El Samario," "Bam Bam," "El Canoso" and others, such as Blanco Maya and Charris Castro, then found guilty of the homicide of the two union members, repeatedly associated Drummond with the "operations" conducted at that time by the Juan Andrés Alvarez Front. In fact, Blanco Maya confessed to

14 For more information on the Chiquita case: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB340/index.htm>.

having channeled funds from Drummond to the AUC paramilitary, negotiating the costs of his food company's services at prices increased by 10% to encourage the passage of funds to the paramilitary.¹⁵

On the other front, there is Drummond, the North American mining giant that returned the accusations to the sender and, in contrast with Chiquita some years ago, has never claimed any extortion attempt. Thus, the company continues to declare itself totally extraneous to the facts and forcefully counter-attacks them. On March 27, 2015, it filed civil proceedings¹⁶ against Collingsworth et al., accusing them of conspiracy for extortion and damage to the company, corruption, fraud, obstruction of Justice, tampering with testimony and money-laundering.

In detail, the new accused and the co-conspirators¹⁷ are accused of associating to establish a criminal company of transnational scope, of having perpetrated and continued a massive and multi-tentacled campaign of lies, corruption, and damage to Drummond's reputation and commercial interests, in order to obtain a very high financial advantage through a fraudulent case.

Drummond has very powerful weapons to strike those trying to involve the company in the matter of the dead union members and the paramilitary violence.

15 "Blanco Maya confiesa que fue el puente entre Drummond y 'paras'", Verdad Abierta, 19 april 2012, <http://www.verdadabierta.com/lideres-de-tierras/3986-contratista-de-la-drummond-acusa-a-la-empresa-minera-de-financiar-a-los-paramilitares>.

16 Pursuant to the provisions pertinent to Racketeering Influence and Corrupt Organizations Act.

17 Among those indicted in the RICO proceedings appear Terry Collingsworth – indicted both individually and as partner of Conrad & Scherer, Executive Director of the IRAdvocates, and as attorney of Albert van Bilderbeek. Francisco Ramirez Cuellar - indicted both individually and as representative of the Conrad & Scherer and of the IRAdvocates; Ivan Alfredo Otero Mendoza - indicted both individually and as being representative of Conrad & Scherer and IRAdvocates; William R. ("Bill") Scherer, Jr. - indicted both individually and as partner and/or representative of the Conrad & Scherer; Albert van Bilderbeek; Conrad & Scherer, IRAdvocates. among the individuals indicted as co-conspirators appear: Lorraine Leete – employee and representative of IRAdvocates; Rebecca Pendleton - employee and representative of Conrad & Scherer; Christian Levesque - employee and representative of Conrad & Scherer and IRAdvocates, and attorney in the Baloco, Balcero and Melo cases for the litigant; Richard Drath - employee and/or representative of Conrad & Scherer, as Chief Financial Officer; PAX; Ricardo Garzon - member of the legal team in the Balcero Case. Carlos Tor –Colombian attorney; Secure Pointe Partners International, LLC – private investigation and security company based in Houston, Texas. Used by the accused for providing "investigation" services in Colombia. Witness for Peace, non-profit organization with headquarters in Washington, D.C, took part in the international campaign against Drummond.

In fact, to support its defense, it managed to unearth an old case connected to a dispute with a Dutch petroleum company called Llanos Oil. About ten years ago, Llanos Oil denounced Drummond and the Colombian government for undue extraction of a petroleum exploration license. The petitioning company of the Netherlands did not benefit either from coming up against the American giant and the executives in Bogotá. The DAS, the Colombian secret service, managed to convince the DEA, the American federal anti-drug agency, that Llanos Oil was acting as a broker to launder the revenue from narco-trafficking activity. This led to the arrest of Henk van Bilderbeek, one of the two brothers owning Llanos, with the charge of money-laundering and drug trafficking for groups like the AUC. The Llanos company attempted to demonstrate that the dissolution of the contract, as well as the arrest of Hendrik van Bilderbeek, were the result of a conspiracy between Ecopetrol, the Colombian government, and Drummond, to allow the company to appropriate Llanos Oil's rich petroleum exploration licenses. The testimony in support of the Llanos version by a former DAS security manager, Rafael Garcia, made little impact in the proceedings; he declared that in the past the current DAS head had told him that the legal case against van Bilderbeek was a ruse¹⁸ to incriminate Llanos.

To defend itself from the accusation of connections with the paramilitary, Drummond reconstructed and demonstrated potential links of interests between Collingsworth and Llanos, allegedly united by the mutual desire to attack Drummond's interests.

But there is more. Drummond's powerful attorneys brought irrefutable proof that Collingsworth et al. had repeatedly poured money into the accounts of the jailed paramilitary soldiers' families. Those same paramilitary members would have declared against Drummond within the Justice and Peace program.

With a sort of Dantesque *contrapasso*, faced with the accusation of having financed the paramilitary bloc's operations in Cesar, the company managed to demonstrate that, to date, the only ones having in

18 "El Canoso pide revisar su caso con nueva prueba petrolera vinculada con paramilitares", Noticias Uno, 12 May 2012. <http://noticiasunolaredindependiente.com/2012/05/12/noticias/nacional/el-canoso-pide-revisar-su-caso-con-nueva-prueba-petrolera-vinculada-con-paramilitares/>.

fact paid the paramilitary were the attorneys engaged in the defense of the victims of violence and human rights violations.

The attorneys appeared to have no escape from this momentous accusation. There is proof of bonuses paid, communications with the paramilitary members, and apparent changes of version before and after the payments. The prosecution's structure crumbled under the blows of Drummond's defense.

Since 2002, all the trials attempted in the United States against Drummond were dismissed on technical ground. One last pending claim, underway for more than four years, was known as the case of *Balcero Giraldo vs. Drummond*, in which Drummond was accused of having paid huge sums of money to the AUC in exchange for "security" and was then accomplice to the homicide of hundreds of Colombian civilians. At the end of 2013, this case was rejected by the Court of Alabama for inadmissibility¹⁹.

The proceedings against Collingsworth et al. remain in contention; the judges must decide whether to credit Drummond's view that the attorneys allegedly paid the paramilitary to change their version of the facts to incriminate the company, or to agree with the defense positions that the payments, if in fact occurring, were used to defend the integrity of the families of the jailed paramilitary, whose lives would be at risk if they had begun to tell the truth.

These proceedings will also continue their course. It is certain that the (formal) program for disarming paramilitarism and the collaboration with Justice by the many detainees found guilty of violence in those years has caused more than just a few jolts to the Colombian system. In fact, many paramilitary members have worked effectively with Justice and their testimonies were the key to shedding light on a context marked by corruption and connivance. This led to the condemnation of 60 Parliamentarians and hundreds of mayors, governors and congress members for their connections with the AUC. It is equally certain that the jailed paramilitary's versions of the facts continue to arouse the concerns of many.

¹⁹ Caso Claudia Balcero Giraldo, et al. v. Drummond Company, Inc., et al., 2:09-cv-1041-RDP(N.D. Ala.), https://lawfare.s3-us-west-2.amazonaws.com/staging/s3fs-public/uploads/2013/07/455_Order-granting-SJ-for-DCI-and-DLTD.pdf.

The Colombian front

It is worth repeating that in Colombia, things are not necessarily what they seem. If, in a rather Manichean worldview, the traditional good/evil dynamics suddenly appear to be reversed with the human rights attorneys being condemned for criminal association, the reality is infinitely more complex.

This is a reality plagued with conflicting actors, inconvenient but certainly powerful, that in various ways have played a role in the events of those years.

Such actors include **Jean Adkins**, a former CIA agent in Honduras, who in 1987 was removed from his position for having authorized his subordinates to provide illegal assistance to the *contras*, the armed contra-revolutionary Nicaraguan groups created to combat the Sandinista government, and taking office in 1979²⁰. Jean Adkins, for five and a half years, until July 2001²¹, was Drummond's head of security in Colombia.

Or **Alfredo Araújo Castro**, cousin of former center right senator Alvaro Araújo, judged guilty by the Colombian Supreme Court for having arranged, with Jorge 40, paramilitary support for his 2002 election campaign. Both are members of the powerful Araújo family of Valledupar, in Cesar, including among its ranks a Minister of Culture, a General Prosecutor, a senator, a Constitutional Court judge, a governor of Cesar and two former members of Congress. In Valledupar, it is said that the Araújo family members “have the ear of the president,” that they influence all spheres of the public life of the region, and that a leaf cannot fall in the area without them knowing it²². Alfredo Araújo

20 Chapter 22 of the Final Report of the Independent Counsel for Iran/Contra Matters (<http://fas.org/irp/offdocs/walsh/index.html>).

21 “James Adkins, un ex agente de la CIA, el nuevo blanco en muerte de sindicalistas de Drummond”, *El Tiempo*, 24 Ottobre 2009 (<http://www.eltiempo.com/archivo/documento/CMS-6435607>).

22 “La dinastía de los Araújo”, *El Tiempo*, November 20, 2005 (<http://www.eltiempo.com/archivo/documento/MAM-1835255>).

was the director of Drummond community relations Department for more than twenty-five years.²³

There is also **Luis Carlos Rodríguez**, a pensioned former colonel of the Colombian army who has worked as security head of Drummond's La Loma mine in Colombia²⁴. In the American trials, some witnesses indicate colonel Rodríguez as the man of greatest significance in the links between the company and the paramilitary. At a certain point, the American attorneys formally requested and obtained permission from the company's legal offices for a deposition in the case by Colonel Rodríguez. One week before the agreed date, he disappeared. Collingsworth and his co-workers were notified that the former colonel no longer works for Drummond and that therefore the company can no longer provide his deposition. Colonel Rodríguez cannot be located and nothing more has been heard from him²⁵.

There is also **Rafael García**, a former agent of the DAS,²⁶ Colombian secret service, already in jail, accused of allegedly encouraging drug trafficking while working for intelligence. That same Mr. García, in the case of van Bilderbeek's arrest with the indictment of laundering drug trafficking revenue, spoke of a "frame" to incriminate Llanos. García was a crucial witness and considered credible by some in a certain number of high profile trials against state officials in Colombia. García affirmed being aware of the Drummond case and signed a sworn declaration in which he stated having attended a meeting during which Drummond's Colombian president allegedly delivered a suitcase full of cash to a paramilitary commander as compensation for the two union members' homicide in 2001²⁷. In fact, Collingsworth et al. never

23 "En libertad Alfredo Araújo, directivo de Drummond", Cacica Stereo, 29 May 2015 (http://www.cacicastereo.com/index.php?option=com_k2&view=item&id=741:en-libertad-alfredo-araujo-directivo-de-drummond&Itemid=561).

24 "¿Vía libre a juicio contra la Drummond en EE.UU.?", Verdad Abierta (<http://www.verdadabierta.com/tierras/lideres-de-tierras/3013-hijos-de-sindicalistas-asesinados-podran-iniciar-juicio-contra-drummond>).

25 "Colombia, Coal & Murder", Counter Punch, February 8, 2012 (<http://www.counterpunch.org/2012/02/08/colombia-coal-murder/>).

26 *Departamento Administrativo de Seguridad*, the Colombian security services agency.

27 Statement of Rafael Garcia issued to IRA Advocates, April 2009 (<http://iradvocates.org/sites/default/files/RG%20Decl%20April%202009%20ENG-SPA%20FINAL.pdf>).

managed to present Rafael García as witness in the case. After months of waiting, the presiding judge denied them this possibility. He changed his mind just before the trial, but not in time to allow the attorneys to complete the complicated process of rogatory letters (a matter of high diplomacy in relations between the United States and Colombia) necessary for García's testimony in the courtroom²⁸.

As stated, the American trials against Drummond were always lost by the claimants²⁹.

Meanwhile, in Colombia, the names mentioned above, along with those of Gary Drummond, owner and current president of Drummond in Alabama and Augusto Jimenez, head of the Colombian affiliate since 1991, have been well-known to the judicial authorities since 2009. In the judgment of condemnation against Jairo del Jesus Charris Castro for the homicide of the two union members, the special judge in charge of the case in Bogotá asked the General Prosecutor also to investigate the management of the company for their alleged involvement in the crime³⁰. This request was then confirmed also in the guilty verdict against Jaime Blanco some years later³¹. In addition, in that case, the judge ordered the presence of all those indicted by the Colombian criminal justice system, in order to ascertain what possible responsibility they had in the murders³².

For nearly two years, all was silent.

On the morning of May 25, 2015, however, the people of Valledupar awoke to a new shock³³: Alfredo Araújo Castro, the former Drummond

28 Colombia, Coal & Murder”, Counter Punch, February 8, 2012 (<http://www.counterpunch.org/2012/02/08/colombia-coal-murder/>).

29 for the details of the processes filed against Drummond, see Appendix.

30 “Juez pide investigar a funcionarios de Drummond por caso de sindicalistas”, Verdad Abierta (<http://www.verdadabierta.com/tierras/lideres-de-tierras/1663-juez-ordena-investigar-a-directivos-de-la-drummond-por-asesinato-de-sindicalistas>).

31 Testimony of Jaime Blanco Maya in case number 110013107011-2011-00026-00, January 25, 2013, page 16 (<http://www.fiscalia.gov.co/colombia/wp-content/uploads/110013107011-2011-0026-Jaime-Blanco-Maya.pdf>).

32 “Los investigados de la Drummond”, Verdad Abierta, September 18, 2009 (<http://www.verdadabierta.com/lideres-de-tierras/1664-los-principales-acusados-de-la-drummond>).

33 “Capturado Alfredo Araujo Castro”, El Pilón, May 25, 2015 (<http://elpilon.com.co/cti-capturo-en-valledupar-a-gerente-de-relaciones-con-la-comunidad-de-drummond/>).

industrial relations manager in Colombia, member of the powerful Araújo family, was unexpectedly arrested in Valledupar. This was the first executive of the multinational captured by the Colombian authorities within the investigation of the two union members' homicides.

Six years after first presentation of the charges, the Prosecutor for human rights and international rights ordered Araújo's arrest with the indictment of criminal association³⁴. Araújo was released after interrogation in jail, but to date is still under investigation. The Prosecutor has not revealed the content of the interrogation or the reason for the release³⁵.

The strange case of Llanos Oil

Two Dutch brothers found a petroleum deposit in Colombia worth 70 billion dollars and became victims of a conspiracy between two secret services, an American multinational, and the Colombian government.

It sounds like the plot of a mystery novel. In fact, a Dutch investigative journalist, Peter Smolders, has written a book on this topic. In his novel "De Olievlek" ("The Oil Spill"), Smolders tells of the events of Dutch brothers Henk and Albert van Bilderbeek and their company, Llanos Oil, which, one year after having obtained a license to explore a petroleum field in northeastern Colombia, found it revoked by the Colombian national company Ecopetrol, which entrusted it instead to the American multinational Drummond. In 2004, Henk van Bilderbeek was arrested in Bogotá and condemned to twenty years in prison for money-laundering connected to drug trafficking. The brothers declared themselves victims of a major conspiracy between the Colombian secret service, DAS, the United States DEA, Drummond, Ecopetrol and the highest political spheres in Colombia.

