

Coca, Petroleum and Conflict in Cofán Territory

Spraying, displacement and economic interests

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By examining the recent history of the Cofán people, this paper shows how, under the guise of the war on drugs and terror, the way is being cleared for major economic interests in the Lower Putumayo. Paramilitary groups have been the principal ally of large investors, corporations and public forces, and are just as active in 2007 as they were before they were demobilised. This paper specifically examines the impact of coca cultivation, petroleum activity and the armed conflict in Cofán territory on this ancestral community.

The Cofán people's ancestral territory is located in the tropical forest between Ecuador and Colombia, near the major rivers that flow from the Andes mountains to the Amazon basin. About 1,000 Cofán live in Colombia, most of them in 11 communities in the municipalities of San Miguel, Valle del Guamuez and Orito, in the department of Putumayo. Their territory, culture and survival are seriously threatened by dynamics associated with the drugs trade, the armed conflict and large mega-projects being developed in their territory.

Since 1999, many members of Cofán communities have been displaced because of frequent incursions into indigenous territory, selective assassinations, disappearances, forced

RECOMMENDATIONS

- The Colombian government must enforce the legal groundwork laid by the ILO and the 1991 Constitution, which establishes that when indigenous communities are affected, as in the case of aerial spraying, petroleum exploration and development, and the development of mega-projects on ancestral lands, there must always be prior consultation.
- The Colombian government must also respect the national and international legal framework that protects the right to truth, reparations and justice for victims. Instead of benefiting victims, the Justice and Peace Law and the Rural Development Law are strengthening the political and economic position of those who violate the victims' rights.
- Instead of eliminating coca cultivation in the Lower Putumayo, aerial spraying has functioned as a strategy for robbing people of their territory in order to promote the development of economic interests in the area. Under no circumstances should the reimplementation of this strategy, which has contributed so greatly to the extermination of the Cofán people, be considered.
- The Colombian state is obligated to guarantee the safety and well-being of its ethnic minorities. This is even more crucial in the case of small indigenous communities such as the Cofán, who live in a constant state of risk.

recruitment, accusations, lawsuits, sexual abuse, destruction of property and the destruction of legal crops by aerial spraying. This displacement is not only the result of armed actions by the various factions fighting in the area; it must also be seen as the outcome of a strategy for expropriating lands that are part of the Cofán's ancestral territory.^{T1}

Coca

For thousands of years, the Cofán have used *yagé*,² and there is no generalised consumption of coca leaves in their communities. The main coca crops began to appear in the 1970s, with the colonisation of territory linked to petroleum interests. Many work contracts in the petroleum sector were temporary, and workers sought alternative sources of income, including coca cultivation.

In the Life Plan of the Cofán People (2002),³ the Cofán recognise that there are coca fields in their reserves. Because of the lack of arable land, markets and transportation infrastructure, coca has been one of the few alternatives for subsistence. In 1999, before aerial spraying began, there were 427 hectares of coca in the entire Cofán territory, out of 66,000 hectares dedicated to coca production at the time in the Putumayo region, mainly in the Lower Putumayo.

Between 2000 and 2004, 143,771 hectares of coca were sprayed in the Putumayo region. At the end of 2004, only 4,400 hectares were left in the department. Between 2005 and 2006, there was a sharp increase to 12,000 hectares. Ironically, this period coincided with the Patriot Plan and the change in the focus of the government's military strategy. The border between Ecuador and

Colombia, part of which is Cofán territory, is one of the zones with the largest area of coca crops.

There was still coca in Cofán reserves in 2007. With a lack of viable economic alternatives, coca remained lucrative for the Cofán. Some of the fields where coca had been sprayed or eradicated were replanted, while in other cases the crops were moved to other fields in the reserves. Nevertheless, most of the coca in the reserves belongs not to the Cofán, but to colonists who have purchased plots of land in Cofán territory or planted coca illegally.

According to the Cofán, the introduction of coca has greatly changed their culture and systems of production in their communities. Dependence on cash has resulted in a decrease in food crops and has led to a "white man's" mentality of materialism and individualism. The arrival of illicit crops has also increased colonisation by outsiders in their territory and has destroyed much of the forest reserve. The herbicides used for weed control in coca fields and the chemicals used to produce cocaine base and cocaine chloride, which run off into rivers, have had a negative impact on human health, fauna and water quality. Along with coca and drug trafficking came the insurgency and paramilitary groups that partly fund their activities with trade in coca and cocaine base. This has led to an intense war on drugs in the area.