That is the novel.

The facts tell the following story.

Llanos Oil Exploration, Ltd. is a company registered in the Isle of

34 "Los dos asesinatos por los que investigan a exdirectivo de Drummond", ANNCOL, 27 May 2015 (<https://anncol.eu/index.php/colombia/politica-economia/item/621-los-dos-asesinatos-por-los-que-investigacion-a-exdirectivo-de-drummond>).

35 "Fiscalía dejó en libertad a directivo de Drummond", El Heraldo, May 29, 2015 (<http://www.elheraldo.co/Cesàr/fiscalia-dejo-en-libertad-directivo-de-drummond-197287>).

Man, owned since the 1980's by Albert and Hendrik van Bilderbeek, with a Dutch father and Colombian mother, sons of an oil family with a past with Shell.

Since 1984³⁶ the company has been exclusively dedicated to petroleum exploration and drilling in Colombia³⁷. In 1997, it obtained from the Empresa Colombiana de Petroleos (Ecopetrol), the Colombian government agency in charge of supervising the oil and mining activities, a 28-year exploration contract in the region of Las Nieves, in Cesar³⁸.

After a previous suspension of the license in 2000 by Ecopetrol, with the accusation of not having launched the extraction in the times and means foreseen by the contract³⁹, Ecopetrol returned the permission to Llanos in 2003. In the meantime, the deposit changed its name from "Las Nieves" to "Guatapurí."⁴⁰ According to Llanos, the name change was used to start the process for obtaining a new license with other contractual conditions. For the "new" concession, Ecopetrol asked Llanos to open a guarantee fund in which to deposit 2 million and half dollars; these conditions, according to Llanos, were not foreseen in the initial contract.

On February 14, 2003, just a few days after the concession of the new license, the DAS drafted a report on possible international drug trafficking from Cesar. The document indicated that Llanos Oil allegedly was used to launder the revenue from this trafficking.

On July 23, 2003, Ecopetrol unilaterally suspended the exploration license in Guatapurí, assigning it in December of the same year to Drummond.

According to Llanos Oil⁴¹: "Drummond had never performed petroleum extraction. It did not have the machinery or the technical skills to do so, and not even the necessary requirements, according to Colombian law, to obtain an oil concession. The license was granted very

36 Case of Llanos Oil vs. Drummond & al. (<http://www.derechos.org/nizkor/econ/drummond.html>).

37 <http://llanosoil.com/>.

38 Ibid. pag. 8.

39 Ibid. pag. 9.

40 Complaint of Llanos Oil vs. Drummond, May 2005 (<http://www.derechos.org/nizkor/econ/drummond.html>).

41 Complaint of Llanos Oil vs. Drummond, May 2005 (<http://www.derechos.org/nizkor/econ/drummond.html>).

quickly, after just nine days.” In March 2004, Hendrik wrote to then president Alvaro Uribe to claim alleged links between Drummond and the paramilitary groups in Cesar. In April 2004, Hendrik filed a complaint to the Prosecutor of Bogotá against Drummond, Ecopetrol and Echeverri.

In May 2004, Ecopetrol and DAS accused Llanos Oil of being a shell company used for laundering drug trafficking revenue.

In September 2004, the DAS accused Llanos Oil of having links with the AUC.

In the same month, Hendrik and two other employees of Llanos were arrested in Bogotá with the indictment of money-laundering and drug trafficking. Hendrik remained in prison from 2004 to 2008.

In April 2005, Llanos oil filed a complaint⁴² in Florida district court against Drummond and the Colombian government (represented by then president Uribe) and against Ecopetrol pursuant to the dispositions regarding the United States Racketeer Influenced and Corrupt Organizations Act (“RICO”), stating that the dissolution of the contract, as well as the arrest of Hendrik van Bilderbeek with the indictment of money-laundering for narcotics groups like the AUC, were the result of a conspiracy between Ecopetrol, the government of Colombia, and Drummond, to allow the United States company to appropriate the Llanos Oil petroleum exploration licenses.

In 2006, in a hearing in the proceedings against Hendrik, the former DAS security manager, Rafael García declared that the current head of services Jorge Noguera told him that the proceedings against van Bilderbeek were a ruse⁴³ to incriminate Llanos.

The legal action, however, was overturned by the court approximately six months after being filed.

On January 19, 2011, Llanos Oil reported Drummond before the Supreme Court of The Hague⁴⁴. With these new proceedings, Llanos

42 Complaint of Llanos Oil vs. Drummond, May 2005 (<http://www.derechos.org/nizkor/econ/drummond.html>).

43 “El Canoso pide revisar su caso con nueva prueba petrolera vinculada con paramilitares”, (El Canoso requests review of case with new proof of oil link with paramilitary) Noticias Uno, May 12, 2012 (<http://noticiasunolaredindependiente.com/2012/05/12/noticias/nacional/el-canoso-pide-revisar-su-caso-con-nueva-prueba-petrolera-vinculada-con-paramilitares/>).

44 “Llanos Oil demanda a Ecopetrol ante La Haya” (Llanos Oil sues Ecopetrol in La Hague), Van-

hoped to demonstrate the illegitimacy of the contract revocation and obtain compensation for alleged damages of approximately 7 billion euro. In November 2013, the High Court of The Hague closed the case, stating that it did not have jurisdiction, as the contract between Llanos and the Colombian government provided that any dispute could be carried out only in Colombia⁴⁵.

On April 22, 2015, the Dutch Supreme Court reported the final verdict in which, without any explanation, it overturned the Llanos Oil⁴⁶ appeal in favor of Ecopetrol SA in the case filed against the company.

Llanos Oil Exploration Ltd.'s petition for damages, as a consequence of the dissolution of the Guatapurí association contract by Ecopetrol SA, thus lost any legal foundation.

guardia, January 23, 2011 (<http://www.vanguardia.com/historico/89679-llanos-oil-demanda-a-ecopetrol-ante-la-haya>).

45 "Geen nieuwe Nederlandse miljardairs: Llanos Oil verliest van Colombia", Quote, 2 December 2013 (<http://www.quotenet.nl/Nieuws/Geen-nieuwe-Nederlandse-miljardairs-Llanos-Oil-verliest-van-Colombia-99483>).

46 "Ecopetrol Announces that the Supreme Court of the Netherlands Has Ruled in Its Favor in the Llanos Oil Exploration Ltd. Case", PRNewswire, 22 april 2015 (<http://www.prnewswire.com/news-releases/ecopetrol-announces-that-the-supreme-court-of-the-netherlands-has-ruled-in-its-favor-in-the-llanos-oil-exploration-ltd-case-300070758.html>).

From Palomino to Riohacha

More than two hours had passed and there were no signs of a bus.

Not that the waiting was boring. With the election campaign underway and the speakers on the camionetas blaring reggaeton and promising *el cambio* in exchange for a vote, there was no lack of entertainment.

At the end of the third hour, the family that had trustingly waited with us for the gasoline distributor, finally waved goodbye, laughing. They would try again tomorrow.

We, however, needed to arrive in Riohacha before evening, one way or another. We asked two guys on motorcycles to take us. Impossible, that was too far for two Chinese bikes that could barely make it from one side of the *pueblo* to the other.

Word of mouth works great, and a vehicle shortly pulled alongside and began bargaining. To save some *pesos* we convinced two young local tourists to come with us. With their colorful clothing and a beer still in hand, they were headed back to work after a weekend of relaxation on the white beaches of Palomino.

Touristic Guajira, full of hammocks in the Caribbean sunset and delicious *ceviche de camarón*, had conquered us too.

On that clandestine taxi headed toward Riohacha, we wore the traditional garb of *gringos* on vacation. We introduced ourselves to our travel companions as two ordinary tourists.

“*You are fortunate to travel; our vacation is already over,*” the girl sitting on the rear seat with us said, with a marked Bogotá accent. “*We’re returning to the Cerrejón.*”

Pretending not to know, we asked what the Cerrejón was⁴⁷. The two

47 Cerrejón is an integrated mining and transportation complex in the department of La Guajira,

began to tell us. *“That is the Guajira coal mine where we work. It is 60 thousand hectares, and more than 10 thousand people work there. This is a great project that is taking care of the environment and of the people on site.”*

“Up to today, the developed part of the mine, where the operations have been completed, has been reforested and cleaned up. We live there, in Ciudad Albania. It is a beautiful place, with trees, golf courses and a lot of things to do.”

The colorful tourists, being taken home by that improvised taxi, were two of the Cerrejón managers. This was our first contact with the largest coal mine in the world.

As signs of our arrival in Riohacha, two large slums sprang up suddenly on the right. These were the first houses that we encountered after kilometers of driving through an increasingly arid landscape.

The unpaved roads and concrete roofs of the Nazareth *barrio* had seen the violent encounters of 2000, when AUC and FARC had battled over the territory between the desert of the Guajira and the river Ranchería. Over the years, the people of those shantytowns continued to die at the hands of paramilitary groups, while the police talk about ordinary crime⁴⁸. The *paras* in Colombia are no longer there, they have put down their weapons; the president Juan Manuel Santos repeats this continuously. When you arrive in Riohacha, you forget. More than one hundred murders a year for a small city with some 170 thousand inhabitants is not ordinary crime⁴⁹.

The dilapidated houses of the center, the dark alleys, the people who seemed to have abandoned those places forever, made an introspective silence fall in our taxi. Less than two hours by car separated us from the music and chaos of Palomino, but we seemed to have traveled into another time.

in the northern area of the Colombia. It comprises an open-air thermal coal mine that produces 32 million tons per year, a railway 150 kilometers long, and a seaport able to receive ships of up to 180,000 tons. Cerrejón is managed independently, but belongs in three equal parts to subsidiaries of BHP Billiton, Anglo American, and Glencore.

48 “Comando Situacional se instaló el martes 29 de julio en la comuna cinco de Riohacha”, Entre Notas Rosa, 30 July 2014.

49 <http://riohacha-laguajira.gov.co/apc-aa-files/38393262636535666639653330326234/programa-de-gobierno-10-agosto.pdf>.

That desolate landscape followed us to the hotel. The man in reception barely greeted us. Without raising his eyes from the computer, he took our documents and handed over the room keys. All without speaking a word. This was like returning to Cesar and seeing again the weary eyes that can no longer smile.

When we asked the hotel porter if we could walk to the center, he scrutinized us. *“If you leave your money, telephones and watches you can walk. And also take off your shoes.”*

We opted for a taxi. The dark glass did not allow seeing very much of the nightlife of Riohacha. The taxi driver left us on the shore. *“You can walk here, but do not go down to the beach; it is too dangerous.”*

That sidewalk full of Wayuu stands was the first note of color in Riohacha. Wrapped in decorated tunics, the women of the desert come to the city to sell their crafts. We were intrigued by the cylindrical bags of wild cotton and other natural fibers. According to the Wayuu mythology, the weaving spider Wale’ Keru entrusted the secret of embroidery to a woman⁵⁰ and in a short time, the tradition became widespread in all of Guajira.

A girl welcomed us to her stand with a smile that took us back to the Colombia that we knew. We walked among those colors, sat at a table to sip ice-cold Águila and remained a few minutes to contemplate the sea in the distance. The next day we were heading for Barrancas, the last city before the Cerrejón.

“Coal for the world, progress for Colombia!”

The hour and a half journey from Riohacha to Barrancas is one of those things that weighed on us for a bit even after having arrived at our destination.

It may have been the travel companions who, oddly, never smiled. Or the armored cars spread along the entire road. Or perhaps the soldiers with threatening eyes at the permanent blockades that rummaged within the cabin of our collective taxi. Or the story of the assault on the driver the day before. Or the unnaturally mature look in the eyes of the boy sitting next to us. Or still, the desolate landscape, far from the lush

50 “La mochila Wayúu, parte de la tradición de Colombia”, Artesanías de Colombia, 19 marzo 2014 (http://www.artesantiasdecolombia.com.co/PortalAC/C_noticias/la-mochila-wayu-parte-de-la-tradicion-de-colombia_5070).

and variegated nature that we had left behind us a few hours earlier.

It may have been a bit of everything, but that hour and a half seemed infinite. We were becoming accustomed to the dark glass that, from the outside, prevented seeing who is driving. It was this change of perspective that confused us. We had become the ones who were traveling in a car with dark windows and with a driver who, zooming along with excessive speed, for greater security also covered the front windshield with a black film. Except that this did not make us feel any safer. Or perhaps a bit, but this thought was only a cause of greater discomfort.

The Barrancas flag is composed of two horizontal stripes. One is green, to demonstrate the essentially agricultural nature of the Municipality. The other is black, because coal is the true wealth of the area.

The founder of the city, Friar José Barranco, may have already known this and emphasized it when approximately 150 years ago he arrived in area and gave the name Municipality of Barrancas to the territory that today is the heart of the Cerrejón extraction activity. Perhaps he also imagined that the most important carbon deposits would be located literally under the feet of the Wayuu indigenous communities of Roche, Patilla, Chanqueta, Oregonal, El Descanso, Caracolí, Manantial, Zaraita, Espiral, Tabaco and Tamaquito.

If Friar Barranco was already aware of this or not, we will never know. What is certain is that the business people of the Cerrejón soon discovered it. For them, the black dust took top priority. And soon the indigenous people ended up becoming a problem.

The result is that today, Tabaco no longer exists. Not even El Descanso, Oregonal, Caracolí, Manantial, Zaraita and Espiral. The villages have disappeared, the communities were erased, and the residents organized themselves, however possible, to survive somewhere else.

Tabaco went up in smoke

“The company (Cerrejón) bulldozers arrived escorted by the army and began to destroy everything. It was August 9, 2001. They came in without any advance notice and knocked down our houses. To save ourselves, we escaped with only the clothing on our backs. In less than twenty-four

hours, the village was reduced to a cloud of ashes.

Tabaco went up in smoke. Only the ashes remain.

Ours was an afro community, among the first to disappear from the map of the Guajira. In our land, the coal extended to the surface and was quickly extracted. It was a treasure too precious to leave under a bunch of black asses.”

We met our contact in Barrancas, among those who received us on our arrival from Riohacha. For more than ten years, he has protested the violence generated by coal exploitation. Threats and intimidating actions have not stopped him. We spoke with him just a few days before he left for Europe.

“I am going to tell them how we live among the coal that brings light to your houses.”

When he was still a child, Cerrejón was negotiating the purchase of shares of Carboacol, the state-owned company that had the Guajira mine concession. The negotiations also ended up including the coal of Tabaco and its people.

The ones who sold the community to the company were the mayor and the treasurer of Hatonuevo⁵¹. They established a price for everything: 41 million pesos for the police station, 48 million for the school, and 32 million for the health center. The dead in the cemetery and their tombs cost 22 million pesos, less than the little plaza with the trees in front of the municipal building. There were also the aqueduct for 26 million, the roads 197, and the electrical network 86.

In that shop of horrors, there was also space for the priest. The price of faith was 45 million pesos, less than 15 thousand euro. And below that were the bell tower, the crucifix and the crumbling walls of the church.

While telling the story of his pueblo, we brought two accounts to mind. *“To make Tabaco disappear and chase away the 500 families living there, the company spent less than 200 thousand euro. Black lives are cheap; this has been known since the times of slavery. Years have passed since that cloud of ash subsided, and still no guilty party has been found, no one has compensated us, and the resettlement remained only a promise. I bought a home in Hatonuevo with my own savings.*

Today, however, I think that the destruction of Tabaco has accompli-

51 Hatonuevo was the village to which the community of Tabaco belonged.

shed something. It has allowed beginning the battle against coal in the Guajira. After Tabaco, we have understood that the only way to oppose Cerrejón is to act collectively.”

Non-existent villages

Other villages have had a different fate, perhaps better, and some, in fact, worse. These were Tamaquito, Chancleta, Roche, and Patilla. All four were encompassed in a program sponsored by the company; today, they exist officially as “number two.” There is talk about Tamaquito II, while Chancleta has become Nueva Chancleta, Roche became Nuevo Roche and Patilla became Nueva Patilla.

What remained of the “old” is no one’s business, much less of the Cerrejón, which considers having sufficiently covered the social and economic costs of the resettlement.

There is an ancient prophecy of mystics and soothsayers that those in the devil’s datebook will be saved and those outside it will disappear completely.

On review of the accounts of the company, which had obtained a concession to extract the precious black dust from 60 thousand hectares of ancestral land, things were shown to be more complex than expected. When, starting from 2008, the choice was to agree to leave voluntarily, or to disappear from the list of those who could claim rights, many opted, surprisingly, for the second choice.

Thus, the villages and the respective communities, were shattered.

In Chancleta, Patilla and Roche, a total of 65 families, or approximately 350 people, decided to remain where they were. Because of this, they have “disappeared” completely, at least in the company’s official estimates.

“To Cerrejón, Chancleta and Patilla are two ghost towns. According to them there is no one there,” we were told in Patilla. The old Patilla was an inferno of houses and mud on the main road that led to the entrance of the Caypa mine, in the Cerrejón complex.

If we had not observed the women of the village cooking, if we had not spent some hours sitting and talking with them, or we had not seen the little girl, daughter of the cook, bathing in a tub of brown water, if we had not purchased drinks and cookies in the little village shop, if we had not interacted with the residents, we would be the first to say

that Patilla is not there. There cannot be a place like this, anywhere in the world.

A wide, unpaved road is crossed day and night by the mulas, the trucks loaded with coal and headed toward the ports, puffing out smog and spreading black dust in every dip that they find on the route. Patilla is there, just at the side of the road. The 24 families who have remained, the invisible who do not exist anymore for any one, survive only thanks to the truck drivers, who, sooner or later during the day, must stop to eat or drink something somewhere.

“They are our only source of subsistence. If they do not pass, we do not eat.”

This was the oldest lady who began to speak, even before we had managed to focus our attention on her or on the glasses of brown water that she kindly offered us to refresh us from the oppressive heat and dust.

“We were displaced from Manantial, my village of origin. Before I left, Cerrejón gave me 120 thousand pesos (approximately 35 euro). For them, that was the value of the home that I was forced to leave.

I went to Roche, but also there, a short time after, they knocked down my home, without even compensate me for the damages. Only after a long lawsuit, they gave me 400 thousand pesos (approximately 115 euro).

Once again, I had to go away, and ended up here in Patilla. They gave me an extended loan for use of land in Chancleta, where we had begun to cultivate and raise goats, cows and pigs. Then I was told that on April 30, 2014 I must again leave the land. They did not give me any explanation. That time, however, I did not go. Trying to force me out, they cut off the water for weeks, pressuring me with threats. They delivered tanks full of polluted water to me. This is the only water that we have to wash ourselves, clean, and give the animals to drink. In just months, 55 cows have died.

But this time, I will only leave here dead.”

And if these people do not exist, their land belongs to no one. But in Colombia, the land of no one always belongs to someone.

“Our family has a problem with the army. Various irregular groups

pass through here, especially the guerilla. When the guerilla pass, we don't dare report them to the army because we are afraid; only a few families live here and we are abandoned by the State.

Then the army arrives and says that we support the guerilla. They send a soldier to have us fill out a form with our data. We refuse to do so because we know that is only a way to obtain our names and then report us as guerilla informers. This is their excuse to chase us from here. But how can we be informers? We just want to live in peace! Now they have told us that we need to sell them our houses by December; otherwise they will eject us by force, as they have already done in Tabaco.

Meanwhile, the administrators of Cerrejón live in Ciudad Albania, a compound with shopping centers, a golf course, pools and 5-star hotels. Some of the relocated communities were sent to Albania (a village that has the same name as the compound, Ed.). To convince them to accept the resettlement, they said that they would go to live in Ciudad Albania. But how much water does it take to irrigate a golf course?"

In Chancleta, or what remains of Chancleta, a few hundreds of meters away, there are 40 invisible families. More than 200 people no longer exist; the knowledge that they must leave is now a reality. But the resistance to injustice and abuse has become a lifestyle.

"The first years that they arrived here, they brought Christmas gifts to the children. That could not bring anything good for our community, we knew from the beginning; no one wanted them here. Today, in view of the evidence of the facts and the imbalance of strength, we are aware that sooner or later we will have to leave here. It is not even a matter of compensation, because this territory is priceless and our loss can never be compensated in any way. This is not what we want to talk about. What we focus on is the injustice, the abuse, the unilateral decisions, the fact that they decide how and how much to pay for our houses is what we don't want to accept. What do they know of the value of our houses?"

Since we have not agreed to move to the new Chancleta, now they say that there is no more money for the resettlement program. They just want to expropriate our houses, giving us a few coins and then watching us disappear. But we know how it really goes. The members of our community who have agreed to be moved elsewhere are sorry now and they want to come back, because they have nothing that was promised.

On arriving at this point, at least we want to make things difficult for them; we demonstrated in the road to make them recognize the services we provide to them. We will not leave that easily; they can count on that!"

Despite being invisible, the residents of Chancleta undergo a great deal of pressure. The water and electricity were off for days; the transportation was cancelled with the excuse that, after transferring part of the community to Nueva Chancleta, there are too few users to justify the costs of the service. The men can no longer hunt because the lands are delimited and under the control of the company; they can no longer fish because the rivers are now dry, since the waters were deviated to feed the mines.

The latest news is that soon a toxic coal refuse site will open at Rocho Viejo, the other community that was "transferred" four years ago. Today, only one family remains in Rocho Viejo.

"Now we are surrounded by the mine. When there are explosions, everything shakes. It's a good thing we have mud walls!" a woman said with bitter irony about her home, which, in addition to mud, was also built with reeds and straw. *"This is my home; it is large, three rooms plus the patio. Should I go away and allow them to knock it down as they have done with all the others?"* While talking, she showed us the piles of ruins scattered throughout her village, a kind of trash pile for the materials abandoned after the houses of those who decided to leave were demolished. *"Do you know what they do to convince the people to give up? Today, there are four people here who work for them. Well, the company threatens them, saying 'if your parents sign to authorize the expropriation of their home, we will renew your contract; otherwise, no'."*

"And what does the State do? It protects them, but not us. We are of no interest to the State. The mine obviously interests them more! The mayor of Barrancas signed the decision for expropriation of Chancleta, after we were the ones to elect him. The officials of the State here are paid by the company. To Cerrejón, we are all thieves or guerilla. The truth is, they are the problem.

They are piranhas, piranhas with a maniacal grin."

The resistance of Tamaquito

“We no longer manage to dream. Those wooden doors never stop squeaking. Inside, it is too warm and when the wind comes from the desert, the sheet metal whistles loudly. The animals are also afraid. And we do not dream anymore.”

While speaking, the community member who welcomed us indicated the cement houses behind us, while murmuring these phrases in the Wayuu language.

The sheet metal roofs were the first things that we notice on arriving there. After just a few kilometers, the road from Barrancas toward the north turned to the right and became unpaved. On the left, we started seeing the first *reasentamientos* imposed by the company. Entire villages were moved to make space for the coal mine.

The landscape was arid and the low vegetation opens to a view of a village of colored sheet metal covering cement and stone houses. Every color represented a clan, one of the 35 families of Tamaquito II.

Accompanying us on the rutted road full of holes is a member of the community. We passed red, blue, and finally green roofs. In the shadow of a sheet metal roof, in what seemed to be an open-air community meeting room, we were welcomed by a group of people.

One of them told us that in 1965 he was responsible for raising cows on behalf of an area landowner. That year, his employer gave him ten hectares of land, just a few meters from a forest he has in Venezuela. He leveled the land, raised clay walls, and covered the hut with a straw roof. That was the beginning of Tamaquito.

“In Tamaquito, we lived well. The earth was fertile and we went hunting and fishing. The women dedicated themselves to the home and crafts. Business was flourishing and we sold our products to the nearby villages. We celebrated our spirits and collected drinking water from the river Ranchería. It was a peaceful community life. Then the company arrived.”

The memory made him speechless. Cerrejón appeared in the Guajira in the early 1980's and began to buy land from the large landholders who had taken possession of the Wayuu territories. Freedom of movement soon became a problem for the indigenous people of Tamaquito. In just a few years, their travels were limited to a ten-hectare area.

Another person told us that at the time he was just over age twenty, but was already one of Tamaquito's leaders. He continued the story be-

gun by the other, while three more indigenous people joined the circle of plastic chairs where we are sitting to talk.

“Until the invasion, we were moving about on a territory of 20 thousand hectares; we used mule-drawn carts and did not have to request permission from anyone. For a community that was based on hunting and trading, moving meant living. In a short time, everything changed. The medicinal plants are now covered with black powder, they have sprouted new diseases, the rivers have begun to dry up, and contacts with the other communities are becoming more difficult, with jobs harder to find. The final blow was the destruction of Tabaco.

Everything around us became desert. They took the earth and the rivers from us and prevented us from moving, but we were still there. With Tabaco erased, so were the markets where we sold our products, the school for our children, the hospital that cured us of unknown diseases. It was a major blow for Tamaquito. They began to threaten and harass us. The public force that was supposed to protect us ensured the company's security instead and made us out to be guerillas. They closed the access roads to Tamaquito. The blockades were everywhere. Soon, everything was owned by the Cerrejón. There was only one route to go home, the food was scarce and we started to travel to Venezuela to support our families. Every week, we crossed the border for work. Then the conflict between paramilitary and guerilla became increasingly violent, the ambushes increased and the frontier became too dangerous. Two young Wayuu disappeared into nothingness and we lost our jobs.

We were in dire straits, isolated in the desert of the Guajira.

When we no longer had anything, the company began making gifts to divide the community.

In 2006, we gathered at a meeting. The moment had come to make a decision. Remain or leave. There was no water, the lands were polluted and the coal had entered our lungs. We were transformed from producers to consumers. We had started to eat the meat of the pigs that we used to sell in the markets and we moved by bus or by car, because they had closed our roads and the distances were too long for the mules.

The meeting went on for days and at the end we thought of leaving Tamaquito. But there was no escape. If they wanted to move us, it should have been under our conditions. The Cerrejón had to open a table to meet with the Wayuu and accept that our decisions were made as a community and a group. They were not the ones to decide who to negotiate with.

The negotiations began at the end of 2006. For months, we discussed water, education, production projects and security.

The agreement for the concrete houses was soon made. We had seen those of our brother Arhuacos of the Sierra Nevada and we thought they would also be fine for us. We designed them with three bedrooms, a kitchen and a bathroom.

For the land, however, it took much more time. The company wanted to give us only 60 acres and we wanted 500. In the end, we settled for 300, but Cerrejón chose the place.

Then arrived the moment of payment. The compensations and movements had to be quantified.

Abandoning Tamaquito had inestimable value for us, but we were forced to place monetary amounts on our lives. Three billion pesos (about 800,000 euro, Ed.) for the land to buy, 630 million for the houses to build, thirty million per family to leave. Spirituality also became a commodity, and that was the most difficult part. In compensation, the company bargained with a Wayuu, our brother. They took him around Europe to lie about the negotiations, making believe that we were happy here. They always said to him, 'we understand that you do it to support your children, but we are brothers.' When he tried to give us a hand, he was laid off, and they priced our spirituality at 335 million pesos. That was what they gave for buying young goats, necklaces and everything we needed for celebrating our ceremonies.

One day, we did the sums. The resettlement cost 4 million euro. That is how much they earn with a single truckload of coal."

In March of 2015, Mr. Glasenberg, the head of Glencore, came⁵². We offered him a glass of water. The laboratories of the company say that the water of Tamaquito II is drinkable and so he should also drink it. But he did not want any. And they tell us that we should not consume too much water for washing and to irrigate the fields. With all the water that the mines waste!

We signed the resettlement agreement in 2007. Eight years have passed but many promises remain unkept.

Productive projects were a failure. There were provisions for two collective projects and three for family members, but they never started. We were given one hectare per head to cultivate, but there is no water and the land here is all contaminated. Cerrejón blames us for the production projects not working. We asked instead for investments for potable water and a salary that will allow us to survive since the production has not started. We were not the ones who wanted to leave Tamaquito.

We also asked about the ownership of the land. In the other relocations, Cerrejón is owner of the lands, but we opposed this, and we wanted the lands to belong to the Wayuu.

The company and the government also need to understand that it is not only a problem of commitments not being kept. Here, life is more difficult, there is no work, and the fields are barren. The women who once wove the bags and the typical clothes now do not know how to sell their crafts, and this is a social problem, not only economic. The violence is increasing along with alcoholism.

And then there are the paramilitary. Also here. Before, they were called AUC, now they call them Rastrojos, but they are still the same. In Tamaquito, we slept on outdoor hammocks and at night we sat on the road to chat. Now we are afraid, and we take refuge at home as soon as it gets dark. The army threatens that if we do not stop protesting, they will have us killed and say that we are guerillas.

For us, the resettlement was a failure, but the company does not ad-

52 Ivan Glasenberg has been CEO of Glencore since January 2012.

mit it, and has opened a new set of negotiations to clean up its image. Cerrejón goes to Europe to say that they have a good dialogue with the community, but only they speak with us to tell us how good they are. You should not believe them. On the contrary, you must change your way of consuming energy.

Their slogan is 'Sowing the future,' but what future? They have given us boxes of concrete; we eat in a box and sleep in a box where we can no longer dream. I know that you Europeans cannot understand it, but for the Wayuu, dreaming means living. In dreams, the ancestors speak to the older people, warning them of imminent dangers and advising them on how to face them.

That is not sowing the future! My grandfather, forty years after Tamaquito, decided to mix mud and wood and build a hut with a thatched roof onto the side of that box. The floor is of earth, the bathroom is outside, and there is no sink for washing the dishes. But he has recovered his dreams.

At Tamaquito II, we are tired of dealing with the company. We had to get up from that table and go to the national government. Because the government is at fault in all this. Cerrejón has its interests; it is the government that must protect us, but in Guajira it is known that the government is Cerrejón, and they are in charge."

A treasure only for a few

Colombia is the largest producer of coal in Latin America and the fifth exporter in the world. Its reserves may last for the next 200 years⁵³. The departments of Cesar and La Guajira, which we have visited, are the source of 90% of Colombian coal. La Loma and El Cerrejón are located there. La Loma, controlled by Drummond, has reserves estimated at approximately 6 billion tons. Cerrejón, on the other hand, heads the coal consortium of Cerrejón Ltd, including the Australian BHP, the British AngloAmerican and the Swiss Glencore through the subsidiary Xstrata.