Manual eradication, aerial spraying and the perverse effects of "development assistance"

On 22 December 2000, aerial spraying with glyphosate over Cofán communities began as part of Plan Colombia. This strategy has continued with occasional

pauses, and has been combined with forced manual eradication.

There have been many complaints about the aerial spraying because of its negative impact on human health, the destruction of legal crops, especially gardens of medicinal plants, the pollution of water sources and the killing of fish and wildlife. Paradoxically, coca is one of the crops most resistant to aerial spraying, which means that while the herbicide has destroyed food crops, coca can be harvested three or four months after being sprayed.

Thanks to many public complaints by national and international human rights organisations, in December 2005 the Colombian government signed an agreement with Ecuador to stop aerial spraying within 10 kilometres of the border. But a year later, on 11 December 2006, the Colombian government decided to resume widespread spraying in this area. According to colonists in the area, during these operations the people doing the eradication committed abuses against local residents, including raping women and girls, and the presence of supposedly demobilised paramilitaries from the Central Bolívar Block was noted. But there is no record of formal complaints from those affected, which could be due to fear or to a lack of confidence that filing a complaint will result in a response by Colombian Attorney General's Office leading to justice or reparation of damages.

All of the farmers have refused to file complaints about the spraying, as allowed under National Police Anti-Drug Office procedures, because everyone knows that in the past the effort has been in vain. In the past,

when complaints about spraying were filed, even though they were investigated and all procedures were followed, the cases ended up being thrown out.

— César Andrés Chapal Legarda, municipal representative from Puerto Asís, 15 February 2007

Aerial spraying under Plan Colombia has destroyed food crops, while militarisation has exacerbated the conflict in the region, leading to loss of life and large-scale displacement of the population. Funds for social investment and alternative development have not served to reinforce grassroots processes; rather, they have created divisions within communities and organisations. As part of Plan Colombia, for example, the US Agency for International Development (USAID) has transferred millions of dollars to local organisations and indigenous and peasant farming communities⁴ for institution building, alternative development and emergency assistance. But because there has been no direct monitoring of these investments, instead of mitigating the effects of military intervention, the funds have indirectly created divisions and conflicts within the communities and the various organisations representing them. Differing political opinions about Plan Colombia have also aggravated differences among organisations and communities, especially between those that have accepted money and those that have not.

Petroleum

The increased presence of state security forces as part of Plan Colombia, on the pretext of fighting drugs and terrorism, has also served the economic interests of the petroleum sector.

To reactivate exploration and the quest for petroleum, we have deployed a brigade of 4,300 men in Putumayo (...) to safeguard petroleum infrastructure and storage facilities, wells and the pipeline (President Álvaro Uribe Vélez, 18 June 2005).

The oil giant Texaco began exploration in the region in 1964 in the municipalities of La Hormiga, Valle del Guamuez and San Miguel, which are also located in ancestral Cofán territory. The largest well in southern Colombia, which has been in production since 1968, is in Orito. It was operated first by Texaco and later by Ecopetrol. Besides various wells, in Putumayo there are four major pipelines, several of which connect with Ecuador and the port of Tumaco on the Pacific Coast.

After 2000, there was a decrease in petroleum production in Colombia. But in 2004, the Uribe government reactivated production with the creation of the National Hydrocarbon Agency. This agency changed regulations, decreased the role of the national company Ecopetrol, and offered highly favourable economic terms for foreign companies. Besides the contractual modifications, the new royalty structure also favours petroleum companies.

These changes in the petroleum sector led to the signing of many contracts for hydrocarbon exploration and technical studies in 2004 and 2005. These include the return of the company Operaciones Petroleras Andinas (OPA) to the Coatí lot, an area of approximately 28,000 hectares that crosses the Cofán communities of Afilador and Yarinal, and the communities of San Marcelino

(Kichwa) and Monterrey (Awa). OPA, a Colombian company, will remain in the area for at least three years and will invest US\$18.7 million.⁵ The company held no prior consultation with the indigenous communities, claiming that the work it was reinitiating had begun before the passage of Law 99 in 1993.⁶

When paramilitaries from the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC) arrived in Putumayo, according to testimony from some of the paramilitaries themselves, one of their objectives was to facilitate the development of resources by transnational companies.⁷ One specific case that reveals the role of paramilitaries in defending economic interests in the area is that of an armed paramilitary incursion on 18 October 2005 in the community of San Marcelino, which is overlapped by the Coatí petroleum lot. The paramilitaries made threats and ransacked local government offices, took six indigenous people captive and forced 11 families to flee.⁸ A few weeks later, state security forces arrived to take control of the area, and in December of that year OPA began exploration.