The 46% of the colombian coal is extracted in the Department of Cesar; that is approximately half of the region's GNP. More or less the same quantity is extracted in the Guajira⁵⁴. We are talking about approximately 80 million tons per year entirely destined for exportation, while in the territories disemboweled by the mines, just the 25% of the royalties remain, along with infinite murders, forced disappearances, displaced people and environmental disasters.

Until the mid-1980's, the extractions in Colombia were in the hands of state-owned companies. At the end of that decade, also due to the strong pressure exercised by the International Monetary Fund to impose its neo-liberal agenda, the country was hit by a wave of privatizations that targeted the basic services and the main natural resources.

In 1988, Drummond obtained the first mining concession for the deposit of La Loma, and the year after that, still in Cesar, the time came also for C.I. Prodeco. It was discovered in 1994, when the scandal of the para-politics⁵⁵ broke out, that the Colombian Parliament was being

53 <http://agenciadenoticias.unal.edu.co/detalle/articulo/en-colombia-hay-carbon-para-dos-siglos.html>.

54 La Cadena del Carbon, Ministerio de Minas y Energia, Colombia (http://www.upme.gov.co/Docs/Cadena_carbon.pdf).

55 <https://es.wikipedia.org/wiki/Parapol%C3%ADtica>.

controlled by the paramilitary. It approved laws 142 and 143⁵⁶, which finally turned over the energy and mining sector to private business. This opened the doors of extractivism to the large foreign corporations, which assumed the control of the natural resources and in particular of the coal industry, today entirely in private hands.

The privatization of the law was also shown in its full boldness in the mining sector. The only rule became legitimizing the protection of companies' interests and expanding the gaps in the net of legality. In 2001, a new Mining code was approved that eliminated any restriction on prospecting activity and excluded the small local *minería*. The extractions were considered to be of public utility and social interest and they prevailed over the fundamental rights of the people and the environment. The market was reserved for large capital, which could freely explore the hectares received in concession without having to request any type of environmental permits, or to compensate the State and the local communities⁵⁷. In fact, a license to destroy was issued and given the ministerial stamp.

As had already occurred with gold and oil, coal was advertised as the hope of a prosperous future for all Colombians. According to the government of the time, the days were numbered for poverty and underdevelopment.

The facts tell another story. Wealth extracted from the large open-air mines remains concentrated in a few hands, while the indigenous and rural communities, who share land and water with the giants of coal production, watch the deterioration of their social and economic conditions. The violence and conflict that feed extractivism to control the territories are now part of daily life in the coal regions. La Jagua de Ibérico, a little village in Cesar with the highest coal production per inhabitant of the entire country, in 2002 alone, recorded 360 violent deaths and 140 displaced people. The same fate came to the towns of Becerril (Cesar) and Albania (La Guajira)⁵⁸. The violence has spread everywhere, around the mines, along the rails on which freight cars file past every day full of coal and near the ports from which huge cargos set out toward Europe and the United States.

56 142 of the 1994 – Law on residential public services, and 143 of the 1994 – Electronic law.

57 Conflictividad en el sector minero-energético en Colombia, Bogotá 2011, Tierra Digna.

58 <http://library.fes.de/pdf-files/bueros/kolumbien/11067.pdf>.

Today, the coal of the Guajira is entirely in the hands of the Cerrejón coal consortium, while the market of Cesar is controlled by three companies: Drummond Inc., Prodeco S.A. and Colombian Natural Resources (CNR). Prodeco is 100% owned by Glencore, while the CNR is of Goldman Sachs, one of the largest business banks in the world.

The enormous mining project El Cerrejón, the only one of the Guajira, is divided in three parts: Cerrejón North, Cerrejón Central and Cerrejón South. In Cesar, in contrast, the number of the mines is decidedly higher: La Loma, El Descanso, Similoa, Rincon Hondo and Cerrolargo center (Drummond); Calenturitas, La Jagua, La Victoria, Yerbabuena (Prodeco); El Hatillo, La France (CNR).⁵⁹

From the huge open-air pits excavated without ceasing for thirty years, the extracted coal was loaded on open freight cars drawn by locomotives heading toward the Caribbean coast. In Guajira, the railway line is entirely owned by the consortium El Cerrejón; in Cesar, since 1999 it has been managed by *Ferrocarriles del Norte de Colombia* (Fenoco), a Colombian company controlled by Glencore (40%), Drummond (40%) and CNR (8,5%). The remaining 11.5% is divided between Vale, Carboandes and other companies⁶⁰.

Only a minimal portion of the coal travels by road, especially in the Guajira, where the unpaved roads taking it from the Cerrejón to Barrancas are beaten down by enormous trucks loaded with black dust.

The coal is transported day and night from the large *minas* of the Cesar and Guajira to the ports built on the Caribbean Sea, from which the large vessels weigh anchor to export the precious resource to the world. The ports are owned by the same companies that extract the coal. Those currently active are Puerto Drummond (Drummond), Puerto Nuevo (Prodeco) and Puerto Rio Córdoba (CNR), in Ciénaga, Magdalena and Puerto Bolivar (Carbones del Cerrejón) located in the desert of La Guajira, just a few kilometers from the borders with Venezuela⁶¹. The coal extracted in the Cerrejón is loaded from the dock

59 "Comunicación urgente sobre la situación de transporte and embarque de carbón en el departamento de Magdalena," (Urgent communication on the situation of coal transport and loading in Magdalena) written from the communities of Don Jaca and Tierra Digna, Bogotá May 2014. (pdf Coal Chain).

60 <http://www.fenoco.com.co>.

61 "Comunicación urgente sobre la situación de transporte and embarque de carbón en el departamento de Magdalena," (Urgent communication on the situation of coal transport and loading in

of Puerto Bolivar, while the coal from Cesar leaves from the ports of Ciénaga. That is where we also went.

Magdalena) written from the communities of Don Jaca and Tierra Digna, Bogotá May 2014. (pdf Coal Chain).

Chapter 4 - By boat toward the coal ports

Near the home of Escobar

Two guard ships head directly toward us. The boat on which we are traveling suddenly stops. The sailor who accompanies us shuts off the engine and hurriedly rummages in a trunk placed at the stern. From the bottom, he takes a cord full of floats and slips it into the sea as if dropping nets. *“We’re pretending to fish, so they will think that you are tourists and go away.”*

The two boats still approach a few meters, then turn around and return to guard the dock. *“That is Drummond’s private security,”* says the fisherman, restarting the little outboard engine. *“They don’t want us to read the names of the vessels that load the coal.”*

We navigate just a few minutes on a small wooden lancha that takes on water with every wave. On the left, we pass a former villa of the 1980’s “king of cocaine” Pablo Escobar. This building that emanates power, entirely painted white, full of columns and capitals and with direct access to the sea. From afar, two garages can be distinguished directly facing the bay of Ciénaga, from which the cocaine cargo would depart thirty years ago toward Europe and the United States.

The *Sierra Nevada* in the background is imposing and lush with its five thousand meters of height, a grove of trees, and snow that gives the sensation of being in Switzerland rather than the Caribbean. In fact, we are in the Switzerland of these parts.

While the villa of the Patrón falls behind us, the ports of Drummond and Glencore are increasingly closer. To avoid again finding the guard ships on our backs, we proceed slowly and hide our cameras.

We pass over two dead fish floating belly up and, shortly after, we turn right, heading toward the open sea. We continue, parallel to the docks, avoid a crane abandoned in the middle of the sea and slalom between two rutted iron barges left in the center of the bay. *“They are the barcazas that the companies were using until a couple of years ago,”* comments the fisherman while for a moment he leaves the wheel and

wipes his face, constantly bathed by the spray of the waves. “*The barcazas would arrive down the coast, they were loaded with coal and then they would go to the open sea to meet the vessels departing for Europe.*”

This risky maneuver was repeated every day, until January 13, 2013, when Drummond dumped 1,500 tons of coal off the beaches of Santa Marta, in one of the most touristic areas of Colombia. During the unloading operations, a barge began to sink; to save it, the American company emptied a part of the load into the sea⁶².

Six years had passed from when the parliament required the companies to load the coal directly onto the vessels for export⁶³, but the new loading systems were implemented only after that incident.

The barcazas, in fact, have remained there, abandoned in that bay transformed into a cemetery of rust.

The Drummond dock is now very close. Four vessels are berthed on the two sides. Two are in loading position, while the others wait behind.

We glimpse the names of the first: “Golden Lyderhorn” and “Dream Canary.” These are two of the vessels that cross the oceans, transporting everything. This time it is the turn of Colombian coal to head directly to Rotterdam.

The dock is narrow and long, a couple of kilometers of cement and iron that penetrate into the *Caribe*. In the background are the trees of the Sierra Nevada, while from a tower at the southern edge of the dock, a plexiglas cover extends over the conveyor belts that load the coal onto the ships from dry land.

We skirt the dock, under the security of the guard ships pointed toward us. On passing Puerto Drummond, another dock opens to our view. This is Puerto Nuevo, the port of Prodeco. Only two vessels are berthed. One is being loaded; the other is waiting. The two kilometers of steel and frameworks allow a brief view of the transportation system. Here also the conveyor belts are covered and lead inside the ships.

“*We cannot go farther. If we pass Puerto Nuevo, the company will call the army to send us away,*” says the sailor, while with a decisive gesture he moves the wheel toward the right.

62 http://caracol.com.co/radio/2013/12/19/judicial/1387443420_040600.html.

63 Decreto 3038 del 2007.

The lancha turns left and the prow points toward the coast. In a couple of minutes, we find ourselves again between the two ports. To the left is the American, to right the Swiss. The view opens to those two tongues of cement where tons of coal flow every day, and for a moment, our thoughts return to Cesar and Guajira. We remember the disappearances and the former communities, the murders by the paramilitary and the guerilla threats, the glasses of brown water, the sheet metal roofs, the price set for the school of Tabaco and the other atrocities committed in name of that black dust.

When the sailor passes by there, we pull out the cameras and shoot quickly, nearly blindly. If we are seen from the ports, it will be a problem for us and our companion who lives here.

As we approach the coast, the docks are always there forming a threatening cage. Yet the evening before, flying over the bay before landing in Santa Marta, those lighted ports that gleamed in the Caribbean night seemed very attractive.

The prow turns ninety degrees to the left, and just a few meters afterward, we find ourselves again under the Drummond dock. The perspective is unique. Above us is coal, below is the Caribbean Sea, and all around us are cement frameworks and iron columns.

We pass the dock, giving a last furtive glance to the berthed vessels, and leave there quickly. When we are a few hundred meters away, a rumbling sound penetrates the bay.

Seeing the surprise on our faces, the sailor anticipates our questions. *"They have started to load coal; at the time of your arrival they had stopped. If it annoys you, think of the fish under here and of those of us who hear this sound day and night."*

We again pass the *barcazas*, the abandoned crane, and the white house of Escobar. Other fish float belly up, the port noises intensify, and we are again on dry land.

Don Jaca, where the fishermen are grounded

It was early morning when we arrived. A bus from Santa Marta to Barranquilla dropped us off at a kiosk full of Nestlé snacks and bottles of Coca Cola.

"See you at 8:30 at the tiendita of Don Jaca," the woman we were to meet had told us by telephone the evening before.

The clock says 8:20 and there are only two men drinking beer at that kiosk. The plastic tables arranged along the road are available. We put down our backpacks and order a tinto. Salsa blares from two speakers more than a meter high, arranged next to the refrigerator chest. There we enjoy our hot coffee and wait.

A pedestrian bridge connects two groups of houses, while the pickups and the armored military vehicles zoom by at insane speeds just a few centimeters away from us.

After waiting an hour, a woman arrives on one of the many motorcycle-taxis that fill the Caribbean coast. Her smile lights her face. She greets us affectionately, as if we had known each other for a lifetime. From there, we walk toward an unpaved road behind us. On arrival at the summit, Don Jaca displays its full degradation.

Lines of houses with concrete roofs appear to our left, while to the right, flies and insects of every type attack piles of refuse. It is very warm and we are dripping with perspiration. A group of barefoot children play jump rope, while a baby without a diaper crawls on the cement porch of his home.

“One hundred forty families live here,” our guide says to us, to ease the embarrassment of a sudden silence at the sight. *“The paved road where you waited for me is our Berlin wall. We are surrounded by coal. On the sea, there are the Drummond and Prodeco ports and on the land we are divided in two by a road where the trucks travel loaded with coal.”*

Deafening music is coming from a billiard room where four men are drinking beer and laughing. A lady sitting at the entrance of her home greets us with a nod of the head.

“Buenos días” we respond, with a cordial smile.

Together, we travel a few meters and the unpaved road becomes a dead end. *“Watch out for the train. It can be deadly,”* we read on a placard attached to an iron stake. *“This is the Fenoco platform⁶⁴,”* explains our companion.

“Through here passed the wagons full of coal that went from the mines to the Puerto Zuñiga, the old Prodeco port, which was used before the Italians built Puerto Nuevo. From six in the morning to midnight there was a constant coming and going of coal; even today, the wagons are

64 Ferrocarriles del Norte de Colombia (Fenoco) manages the railway network for transportation of the coal from the mines of the department of Cesar to the ports of the department of Magdalena. This is a Colombian subsidiary owned by Glencore (40%), Drummond (40%) and CNR (8.5%).

open and loaded to the brim. When they passed through here, every time they braked, some coal fell to the ground. They also passed in front of my house, just a few centimeters from the gate. Luckily for me they did not brake.”

Before us is a descent to the sea. At the fork, we take a little path on the right. We travel parallel to the rails, between open spaces and barbed wire fences, until arriving in the backyard of a home where a group of fishermen is waiting for us.

“Before the coal arrived, Don Jaca had one hundred and fifty fishermen. Now only six of us are left”; they tell us as soon as we sit down with them.

In this forgotten village, between the asphalt and the rails, the coal schedule has replaced the Gregorian calendar. The years are divided into before and after the arrival of Drummond and Prodeco.

“Before, we used to catch up to four hundred pounds of fish in forty minutes and we had what we needed to live well. Today, we catch three fish with a thousand meters of nets. The companies’ private security hunts us down, the army prohibits any approaching to the ports, the noise of the vessels scares the fish⁶⁵ and the pollution is slowly killing us. Now you cannot hear the noise because they know that you came. A woman, our neighbour, calls them every time foreigners or journalists arrive. And they stop the operations, so it seems that we invented it all.”

The residents of Don Jaca tell their lucid stories in voices full of anger.

“For 20 years, I have guided the barges that transported the coal from the ports to the vessels heading for Europe. I saw the port workers; their skin was black. Imagine their lungs!”

“To avoid death, you have to escape from here. And many are doing it. Ours is a forced displacement. There is no work, and those who stand up against coal risk their lives and have to leave.”

“Look what happened to Hernando Figueroa in 2013. Hernando was the spokesman of Don Jaca; he was returning home after a meeting in Santa Marta. A bandit with a balaclava followed him by motorcycle, entered his home and shot him in front of his children⁶⁶. If he did not kill him, it was because he did not want to; otherwise, he would have used a

65 The noise is also caused by the excavating machines dredging the sea bed to get the ships near the coast.

66 “Preocupación por ataques a líderes comunales en Santa Marta”, El Tiempo, 28 January 2013 (<http://www.eltiempo.com/archivo/documento/CMS-12558702>).

more powerful weapon. He wanted to hurt him and send a message to all of us. When he recovered from the attack, Hernando left Don Jaca and did not return. Since then, no one wants to be a spokesperson, and today, we are without a local authority.”

But the inhabitants of Don Jaca do not only point a finger at the companies. Like the Wayuu people we met in the Guajira and the fishermen of the Magdalena, they consider the State responsible.

“The Colombian State has decided that the multinationals have more rights than the people who live in these territories. Those who set themselves against coal oppose the government. Today, we are experiencing an invasion. The companies have occupied our land thanks to a deal with the State, because, to the government, Drummond and Prodeco are productive, while we are not.”

“If we protest, the army arrives to repress us as if we were terrorists. We only see the government on those occasions. For the rest, it delegates everything to the companies that oblige us to converse with their community relations directors.”

“Every now and then a woman comes, arranges a meeting with a few people, sharing gifts and promises, and in return asks us to sign to say that we agree with what that’s going on here. No one is saying that the majority of the residents of Don Jaca are illiterate and that these signatures are taken with deception.”

“The government could not even guarantee drinkable water. Prodeco, when it transferred the operations from Puerto Zuñiga to Puerto Nuevo, signed an agreement with us and committed to bringing us drinking water. They needed to provide every family a cistern of two thousand liters. There are 140 families here; they have installed just twenty tanks of a thousand liters. They do it to divide and weaken our struggle.”

“And then the water that we do get is not even drinkable. This is the water from the river. They make us drink river water contaminated from the coal that they themselves brought here. And where is the government?”

The coffee that we sip struggles to go down after this last jab. The fishermen seated around us continue by saying that beyond the gate of that yard, the track is always there, motionless. The children coming out of the school use it as a shortcut to go home. The students walk out with their uniforms and backpacks. Someone stops, intrigued by our presence, and greets us with a wave. We respond and send our smiles beyond the barbed wire, also to ease the tension of the stories that we

have heard.

We have been told many times in this journey that the State is the primary director of the violence resulting from the coal. Now we are no longer surprised to hear this version.

“Prodeco has fourteen penalty procedures underway for the environmental damages, but there has still been no compensation or fines. There is evident government complicity,” someone told us in Bogota months earlier⁶⁷. The stories heard along the supply chain of the coal often recall that complicity.

We leave the yard with the fishermen and take the dirt road in search of two motorcycle taxis that can take us to the port entrance. Accompanying us in this walk to Don Jaca is one of the younger fishermen, who has remained silent for the entire morning.

“I just want the companies to leave. Currently, there is a battle between coal and tourism. The only ones that are moving against Prodeco and Drummond are the companies of the tourism that have complained the environmental impacts. But this war is about making money and we should stop requesting it from the companies. The truth is that we are our own worst enemy.”

We stopped suddenly. From far away we see a white pickup truck with black windows proceeding slowly toward us. That is the only access route to Don Jaca, a dead end road that ends in the sea. The car comes alongside us, nearly stopping. We hold our breath and try to seem indifferent. We give a quick glance, but the dark glass does not allow us to see anything. Then the pickup continues its route, slowly, toward the railway.

“They are bandits, paramilitary!” the fisherman exclaims, resuming the drive. *“A few days ago they went to visit my neighbor. His nine-year-old son died of cancer and he filed a complaint against the coal companies. Those bandits entered his house, took the claim documents, threatened him with death and went away.”*

As we listened to that umpteenth story of paramilitary violence, we arrived on the main road. We got on the first two Chinese motorcycle taxis that passed by and headed east, toward Ciénaga, to seeing from another perspective the coal ports.

After a few hundred meters, the docks appear on the right with the

67 https://www.youtube.com/watch?v=OnOCPV_8VvY.

berthed vessels in the loading phase. Parallel to us runs the railway from the Cesar mines into the ports. A network of conveyor belts can be glimpsed beyond the barbed wire fences outlining the land given in concession to the companies.

Just a few meters from us, we glimpse the entrance of a military base installed within the Drummond concession land. This is High Mountain Battalion n.6 of the Colombian army that controls the port area from there.

Without even time for us to glimpse the Battalion, two soldiers are meeting us with guns in hand.

The relationship between the Colombian armed forces and the mining companies is a scandal often referred to in Colombia. More than 68 thousand soldiers and twenty battalions of the army are there to defend the multinationals in the energy and mining sector. The Colombian State has signed 1,229 cooperation agreements with the companies, and the Colombian citizens⁶⁸ are obviously paying the price. According to some, Drummond and Prodeco⁶⁹ are also involved.

We continue our route by motorcycle. A large block of coal indicates the opulent entrance of Puerto Drummond. In the background, we notice at least four large mountains of *black gold* standing without any protection just a few meters from the sea. These are the storage centers where the coal that arrives from Cesar is piled and loaded on the conveyor belts. With every puff of wind, that black dust ends up in the sea or loses itself in the air.

We pass that display, and, after a few dozens of meters of barbed wire and viewing towers, we see an English garden, well cared-for and surrounded with lush plants. This is the entrance of Puerto Nuevo. We really seem to be in Switzerland, with all this “order.” Of the port built by the Italians, we glimpse only the stroke of blue on the dock and the vessels berthed for loading coal.

This is our last image of the ports. We say goodbye our taxi driver,

68 “Fuerzas militares colombianas al servicio de las empresas extractivistas”, Contagio Radio, 3 Novembre 2015 <http://www.contagioradio.com/estamos-ante-una-privatizacion-de-las-fmm-al-servicio-de-las-multinacionales-articulo-16720/>.

69 “Informe sombra de sostenibilidad de las operaciones de Glencore en Colombia”, Pensamiento y Acción Social, Bogotá, Gennaio 2015 http://www.askonline.ch/fileadmin/user_upload/documents/Thema_Wirtschaft_und_Menschenrechte/Bergbau_Rohstoff/Glencore_Kolumbien/INFORME_SOMBRA_GLENCORE_-_SHADOW_REPORT_layout.pdf.

stop a bus heading to Santa Marta, and get off at the Rodadero, the touristic heart of Magdalena, less than twenty kilometers from Don Jaca. The music on every corner and the relaxed atmosphere remind us that we are in the Caribbean. On the road is a succession of restaurants, bars and shopping centers. The beaches are full of families enjoying the weekend. The vessels of coal on their journey toward Europe are on the horizon. No one seems to notice.

Why a new port?

Of all those docks for coal, squeezed in the small bay in front of Don Jaca, Puerto Nuevo is what attracts our attention more than others. This was the most recent of the four, authorized by the Colombian Environmental Authority in 2009 and built between April of 2011 and September of 2012.

In preliminary research, the construction work for Puerto Nuevo was attributed to Petrex S.A., a Peruvian company traditionally involved in petroleum services such as drilling and maintenance of oil wells. With a quick note to the Colombian address of Petrex, on the tenth level of the majestic glass building that is the Edificio Proksol, in the brilliant Zona Rosa of Bogotá, we find the Petrex Sucursal de Colombia – SA, a subsidiary company owned 100% by the very Italian Saipem. In fact, n. 23 Calle 97 is also revealed to be the Colombian headquarters of Saipem, a former company of the Eni Group that operates in service provision for the oil sector.

But then whose is Puerto Nuevo? For whom was it built? By whom exactly? And where do the Italians come in?

To understand better, it is necessary to take a quick look back.

As already seen, all the companies producing coal in Colombia are “integrated companies.” They own the mines, the ports from which they export the coal, and also the railways that connect the ports to the mines.

Since the three major companies producing coal in Colombia, Prodeco (Glencore), Colombian Natural Resources (CNR) and Drummond, all operate in the same region, we already know they also share one railway, the Ferrocarriles del Norte de Colombia SA – Fenoco, owned and managed jointly by the three companies. We know also that each company owns its port: Drummond has Puerto Drummond, CNR the Sociedad Portuaria Rio Córdoba, and, in 2013, Prodeco organized its exportation operations from Puerto Prodeco, in the bay of Santa Marta.

In Puerto Prodeco, like Puerto Drummond, the coal is not loaded directly onto the ships, but the loading process is structured in two phases: loads from the train are first placed on the barges, and are then transferred to the vessels in the open waters of the bay. With a mechanism of this type, there have been no lack of incidents, with consequent dumping in the sea. In view of protests by the fishermen's community, complaints by journalists and local environmentalists, in 2007 the Colombian government issued an ordinance⁷⁰ that, starting from July 2010, required establishment of a direct loading system for all the Colombian ports. That means that the coal must be loaded from the train directly onto the ships. The deadline was then extended to January 1, 2014.

Prodeco, although not an owner of Puerto Prodeco in the strict sense, but limited to managing it through a government concession that will expire in 2009, decided in view of the new order to build a new port for direct loading in line with the new environmental regulations.

With this objective, in 2010 Prodeco allegedly formally established the Sociedad Portuaria Puerto Nuevo SA. The project, costing (estimated in 2011) 528 million dollars⁷¹, was completed in the first half of 2013. The first load took place April 13.

Coal in paradise

Let's get back to us.

In the light of the facts described up to now, it would seem that Petrex S.A., subsidiary of Saipem, was contracted by Prodeco S.A. to build for the subsidiary of Glencore in Colombia the Puerto Nuevo, in response to the changed environmental legislation.

Here also, things are not that simple, or the links between the actors involved as linear as they appear.

The ambiguity that characterizes the relations between the many actors involved is skillfully summarized in the Puerto Nuevo Project

70 Decree 3083 of 2007, with which the Colombian government established that, starting from July 1, 2010, in all the ports of the country coal must be loaded onto transporting ships through a direct loading system, using conveyor belts or other equivalent technology. (Full text available: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=26255>).

71 "Competent Person's Report – Glencore Colombian Coal Assets", by Mincarco-MineConsult (MMC), Maggio 2011.

Sustainability Report produced by Saipem in 2012, which states: “*Saipem, together with its Colombian subsidiary, Petrex, signed the EPC (Engineering, Procurement and Construction, Ed.) contract with Atlas Investment Ltd on February 1, 2011. Atlas Investments Ltd appointed C.I. Prodeco SA as Engineer responsible for relations with Saipem for all activities concerning the Puerto Nuevo Project execution.*”⁷²

A declaration formulated in this way prevents understanding clearly the relations between the parties. It is not understood, in fact, who is really the *contractor*, who is the client, who does things and on behalf of whom.

But especially, what is Atlas Investments Ltd.?

Preliminary research on Atlas Investments Ltd shows that there are dozens of companies with this name and registered in various jurisdictions⁷³.

But thanks to the Panjiva⁷⁴ business search portal that connects Puerto Nuevo to Atlas Investments Ltd. registered in Bermuda, and the Importgenius portal⁷⁵, which connects Atlas Investments Ltd. of Bermuda to Puerto Nuevo, we managed to guess that the Atlas involved in the Puerto Nuevo as a client of Saipem is the Atlas Investments Ltd. registered in Bermuda.

The information obtained through the official document⁷⁶ requested on November 2014 from the Bermuda Business Registry indicate that Atlas Investments Ltd. was established and recorded at the same Business Registry on December 18, 2007⁷⁷ with initial company capital of one thousand dollars, and ceased its activity in Bermuda in the month of April of 2013, to then be transferred to Switzerland. The company establishment documents contain only the names of four shareholders, all British citizens residing in Bermuda, who appear as trustees

72 “Project Sustainability Report – Puerto Nuevo”, SAIPEM 2012, http://www.saipem.com/en_IT/static/documents/2475PuertoNuevoPSRFi.pdf (pag. 12).

73 <https://opencorporates.com/companies/bm/41257>.

74 <https://panjiva.com/Atlas-Investments-Ltd/26457102>.

75 <https://www.importgenius.com/colombia/suppliers/atlas-investments-ltd>.

76 Certificate of incorporation, Memorandum of Association, Memorandum of Increase of Share Capital and the Registered Office, Certificate of Discontinuance (documents available).

77 Reg No. 41257

for many other companies registered in British overseas territory. It is impossible, from the documents available, to obtain the identity of the actual beneficiaries.

The legal headquarters of Atlas Investments Ltd in Bermuda is registered at the same address as a group with a similar name, Atlas Group⁷⁸, but the connection between the two companies has not been demonstrated to date.

Atlas Investments Ltd. was then closed on April 29, 2013 and transferred to Switzerland. Shortly before being “moved,” the company had a capital increase, from the original one thousand dollars to 110 thousand dollars, perhaps to satisfy the capital requirements in Switzerland that amount to a minimum of 100 thousand francs⁷⁹. The new Atlas Investments Ltd. was recorded in the Swiss canton of Baar, at the address of Glencore International AG⁸⁰.

This Atlas Investments Ltd., from the perspective of contractual relationships, seems to be the cornerstone for all the construction projects of Puerto Nuevo in Colombia. Atlas, a fund of one thousand dollars registered in Bermuda, allegedly signed a contract with Saipem and its subsidiary Petrex and designated Prodeco for maintaining the relations with Saipem. All this was for an investment of the declared value of 550 million dollars, as well as pride and joy in the environmental sustainability of the coal industry.

But no one has heard of this Atlas Investments Ltd. in Colombia. No trace is found in the official documents in Spanish regarding the construction of the port, or in the Environmental Authorization granted to Prodeco by the Colombian government in 2009, or at least in its transfer to the Sociedad Portuaria Puerto Nuevo in 2012.

78 <http://www.atlasgroup.bm/>

79 A Swiss franc in April of 2013 was worth 1.06 dollars..

80 <http://www.hrazg.ch/webservices/inet/HRG/HRG.aspx/getHRGHTML?chnr=1703037807&amt=170&toBeModified=0&validOnly=0&lang=4&sort=0>

Why Bermuda?

Recent months recorded some timid indications of improvement in the legislation of Bermuda, dropping the Country from the 14th to the 34th place of the classification of the least transparent and accessible jurisdictions. At the time Atlas Investment Ltd. was recorded in the Island, the Financial Secrecy Index⁸¹ of 2013 identified it as an extremely “reserved” jurisdiction. It was a preferred target by the investors intending to maintain a high margin of opacity and shields around their operations.

The Financial Secrecy Index classes are based on an elaborate combination between the points obtained from the analysis of the relative secrecy of a jurisdiction, weighted on its global market share for the offshore financial services it manages. Bermuda, in 2013, was evaluated with 80 secrecy points out of a potential of 100. Some examples of the typical anomalies of this jurisdiction in those years:

- No details were kept in the official registries on the ownership of the companies.
- Information on the ownership of the companies was not required to be available to the public on-line.
- The company accounts were not required to be available on the public registries.
- The residents were not required to report to the national tax authorities any payments paid to non-residents.
- Appropriate tools were not used for efficient analysis of the information connected to the tax situation.
- Tax evasion was not prevented through a system of tax credits.
- The Country did not conform to the international anti-money-laundering rules.
- The Country did not fully participate in the automatic exchange of information.