Most Cofán settlements are located in or near petroleum exploration or production camps, many of which operate under contracts that have been signed since 2004. The 569,000-hectare Alea lot, for which a contract was signed with Repsol and Chaco in December 2004, overlaps ancestral lands of the Cofán and is very near some Cofán reserves. Ecopetrol's exploration and production camps, including the Western Area, Southern Area and Churuco lot, border or overlap several Cofán reserves.

Location of the bajo Putumayo region within Colombia

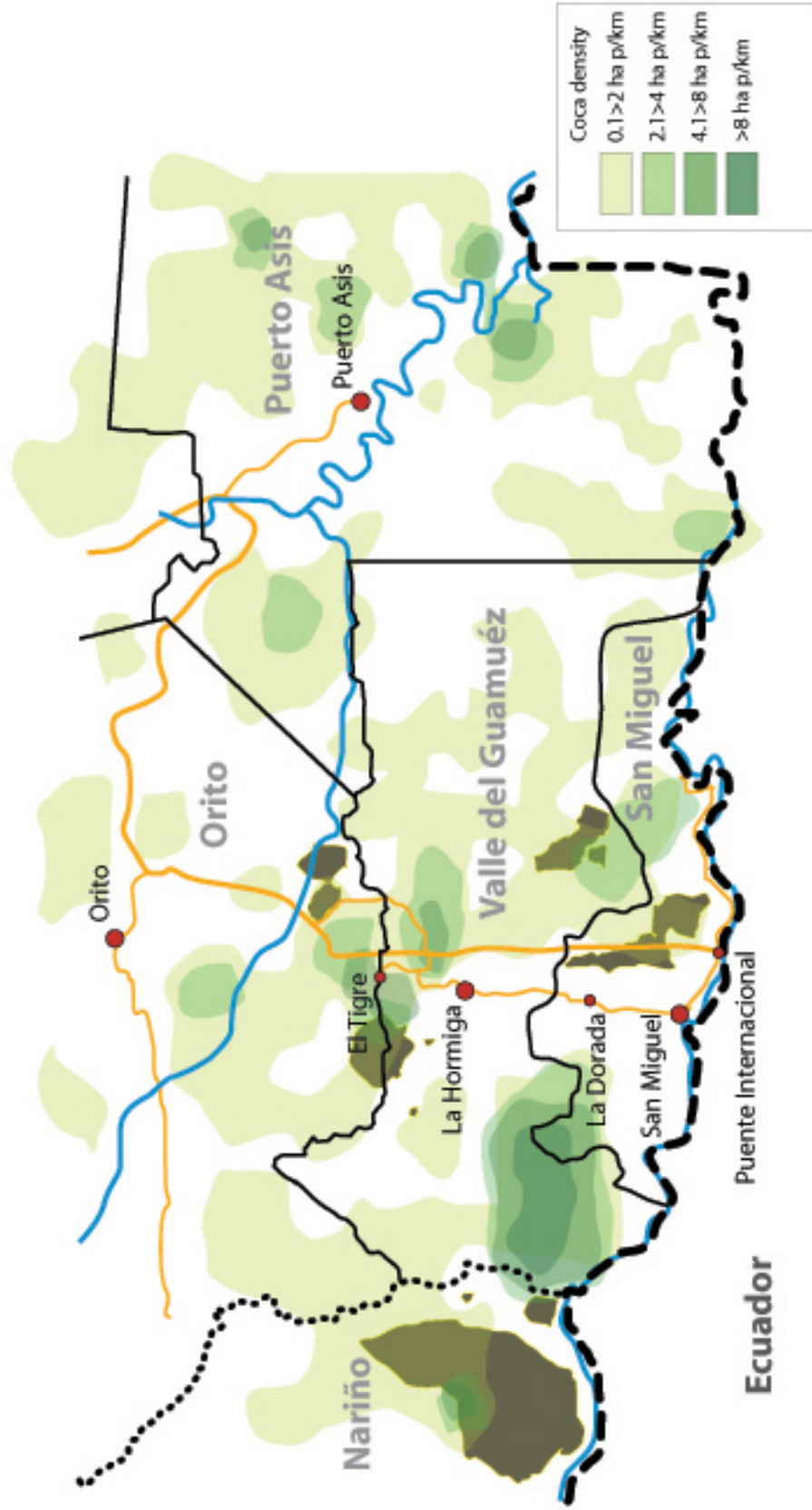


Cofán communities in the Bajo Putumayo region



Source: *Plan de vida del pueblo Cofán* (2000)