In any case, as stated, since 2013 Atlas Investments Ltd. was no longer in Bermuda but rather in Baar, Switzerland.

For complete information, it must be said that the Switzerland is classified, in contrast, in the first place of the Financial Secrecy Index of 2015⁸². One of the major financial centers of the world, the Swiss confederation is considered one of the largest secret jurisdictions (or fiscal paradises) in existence.

81 The Financial Secrecy Index (or financial opacity) places the various jurisdictions on a scale based on their secrecy and the scope of their offshore financial services. This was a politically neutral classification used as a tool for understanding global financial confidentiality, in fiscal paradises or secret jurisdictions, of illicit financial flows or capital leaks (<http://www.financialsecrecyindex.com/>).

82 <http://www.financialsecrecyindex.com/PDF/Switzerland.pdf>

To tell the truth, the function and the role performed by the various actors involved in the matter of Puerto Nuevo are also unclear. Between Petrex, Prodeco, Glencore and Saipem, all seem to reject the truth about who in fact built the port and on the role of each.

At the office of Petrex S.A in Bogotá, on that tenth level of the glass building in the Zona Rosa, it was said informally that Puerto Nuevo was built by Saipem. However, the Chamber of Commerce of Bogotá indicates that Saipem, in Colombia, has been gone at least since 2007, perhaps due to the old story of repeated kidnappings of the Italian staff, which forced the company to withdraw formally from the Country.

Yet, we are told unofficially at Petrex that Saipem built the port.

From the documents of a case currently underway in Colombia, filed by five workers against Petrex, Prodeco and the temporary employment company Listos S.A., it emerges that Petrex hired the workers for the construction of the port, and also that Prodeco declared, paradoxically, not having benefited from any work or service provided by Petrex; however, the port is under its ownership.

Despite the evidence, not only does Petrex not confirm having built the port, but in fact, Prodeco denies having been the beneficiary. In a maneuver of the parties that assumes absurd contortions, the only entity that seems to have played a role in this story is an obscure P.O. box in Bermuda.

Beyond the niggling over the case for rights to the work, with the outcome yet to be ascertained, the court documents available to date are interesting for demonstrating how, in this matter, all the individuals in the case are screened through intermediary companies. This is the obscure phrase in the Saipem sustainability report that presents the relationships between the parties with more or less of a smoke screen; it is the reconstruction of the defensive lines of Petrex and Prodeco in the case filed by the workers, and seems in fact to confirm the requirement to maintain a formal separation between Petrex and Prodeco (and then between Saipem and Glencore). The ways of managing the relations between the parties is in fact similar in the case of the port construction contract (Saipem-Atlas-Prodeco) and regarding the work contracts (Petrex-Listos-Workers, with Prodeco that, in fact, denied every involvement).

We are looking at a very complex puzzle, in which many questions remain.

Starting from the assumption that if a trustee company in Bermuda was the pass-through of a contract between Glencore and Saipem for the construction of a port in Colombia, it is technically impossible to know what funds are transferred by that vehicle and why. Isn't this the purpose of trustees in fiscal paradises? Even without attempting to find a plausible explanation to "why," in view of a port infrastructure presented as the pride and joy of environmental sustainability, the (many) actors involved there should vehemently reject the paternity, there remain some apparently very simple questions, but evidently not easy to answer:

- What role has Atlas Investments Ltd. had in this matter and why did two companies like Saipem and Glencore use an offshore fund for a linear and legitimate operation like the construction of a new port to respond to changed environmental legislation in Colombia? In this case, not verified by the data available, if this was a "fiscal optimization" mechanism for Glencore, why was the vehicle not closed at the end of port construction, but transferred to Switzerland through a significant capital increase?
- Especially, why did Saipem agree to build a port worth 500 million dollars for an offshore company with capital of 1000 dollars registered in Bermuda? Wasn't the operation a bit risky? What advantage did it have, or was there any?

The Cayman phase

In coal's journey from Colombia to Italy, we must not forget the Cayman Islands. Here in this Caribbean archipelago, between Cuba and Belize, is the headquarters of Interocean Coal Sales Ldc, the company that purchases 95 percent of the coal sold by Drummond to Italy.

Coal loaded in Ciénaga and directed toward Europe arrives in the ports of Amsterdam, Rotterdam and Antwerp⁸³. There it is loaded on 80 thousand ton vessels and, after having established the sale price⁸⁴, spread over half of Europe. France, Germany and Switzerland are the main purchasers. In Italy, approximately 20% of the importations of coal arrive from Colombia⁸⁵.

Enel also purchases the Colombian black dust. While the coal directed to our country unloads in the ports of Civitavecchia, Brindisi, La Spezia⁸⁶, the money for purchasing it flies to a P.O. box in Cricket Square, in the financial heart of the Caymans, one of the “best” fiscal paradises of the Planet.

The companies registered on the Island do not pay taxes, but only an annual fee, as if it were a private club. In exchange, the government guarantees maximum confidentiality and absolute freedom of movement.

This is also why, from the documents obtained in the Caymans, we manage to find out only that Interocean Coal Sales Ldc. has been active since August 20, 1999. The information regarding the balance sheets, management and ownership, however, are not available.

83 <http://tierradigna.net/pdfs/informe-carbon.pdf>.

84 The final sale price of coal in Europe depends on two factors: the international price per ton and the daily cost of sea transport.

85 <http://www.museoenergia.it/docs/file.php?id=462>.

86 The port terminals for coal in Italy are (in decreasing order by tons imported): Civitavecchia, Brindisi, La Spezia, Vado Ligure, Fiume Santo, Monfalcone, Marghera, Ancona, Porto Vesme and Genoa. Source: <http://www.museoenergia.it/docs/file.php?id=462>.

In a Drummond press release on January 10, 2014⁸⁷, the company explicitly refers to a company called Interocean. Following the closing of Puerto Drummond that was decided by the Colombian government to impose direct loading onto the ships, the Alabama company communicated to its clients the suspension of the exportations of coal from Colombia because “Interocean, affiliate of Drummond Company, has had to declare *force majeure*.”

Unfortunately, there are two “Interocean” companies in the chain of Colombian coal. In addition to the Caribbean one, there is the Interocean Coal Sales Llc, based in Birmingham, Alabama and founded by Drummond. This second Interocean also purchases the coal that arrives in Italy, but in significantly reduced amounts.

From some documents of the Colombian customs authority DIAN⁸⁸ that we have been able to see, from 2009 to 2015, just 150 thousand tons were purchased from the American Interocean Coal Sales while, in the same period, the Caribbean company of the same name has purchased eight million tons of coal for Italy.

The money, however, stopped in George Town, in the Caymans. We were unable to find out who is the real beneficiary.

Certainly, the identical names of the two brokerage companies generate some confusion, so we cannot distinguish to which of the two companies Drummond refers in its communication. It remains in doubt whether the company registered in the Caribbean is owned by Drummond, but this link is not demonstrated, because the company pays a high price for the confidentiality of the Caymans.

The only certain information, in this new chapter of Colombian coal, is that the Interocean Coal Sales Ldc. earns from the difference between the purchase price in Colombia and the sale price in Europe⁸⁹. This is net profit on which the broker does not pay a cent of taxes, except for registration, stamp taxes and customs fees, as provided by the fiscal system of the Caymans.

Quite a nice bit of change for those controlling the offshore company.

87 <http://www.drummondco.com/drummond-affiliate-notifies-customers-of-its-declaration-of-force-majeure/>.

88 DIAN - Dirección de Impuestos y Aduanas Nacionales de Colombia.

89 In November 2015, a ton of Colombian coal was sold for 50 dollars. The purchase price in Europe was 78 dollars. Source: <http://www.indexmundi.com/es/precios-de-mercado/?mercancia=carbon-colombiano>.

Vado Ligure, the end of the road

There is single urban conglomerate, with the coal-fueled power plant set in the middle. From the hill of the Madonna del Monte, we see the tract of coast from Savona to beyond Vado Ligure. One morning on an unusually mild day in January, this portion of Liguria is wrapped in a light haze, but the two towers of the structure are still seen rising to impressive heights. Today, as in the recent 24 months, they spout no smoke, because the magistrates have sequestered everything. Too much pollution, too many suspicious deaths. It could not go on like this. Something needed to be clarified. Investigations began. The company managers were interrogated, uncomfortable questions were asked of local politicians, and an infinite number documents and very detailed expert reports were read. It was necessary to place the protection of the environment, the territory and especially of the people above economic interests. The order of the Judge for the Preliminary Investigations, Fiorenza Giorgi, warned in fact that there were “deaths traceable to the presence of the plant” and pointed a finger at non-compliance with various provisions by the company Tirreno Power. This company is half French and half Italian; 50% of the shares are in the hands of Engie, a company 33% owned by the French government that, until April 2015, was named Gaz de France/Suez. The remaining 50% is with Energia Italiana, entirely owned since December 2015 by Sorgenia of the De Benedetti Group (until then Iren and Hera had minor shares). In 2003, Tirreno Power was included in Enel, which, here in Liguria, manages another facility in La Spezia, perhaps for a short time longer, and in Italy burns the most pollutant fossil fuel on the planet, especially in the large complexes of Civitavecchia and Brindisi.

Descending the hill, we pass through the towns of Quiliano and Vado, the border of which is marked by the wall of the plant. “De-nuclearized Village,” says the welcome sign of one of the two towns. It sounds sarcastic, especially when arriving near the Tirreno Power facility. Low buildings of social housing built in the middle of the last century crown a plaza, which in turn encloses a green patch equipped with a slide, seesaw and other games for children. This is all only 100 meters from two coal “groups” able to produce 330 megawatts of

energy and another 760-megawatt gas group. This dramatically surreal situation reminds us of other places cursed by fossil fuels around the world. For example, the villages of the Niger Delta crossed by old and rusting pipelines, where the air is contaminated by the flaring gas and the watercourses are swollen with petroleum leaking from those same pipelines.

The day of our visit, the only activities of the facility are connected to the gas component and dampening the remaining coal supplies in order not to release harmful dust, while awaiting transfer by ship to Monfalcone, to the A2A power plant. Since the bunker is uncovered and a strong wind is blowing, the jet of water seems to have spread everywhere, but perhaps this is a relatively minor problem compared with what has occurred in the recent past.

This residual activity involves only part of the 250 employees (in the times of Enel, there were many more, at least 650). The rest are temporarily laid off while awaiting events.

On the legal front, the preliminary investigation has ended. On June 17, 2015, the Public Ministers Francantonio Granero and Chiara Maria Paolucci filed their report, imputing to the accused the crimes of malicious environmental disaster aggravated by the evidence of the event, multiple culpable homicide, culpable health disaster and abuse of office. At least 86 people risk indictment in the proceedings. They are the directors of Tirreno Power, but also the entire Ligurian regional staff from the times of Claudio Burlando, and in particular the former director of the Department of the Environment Gabriella Minervini, along with the former mayors of Vado and Quiliano. Leafing through the 44 pages of the PM report, we make an interesting discovery. Some of the coal used by Tirreno Power is Colombian.

It states that the spokespeople of the management “*have chosen, at least since 2013, types of coal of inferior quality and lower cost, but with a higher sulfur content (still within the limit of 1%), in particular of Indonesian and Colombian origin (specifically coal from Drummond), rather than coal from Russia and USA, which are more costly, but having lower percentages of sulfur.*”

An expert investigation and study commissioned by the Prosecution to the *Istituto Superiore di Sanità*, the Italian National Institute of Health, credits the assumption that at least 440 deaths and more than 2 thousand hospital admissions in 2000 and 2007 can be imputed to the plant's harmful emissions. The tons of anhydrous sulfide, nitrogen oxide and suspended light dusts were well beyond the legal limits at that time. There was a *“worsening pollutant status compared with what Enel management obtained [...] traceable to a decline of the structure's environmental performance.”*

It could not be clearer than this. The power plant was now obsolete and it was obligatory to intervene to adapt it. Instead, the company decided to request authorization to add another component to the coal, because *“it would pollute less.”* At this point of the story, we are no longer amazed by the paradoxes that arise, because the company's true intent was something else. Still in the fateful year of 2007, a new authorization system came into effect for the Autorizzazione Integrata Ambientale (AIA). Tirreno Power would have to make do with the old structures; however, not without significant improvements. There certainly was a solution to this problem. It was sufficient to forward a request for a new coal group of the highest technical level and trust the complacency of the institutions, which merged the two requests, then granted the AIA for the existing structure together with the one to be built. This was all in view of the solemn promise of the French and Italian company to dismantle the old structure once the new one arrived. It is a shame that not even a shadow has been seen of the new one, while the old one remained for another six years. In the meantime, the company continued to distribute dividends, in fact, for 700 million in 2011.

However, the game of Tirreno Power has not fooled a group of local citizens. The announced expansion was the straw that broke the proverbial camel's back. *“Of course, we knew that the coal was not good for us, but in a certain way we deluded ourselves that they would use some controls, that the damages were reduced to the minimum necessary. That was not true.”* Like the judges, before the judges, the citizens documented everything. They took action, called experts, studied materials and

questions they had to struggle to understand. But it did not end here. They founded an NPO named *Uniti per la Salute* (United for Health), which now counts 100 partners, in which they have invested a part of their savings. Because it costs money to file claims, pay attorneys and commission experts, and it costs a lot. *Uniti per la Salute* can count on the support of a part of the citizenry that follows the association's initiatives with interests and passion. Other have a completely different attitude. "*Over the years, there have been no lack of threats and intimidating actions,*" they explain to us, asking us not to name them.

In the infinite piles of documents present on their website, one in particular stands out. It was issued by the Italian General Medical Council of the Province of Savona, and dated 2010. A real slap in the face, it is so clear and definitive in its content. "*The general standardized mortality of the entire Province of Savona is significantly higher compared with the regional average [...] with an excess of 1356 deaths among males and 1308 among women compared with the mortality [...] of the Liguria Region between 1988 and 2004.*"

Still, "*mortality due to tumors is significantly higher in the Province of Savona compared with the national average.*" Instead of 140 dead females for 100 thousand residents, we have 199, with a peak of 211 in Vado. Vascular illnesses are also "*above average...*" more than 20% in Savona, over 40% in Vado, around 50% in Quiliano. If they used the better technologies available, or spent money to make the plant more efficient and modern, this could reduce the number of illnesses and deaths by "*three or four times.*" Our recommendations have remained unheard. Better technology was used as bait, and that was that. Yet the Liguria region (in 2011) and the Ministry of Economic Activity (in 2012) swallowed Tirreno Power's plan without a second glance.

"The content of the contestation of abuse of office appears of particular interest because it describes the interference and thus the commingling of big business interests in the field of environmental protection, able to condition the public powers.

The facts that already emerge from the investigative documents, now entirely filed by the public prosecutor, indicate an imbalance between reasons for environmental protection and reasons for industrial pro-

duction to jeopardize the former.”

This is one of the fundamental passages of the Parliamentary Commission Document on Waste regarding Tirreno Power, made public on February 2, 2016.

Without a clearly complacent and enthusiastically collusive political class, the matter of the Vado Ligure power plant would have turned out completely differently. A telephone call intercepted by the military police of the Nucleo Operativo Ecologico is more than ever emblematic of how things really go. To guarantee the release of the plant, jumping over the regulation that requires covering the coal, two officials of the ministry of the environment speak of writing an ordinance that they themselves call “a porcellum.” *“We are trying to make pork barrel legislation...that at least is legible.”*

As public minister Granero pointed out during his hearing with the Parliamentary Commission on September 8, 2015, *“the actions of public officials have always had a political input.”*

In the meantime, Tirreno Power is sinking in debt and has required restructuring at least twice to bring it back into the black. The last saw the intervention of a pool composed of ten of the most important Italian and international banks, with the reality that they do not enjoy good health like Monte Paschi of Siena to shell out loans for 300 million euro. This is perhaps because in the new industrial plan, not yet revealed, a conversion of the structure into an incinerator is assumed. This “determination” astonishes the spokespeople of Uniti per la Salute, who we heard planning the strategies for action during a meeting at the Ubik bookstore of Savona, their customary meeting place.

Beyond the many suppositions on the next moves of the company and of the institutions, there is one certain fact, however; for now, Colombian coal will no longer dock in Liguria. The future remains to be seen.

The plague of extractivism

If this text were a traditional report, it would end with a series of recommendations directed to the many actors involved.

To the multinational companies, for example, urging them more or less firmly to strengthen the companies' social responsibility policies, in order for their investments to represent, other than a guarantee of profit, also a development opportunity for the hosting Country.

Or to Europe and to our governments, to implement stricter measures to ensure increasing consistency and harmonization of the investment policy with the protection of human rights and the development policies in favor of third countries.

Or perhaps to the local governments, to adopt good government policies to fight the rampant corruption and create the appropriate conditions to encourage a climate for investments, without impoverishing its people.

We, however, recommend nothing to anyone.

This is only a story that, through a very concrete example and dramatic implications, wishes to demonstrate how the extractivist model, in the current phase of domination by financial capital, constitutes an integral part of what that was defined as a process of accumulation for expropriation⁹⁰.

Starting from listening to the stories of the people we met in Colombia, our direct observation of the impacts of the extractive industries in the country, from the reconstruction of not necessarily immediate cause-effect connections, extractivism is displayed before our eyes in

90 Harvey D. (2004), *The New Imperialism: Accumulation by Dispossession*, in *Socialist Register*, vol. 40, Merlin Press.

its full and truest essence. Which is something more than the simple definition of economic models focused on the removal of natural resources from the subsoil for exporting raw materials.

Extractivism is based on the systematic extraction of wealth by the territories, combined with forced displacement of sovereignty from those living there to those preying upon them, from those who survive thanks to those territories, to those instead using their control to guarantee the strengthening and the reproducibility of this model.

Crossing through Colombia during these years, we have observed many of the forms in which this model is enacted, many of the tools used, some of the dynamics it needs to create and consolidate to strengthen itself. And, doing so, we have begun some reflections.

If on one side it may appear paradoxical that the more profitable investments occur in conflict zones that are thus technically more unstable, this story tells us instead that it is precisely the conflict, with the consequent legitimization of the use of military or paramilitary force, to give major guarantees and protection, creating the conditions for control of the territory without which no investment can truly be guaranteed.

The 5 million displaced persons, 200 thousand civilians killed, 30 thousand kidnappings, and 25 thousand forced disappearances in the Colombian conflict were the efficient and functional context to the stratification of para-politics, strengthening inextricable connections between the paramilitary groups and the administrative classes, bringing very lucrative business for multinational companies.

The women we met in Patilla have reminded us bitterly how in a context of conflict you can be taken by force by one side or the other, and you are not the one to choose. Those who need to be free of you choose for you and use the conflict to legitimize the repression of dissent and the military control of the territory. Where the resistance assumes a systemic nature and challenges the development model imposed, the State, as guarantor of the expropriation, then intervenes with a renewed repression against the “rebel” communities.

Connected to this, we find that to function, defend itself and conti-

nue to accumulate, the extractivist model needs a stronger State, and not a weaker one, as been theorized by classical neo-liberal doctrine.

The State not only makes itself guarantor of accumulation by just a few to the disadvantage of the majority by justifying, legitimizing and authorizing the use of military force, but contributes to creating the conditions for the occurrence and long-term maintenance of systematic extraction of wealth from the territories and most of the life of the people. To do so, it implements a true privatization of rights; that is, a rewriting of the rules and regulations to guarantee this privatistic process by law and over the years. This makes increasingly obsolete the traditional “state” and “market” dualism that once polarized the two opposing blocs for one to exercise control over the other. There is an increasing convergence of political and corporate interests in which the State is confused with the market and is a function of it, while the market cannot do without the State. The latter thus finally gives up its function of protection and guarantee of the collectivity.

The reform of the mining code in Colombia shows in its full boldness the legitimization of protection of private interests and expanding the gaps in the sieve of legality. In that case, extractions have been included in priorities of public utility and social interest, causing them to prevail over the fundamental rights of the people and the protection of the environment.

Another element that characterizes and qualifies the extractivist model is the lack of balance of strength in the power relations between the actors involved. This substantial asymmetry is manifested in the paradox of the “consultations,” by the world of the “haves”; e.g., those who determine the regulations to maneuver “according to the law,” and the world of the “have nots,”⁹¹ for whom the denial of the human condition has been essentially reduced to sitting around a table as if they were peers, as if the regulations were neutral, as if their hand of cards were not marked from the beginning. The testimony that we have gathered from the Wayuu communities in La Guajira tells us of this asymmetrical relationship with a plethora of individuals, reminding us that the legitimization of the systematic extraction of sovereignty is the true

91 “Descolonizar. El pensamiento critico y las prácticas emancipatorias”, Raul Zibechi, Edizioni Desde Abajo, Bogotá (Colombia), november 2014.

objective behind the proclaimed attempts at consultation and negotiation.

Another necessary ingredient for sustainability of the extractivist model is the poverty of the community affected by the private investments. If they are not yet poor, they must become so soon, in order to expand the divisive potential of the blackmail that often accompany the investments. Employment blackmail pretends to compensate the loss of sovereignty over the territories with the creation of some jobs under vague conditions; financial compensation that often purchases people's consent by counting on their extreme fragility and the mirage of economic and social development of the territory. Pro-development rhetoric has a central function in the legitimization of the continued expropriation, because it allows raising the persistent mechanism of exploitation and submission on which extractivism is based to the level of philanthropic ethics. While the communities are pillaged to guarantee unsustainable life styles elsewhere, it is preached that everything is done for the best, in order to improve the world and reduce poverty. This ignores the paradox that the same actors responsible for the devastation of the territories and impoverishment of the community present themselves as the solution to the problem.

A further passage in the reflection, starting from our Colombian experience, expands to the observation of the model in its entirety, is established by the fact that the scale and the intensity reached in the extraction of wealth and devastation of the territories requires a systemic approach by those aiming to guarantee an eternal extra profit for their activity and revenue. Looking at the phenomenon in its complexity, it is not surprising that in those sectors able to guarantee higher profits and transform the future more structurally, consolidating the current and bankruptive development model in territories, an approach based on dirty business practices and corruption has become pervasive. Only a pervasive and systemic criminal method can guarantee that such an approach can be effective in the long term. It is no longer a matter of infiltrations or a few bad apples, or of politics selling itself for a bribe, but a private institutional system, now merged into a single entity.

It is thus not surprising that in the fruit salad of extractivism there is also room for the juicy berries represented by fiscal paradises, in their

double function of guaranteeing the untraceability of the origin of the money flows and creating a smokescreen for the financial transactions connected to the large investments, as well as to allow systematic extraction of wealth from the countries in which the operations take place. The artifice of “fiscal optimization” in fact, is repeated over the years. Our multinationals do business by taking resources and profits from the countries of the south, but at the moment of paying the taxes manage, thanks to fiscal paradises, to deviate the financial flows northward. We refer to a sum of money that greatly exceeds the development aid and of direct foreign investments. This was a real capital leak in the form of illicit flow that, according to the 2014 report of Global Financial Integrity, just in 2012 it reached 991 billion dollars.

The scenario described here must conclude, not without bitterness, but with a strong dose of realism, that the conflict, violence, military control of the territory, poverty, criminalization of dissent, repression, systematic and pervasive corruption, dirty business practices and persistent impunity, are not collateral damages, and thus potentially mitigable, of the extractivist model, but instead are the conditions without which the system cannot be regulated or consolidated, and its sustainable future is not guaranteed.

From this perspective, every analysis and intervention that shifts the attention from the “what” to the “how,” hypothesizing mitigation measures and compensation for the damages caused by a system that actually feeds on those damages, represents a dangerous deviation from the basic questions that for us constitute the heart of the problem; what development model, decided by whom, to the advantage of whom.

We are very aware of the sense of powerlessness that an assessment of this type can arouse, as we wait to receive the implacable, but unavoidable question, “yes, but what is your alternative?”

Most people who go around asking activists for “alternatives” to the status quo are not really interested in alternatives. Or if they are, they are interested only in those “alternatives” that might benefit themselves, reinforce oppression, or fit with their own view of the world, Larry

Lohmann explains eloquently in the afterword to this text.

Today, in contrast, the true question to ask is how to escape as soon as possible from the inferno of Colombian extractivism that continues every day to kill and to subject territories to violence. Although it is clear that the oppressed communities must set out on a road of self-organization, well beyond the influence of the State, the solution to the violence and impunity is not found only in Colombia.

Walking along the dusty roads of Cesar or Guajira, facing the bitter eyes of the spokespeople of the local communities, we hear again the words of Italian Prime Minister Matteo Renzi. “*Today, our enemy is coal*” he declared in June of 2015⁹² to indicate Italy’s road toward environmental justice. It is true, coal is truly an enemy in Colombia, as in Europe and in Italy. This enemy claims victims in the area of the mines and of the ports, but also at our coal power plants. Now they have virtually admitted it. We have been told this by the experts as well as, finally, also some by magistrates.

In Italy, coal is burned especially in the power plants of Enel, the primary Italian energy company. This multinational promotes and uses this polluting resource also outside our country.

Coal is exported toward the Bel Paese through the Colombian ports built by Italian companies like Saipem. All this is with the consent of the government in Bogotá, with which Renzi has recently forged new commercial alliances, in name of the “joy of investment,” as defined by the prime minister at the end of 2015 during his visit in the capital of the Latin American country.

If it is truly our enemy, why do we fight it only with the joy of the investments that allow us to continue to import it for use in Italy with the blessing of the government, still a majority shareholder of ENEL? Why does our young and enthusiastic Prime Minister not follow his exemplary words, by arranging to scrap the coal and the power plants

92 Speech by the Italian Prime Minister Matteo Renzi at the States General on Climate Change at the Chamber of Deputies, June 22, 2015. http://www.agi.it/politica/2015/06/22/news/energia_renzi_oggi_il_nostro_nemico_e_il_carbone-273563/

that burn it? Is it enough for a company like Enel to become a bit more than renewable – the “alternative” suggested– to think that the enemy coal has been definitely eradicated, as long as the model to which it aspires is always there in its full violence? Faced with the declaration of inadmissibility of the case against Drummond for connivance with the paramilitary, Enel continues to import economical Colombian coal in broad daylight. Whether the residents of these zones like it or not, it may be decades until the last coal-fueled power plants are extinguished.

But the questions do not stop here.

The Italian government is so diligent in the battle against tax evasion and fraud and the use of suspect jurisdictions by the multinationals, at least in the words of the Minister of the Economy Pier Carlo Padoan. Then why not clarify why Saipem has close agreements for more than a half billion for the construction of the new port in Santa Marta with a company based in Bermuda and miniscule company assets? Certainly, the joy of investments is not that delicate, but these doubts merit explanation, once and for all, by the directly interested parties.

Perhaps these questions today are the true alternative necessary to understand how to target the systemic violence of the Colombian extractivism that also affects us when we switch on the light of our bedside table. The silence and the refusal to give a response may cause suspicious minds to think that there may be some complicity with that violence. But these are only dark thoughts of the night, aren't they?

It is better to turn off the light and allow darkness to fall on the Colombian coal that, in the meantime, continues to kill.

Afterword

An alternative to “alternatives”⁹³

There’s an old joke in the US about a public prosecutor who starts to build a case against the Mafia in her city. One day she receives a mysterious visit from several large, polite, well-dressed gentlemen. They take their time to arrange themselves comfortably in chairs around her desk. After coffee is served, their leader clears his throat and begins to speak:

“Let me say first that I’m very sympathetic with what you’re trying to do. You’re concerned about contract killings, loan sharking, illicit gambling rings, heroin being sold on the streets. You want to do something about people’s pensions being embezzled, women being trafficked for prostitution, public works contracts going to gangsters who skim off most of the budget for themselves, restaurants being burned down when they don’t pay off extortionists, witnesses being threatened. You don’t like any of this stuff. I understand that. Neither do I. There are big problems with this system. But what we want to know is: what’s your alternative?”

The joke is funny for the same reason most jokes are funny. It brings an unspeakable truth out into the open – only to use it as a pretext for creating pleasure in the conspiratorial sharing of awareness of its very unspeakableness. In this case, the unspeakable truth is that most people who go around asking activists for “alternatives” to the status quo are not really interested in alternatives. Or if they are, they are interested only in those “alternatives” that might benefit themselves, reinforce oppression, or fit with their own view of the world. Like the mafiosi visiting the prosecutor in her office, they are mainly just trying to bully you, because they feel threatened by what you are doing.

93 <http://www.thecornerhouse.org.uk/resource/alternative-alternatives>.

Examples are everywhere. There are the parliamentarians who, facing criticisms of failed government policies that they can't answer, ask "*What's your alternative?*" just to change the subject. There are the giant plantation companies who ask you what your alternative is for meeting paper demand in order to stop you from saying that the alternative involves questioning that very demand. There are the World Bank officials who ask you "*What's your alternative?*" so that they can use you as an unpaid consultant on projects to build their own power, all the while cynically refusing to recognize any answers that would not provide jobs for their staff and move lots of money through the institution. More innocently, there are the people who, instinctively more sympathetic to popular movements but taken aback by a depth of resistance they cannot understand, feel compelled to ask "*What's your alternative?*" because they can't see the alternatives that already exist all around them. In 1990, visiting European journalists asked Thai villagers who were trying to stop the Pak Mun dam what their alternative to the dam was. The villagers patiently replied that the "alternatives" were already there. We have our fisheries, they said. We have our community forests. We have our fields. We have our temples, our schools, our markets. These are what the dam would hurt or destroy. Sure we have problems, they continued. But we need to deal with them in our own way, and the dam would take away what we need to do that.

The response would likely be similar in many other places where the struggle is not to find a shiny new alternative, but to protect an ongoing process of developing ones that already exist. In the joke about the Mafia, the alternative to the Mafia is simple: no Mafia. For the Thai villagers, the alternative to Pak Mun was equally simple: no Pak Mun. The example highlights a key feature of many demands for "alternatives": they disrespect ordinary people. "Alternatives" are usually imagined to be comprehensive, well-thought-out blueprints formulated by a few smart people for political leaders to execute, rather than unpredictable, ever-evolving processes rooted in mass resistance to unbearable injustice, full of unending sweat, pain and error, in which anybody can ask a question of anybody else. In that respect, the usual demand for immediate "alternatives" tends to have two functions. First: to preserve the illusion that action is the implementation of ready-made plans by leaders. Ruling elites are the Mind. Everybody else is just a passive

Body. Second, they prevent attempts to build genuine, open-ended alternatives, since during the process ordinary people might learn too much about how the world works. If beleaguered elites can convince you that you're not qualified to protest because you don't have a ready-made "alternative" to present, half their battle is won. They can then tie you up with requests for details and quibbles over credentials and ultimately turn you into their employee.

The Slovenian philosopher Slavoj Žižek puts this well when he observes that the aggressive, dismissive demand for an alternative so often faced by social activists "aims precisely at precluding the true answer – its point is: 'Say it in my terms or shut up!' In this way, the process of translating an inchoate protest into a concrete project is blocked."

The often-heard demand for an "alternative to capitalism" is no different. It's no coincidence that many of the people who talk about an "alternative to capitalism" – or the lack of one – are capitalists. It serves their purposes to present capitalism as if it were an intellectual "model" that can only be threatened by another intellectual "model", rather than by the unending, 500-year-old struggles of the oppressed.

This is why, even if you have no master plan ready for the total overthrow of capitalism, capitalists like to pretend that you do. Because if you did, it would make you manageable. The word "alternative" in the question "What's your alternative?" is singular because the people asking the question usually want to draw attention away from the activities through which real political change takes place, which are plural.

How to deal with these manoeuvres? What is the alternative to "alternatives"? One step would be to make the question "What's your alternative?" into a problem wherever it arises. To meet it with the counter-question, "Alternative for whom?" To refuse to address elite-biased questions like "What's your alternative for meeting global demand for palm oil?", instead working to make it possible for the public to be able to discuss questions like "How is the demand for palm oil being constructed and by whom, and at whose expense?". A related move would be to replace the question "What's your alternative?", wherever possible, with the question "Whose side are you on?" – as a reminder that

alternatives are not just a matter for intellectuals and political leaders to decide on but are already and always being explored everywhere, and that the issue is which explorations you are going to commit yourself to.

The peremptory question “What’s your alternative?” is often not only an attempt to dismiss challenges to entrenched power, but also a coded effort to coopt you into the ranks of would-be master-planners. Loyalty to democracy means refusing the invitation.

Larry Lohmann

A world of war

Five million displaced persons, 200 thousand civilians killed, 30 thousand kidnappings, 25 thousand forced disappearances. Yet at the international level, the conflict that for more than half a century has plagued Colombia is defined as of “low intensity.”

To date, approximately 18 thousand child soldiers have been used by guerilla groups and the paramilitary, while the State, that should guarantee security and pacification, has, in just a few years, killed three thousand “false positives”⁹⁴. That is, three thousand civilians, almost always young, taken from their villages, barbarously killed by the army and dressed as guerilla soldiers. Their bodies were then used by the authorities in Bogotá to demonstrate to the world the efficiency of the battle against the guerilla and drug trafficking, while the production of cocaine increased without ceasing.

It is difficult to establish the starting date of the Colombian conflict. Some date it back to 1948, when Bogotá came under fire by a people’s revolution. On April 9 of that year, the liberal leader and candidate to the presidential elections Jorge Eliécer Gaitán was assassinated in broad daylight. With him was killed the hope of change for millions of Colombians, in a country that already in those years was marked by major inequities.

A maddened crowd lynched Gaitán’s assassin. Dragging him to the entrance of the government headquarters, they displayed him to the world as a trophy of revolution. In the following hours, dozens of thousands of *bogotanos* went out into the streets. The capital was sacked, while the main buildings of the city, the symbols of power of the times, were set aflame. Even churches were burned.

The insurrection spread to the rest of the country, to be imitated by

94 Justicia Por Colombia – FEDES, 2011, Soacha: la punta del iceberg. Falsos positivos e impunidad.

a population reduced to starvation by the conservative government of Mariano Ospina Pérez. At the end, the dead numbered approximately 3 thousand.

It was, however, in the early 1970's that the conflict exploded in its full violence⁹⁵. On one hand, the guerilla movements – the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Armada de Liberación Nacional (ELN) – demanded better living conditions for the population and a more equitable distribution of wealth. On the other, in a country where the 70% of the land was in the hands of less than 4% of the population, the large landowners began to train paramilitary groups to defend their ownership.

Paramilitary groups, from the late 1970's, were also in the emerald business, and for the control of the territory fed the conflict against the FARC and against the first *narcos*.

In the 1980's and 90's, paramilitarism reached its peak, especially due to two actors, the army and the *narcos*. To address the presence of the guerilla in the rural areas and to the growing left in the Country, the soldiers created paramilitary groups “specialized” in dirty work. Increasingly often, the FARC made incursions into the rural communities and undertook summary executions of farmers accused of supporting the regular army or simply of not wanting to turn over to the guerilla bosses some livestock or a part of the harvest. The discontent of the rural areas encouraged the growing paramilitarism and the general situation precipitated dramatically.

Narcos and paramilitary

In the same years, the narco-traffickers also created paramilitary groups to protect their business. In 1981, the Medellin cartel led by Pablo Escobar established the group *Muerte a Secuestradores* (MAS). Their aim was to fight the guerilla groups, not for ideological or political reasons, but to show the world who was in charge in Colombia. This was a true demonstration of force, the first of many that Pablo

95 Fernando Dorado, La guerra civil en Colombia, publicado su ALAI, 21 aprile 2014, <http://alainet.org/active/73102&lang=es>.

Escobar and his men would impose on the South American country.

MAS was established following the kidnapping by the M19 guerilla movement of Maria Nieves Ochoa, belonging to one of the most powerful families of the Medellin cartel. Despite the M19 almost immediately releasing Ms. Ochoa, MAS indiscriminately killed guerillas, activists and politicians of the left to demonstrate its military strength. In the second half of the 1980's, three thousand spokespeople of the leftist party Unión Patriótica⁹⁶.

MAS represented in fact the beginning of a new form of paramilitarism: narco-paramilitarism, the objective of which in the following years would no longer be extinguishing the Marxist insurrection, but the defense of the economic interests of the *narcos* against anyone attempting to counter them.

It was precisely from the experience of MAS that the Autodefensas Campesinas de Córdoba y Urabá (ACCU) arose. The founders were the three Castaño brothers, Fidel, Vicente and Carlos, who initially entered business with the Medellin cartel of Pablo Escobar. When, in 1991, the ACCU launched peace negotiations with the government, Escobar implemented a military plan to extinguish it. The Castaño brother responded by creating the paramilitary group Los Pepes (Perseguidos por Pablo Escobar, Persecuted by Pablo Escobar).

With the death of Escobar in 1993, the ACCU joined other paramilitary groups creating in 1997 the Autodefensas Unidas de Colombia (AUC), the largest and most violent paramilitary group, with an army that reached 13 thousand units.

The AUC were organized in *bloques*⁹⁷ that operated divided into 49 Fronts present in nearly all the departments of the Country⁹⁸.

Their extortion and pillaging activities were more widespread; the primary financing source of the AUC was always drug traffic. Unlike the prior paramilitary groups, the AUC did not limit themselves to making agreements with the narcos, but entered the business of cocaine traffic following the entire chain and making agreements also with

96 <http://confines.mty.itesm.mx/articulos7/RivasP.pdf>.

97 Denominati Norte, Central Bolívar, Centauros, Calima, Héroses de Granada, Pacífico, Sur del Cesar, Vencedores de ArAUCa, Elmer Cárdenas.

98 Nel periodo di massima espansione, le AUC erano presenti in 26 dei 32 dipartimenti della Colombia. <http://www.cidh.org/countryrep/Colombia04sp/informe3.htm>.

the organized crime groups involved in exportation⁹⁹.

The AUC continued to fight the guerilla groups, but increasingly often the conflicts ended up becoming a battle for the control of the territory intended for illegal trafficking and extortion.

In 2003, in Medellín, the government of Álvaro Uribe began the process of disarming the AUC, led at the time by the previously mentioned Salvatore Mancuso, the former livestock farmer whose origins led to the 'ndrina Mancuso of Limbadi, one of the most powerful of Calabria.

The negotiations led to the approval of the law of *Justice and Peace*. Anyone having confessed to the crimes committed in the prior years, allegedly obtained a reduced penalty, with the agreement to compensate the victims.

On May 13, 2008, in a surprise operation led by the Colombian police, fourteen former paramilitary bosses were extradited to the United States. Among them was also Salvatore Mancuso and his childhood friend "Jorge 40," who just months before had entered the program of Justice and Peace and had begun to confess to the more heinous crimes.

An extradition order was pending against them for drug trafficking that was at first ignored to give priority to the process of *Justice and Peace*¹⁰⁰. When, however, the confessions of Mancuso and his men began to create contention politicians and power groups close to them, it was hurriedly decided to send them to the USA, always refusing to recognize the truth about the role played by the AUC, allied to and financed by them.

Two years before, in 2006, the para-politics scandal exploded, demonstrating inextricable connections between the AUC and the Colombian political class. This involved approximately 160 Parliamentarians or ex-parliamentarians. For many of them, the process is still underway¹⁰¹. The surveys, also thanks to the confessions of some paramilitary, demonstrated like many Colombian politicians – congress members, senators, mayors, community council members – having responded to the interests of the AUC and of the narcos.

99 <http://www.cidh.org/countryrep/Colombia04sp/informe3.htm>.

100 http://news.bbc.co.uk/hi/spanish/latin_america/newsid_7398000/7398251.stm.

101 <http://www.eluniversal.com.co/cartagena/politica/la-bancada-de-los-investigados>.

In the same years, it was discovered that the paramilitary was doing business with the multinationals from which they were paid to protect their investments. The most famous case was that of Chiquita Brands International, that admitted having paid the AUC, remaining unpunished. The only measure that the State Colombian managed to apply to the banana giants was a fine of 25 million dollars, truly just a drop in the bucket for a company with invoicing of more than 3 billion dollars year.

Salvatore Mancuso, during the initial confessions revealed within *Justice and Peace*, gave the first names of companies that had financed the AUC¹⁰². He was extradited and the multinationals gave thanks.

The disarmament of the AUC took place between 2005 and 2008, but did not put an end to paramilitarism, which, instead in recent years reorganized into groups that control more circumscribed areas. The best known are Las Águilas Negras, Los Urabeños and Los Rastrojos¹⁰³ that are dedicated to extortion and to illicit traffic of various types. And while the government propaganda considers paramilitarism a memory of the past, a nightmare that the process of disarmament has eliminated, the Colombians we met in our journey tell of *bandidos* and paramilitary that still today enter their territories, impose tentacles of control on their lives and enact violence on entire communities. They demand protection money, require silence, rape and impose obedience on them and large local and foreign businesses that use their methods.

102 Salvatore Mancuso indicated the Colombian companies Bavaria and Postobón among financiers of the AUC

103 http://www.bbc.co.uk/mundo/america_latina/2010/09/100912_colombia_paramilitar_drogas_wbm.shtml.

Appendix

The American judicial saga

These were the attempted trials against Drummond in the United States:

1. *Romero v. Drummond Co. Inc.*, March 14, 2002 Terry Collingsworth filed a case in the name of Juan Aquas Romero et al. claimants (including union leader and families of deceased union leaders) against Drummond Co. and many executives. The complaint claimed that the president of Drummond Ltd., the Colombian subsidiary of Drummond, with the knowledge of the directors in the United States, allegedly paid some Colombian paramilitary to torture and kill Valmore Locarno, Victor Hugo Orcasita and Gustavo Soler union leaders of Sintramienergética, in a Drummond coal mine in Colombia. The district court has allowed many of the claimants to proceed anonymously based on their alleged concern for their security in Colombia. On March 5, 2007, Drummond was formally absolved of any prosecution within this process. The judgment in favor of Drummond was confirmed in appeal and became final on February 26, 2009.
2. *Baloco, et al. v. Drummond Company, Inc.*, 7:09-cv-00557-RDP (N.D. Ala.). According to this case, always driven based on the accusation against Drummond of guilt in the homicide of the three union leaders, was presented in March 2009, shortly after the first degree judgment of the Romero case was confirmed in appeal. Collingsworth presented this case in the name of the children of the union leaders.
3. *Claudia Balceró Giraldo, et al. v. Drummond Company, Inc., et al.*, 2:09-cv-1041-RDP (N.D. Ala.) Case filed in May 2009 accusing Drummond of having paid huge sums of money to the AUC in exchange for “security,” and being accomplice to the homicide of hundreds of Colombian civilians living along the railway line that transports the coal from the coastal Colombian mine where it was loaded for shipment to customers across the sea.
4. *Marisol Melo Penalosa, et al. v. Drummond Company, Inc.*, 2:13-cv-00393-RDP (N.D. Ala.).¹⁰⁴The case was presented June 20, 2013. Judgment is pending on the motion for filing the case presented by Drummond.

104 http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCCEQFjAA&url=http%3A%2F%2Fwww.plainsite.org%2Fdockets%2Fdownload.html%3Fid%3D33937805%26z%3D2b8c81e0&ei=9BtwVc_aDoSvU-K2gtgK&usq=AFQjCNFunoi7Y-n74AWe3WzBqJ5BnmnEiog&sig2=Cu8_x-C3B7ibF2LY5Z4Ang

Recognition

First, thanks to all of the people we met in Colombia, for having shared their pain with us, generously and with dignity.

Then to Aldo Zanchetta, for having guided our uncertain steps around the world seated in the warmth of his own kitchen.

To Raul Zibechi, for helping us to redirect our path when we may have been lost.

To Oscar Olivera, because these pages are full of friendship. And then because joy is no joke.

To Larry Lohmann, for the valuable push to free ourselves from the blackmail of “what is your alternative?”

To Nick Hildyard, because he continues to teach us to always doubt our own questions. And he does it without giving up the hugs.

To Bruno Federico, because even in the most complex moments we need to find some humor.

To Nadja Drost, because without her Casona in San Roque in Bogotá, for us, nothing would have been the same.

To Simone Bruno, for having “slowed down” for us when we really needed it.

To All the travel companions in the “Roads to transformation,” for having believed with us in a new way of being together.

To Alessandra Meneghello, because nothing can ever be the same without food and beauty.



TIENDA
EL
PROGRESO

Community of Chancleta,
La Guajira, Colombia



Caypa mine, Cerrejón complex,
La Guajira, Colombia

Vessels for coal export,
Ciènaga bay, Colombia





Railway for coal transport, Don Jaca,
Santa Marta, Colombia

PITCH BLACK

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This publication has been produced with the financial assistance of the European Union in the framework of the project "Promoting sustainable consumption and production of raw materials in the context of EYD 2015 and beyond". The contents of this publication are the sole responsibility of Re:Common and can in no way be taken to reflect the views of the European Union.