Coca production in 2006 in the Bajo Putumayo region



Source: United Nations Office on Drugs and Crime (2007)

Like coca, petroleum exploration has multiple impacts on the communities. According to members of several communities, the petroleum companies' work has led to the appearance of diseases such as cancer, anaemia, diarrhoea, nausea, skin diseases, eye problems and respiratory illnesses. In addition, petroleum production, as currently done:

- Has resulted in a breakdown in political and social organisation because the flow of cash creates divisions among community members.
- Increases colonisation by outsiders, invasion of territories and, as a result, displacement.
- Increases militarisation because of the increase in the number of paramilitaries and insurgents around wells and pipelines.
- Is responsible for pollution (water is most affected) because companies leave waste and do not comply with environmental regulations. Insurgent attacks on petroleum infrastructure also cause significant crude oil spills in rivers.⁹ As a result, there are no fish, the water is unsafe to drink and people cannot bathe because they suffer skin rashes. The communities near the wells are the most affected.
- Intensifies the conflict in the region because of the armed groups' interest in petroleum infrastructure.
- Affects ancestral ceremonies and destroys territory, threatening the Cofán people's world view, lifestyle and culture.

When exploring for and developing hydrocarbons in indigenous communities, petroleum companies and the government must respect national and international law. According to ILO Convention 169, ratified by Law 21 of

1991, the Colombian government must hold prior consultation with the affected communities and serve as an impartial intermediary with the petroleum companies. The Colombian government and the companies, however, have rarely respected this legal framework. One example is the re-entry into the Coatí lot, where there was no prior consultation.

In the royalty system, communities must be consulted about how local governments in the affected municipalities should invest the money. If resources are developed inside or within five kilometres of an indigenous reserve, there must be compensation for impacts. There is not a single case in the Lower Putumayo in which royalties have reached the affected Cofán communities or they have received compensation for damages.

Besides petroleum, other mega-projects are under way in the Lower Putumayo. One is the International Bridge across the San Miguel River, which links Ecuador with Colombia. This economic project involved the lands of several Cofán settlements, again without prior consultation. The International Bridge and the construction of the inter-oceanic Tumaco–Manaos–Belem do Para canal are part of the transportation infrastructure accompanying the plan for opening up markets and the Free Trade Agreement being negotiated with the United States.

Armed Conflict in the Lower Putumayo

The Patriot Plan, which took effect in December 2003, shifted action by state security forces toward the departments of Caquetá, Meta and Guaviare. Although the Putumayo department was

no longer the epicentre of the offensive, the Uribe government has been bolstering its democratic security policy with programmes that involve the civilian population in the internal conflict, such as the “peasant soldier” programme and the “network of informants and collaborators.”¹⁰

In March 2006, 504 paramilitaries from the Central Bolívar Block were demobilised in Puerto Asís. According to a report by Indepaz, a year later there were more than 700 paramilitaries in Putumayo, including members of the AUC Southern Front who had not demobilised; “*Los Rastrojos*,” who were linked to the cartel in Norte del Valle; and the Single Anti-Terrorist Front (*Frente Antiterrorista Único*, FAU).¹¹ It seems ironic that Putumayo, the department where Plan Colombia has been implemented most strongly and one of the most militarised areas, is also the one most affected by paramilitary activity.

It is difficult to find reliable statistics on the political violence in Putumayo since Plan Colombia began. Most of the victims or their relatives have declined to file formal complaints out of fear of persecution. “The municipal representative always told us that if we wanted to stay alive, we should not file a complaint.”¹²

Since 2000, the Cofán communities have suffered human rights violations and violations of international humanitarian law by state security forces and illegal armed groups. The many unfounded accusations, detentions, attacks on property, murders, forced disappearances, battles in indigenous reserves, armed strikes and rapes have led to a breakdown of the social fabric.

Combined with the aerial spraying, they have resulted in the displacement of hundreds of people. Between 2000 and 2006, many Cofán families were forced to flee because of violence and aerial spraying.

Several local organisations have reported forced recruitment in Cofán communities by illegal armed groups. This is not often reported, however, because of fear of retaliation. State security forces also engage in forced recruitment with the network of informants and peasant soldiers. This policy of involving the civilian population has endangered the families of young people who join the public security forces, as they have become military targets of the FARC.

The militarisation of the area and violations and infractions against the civilian population have been accompanied at the national level by a legal strategy that favours major economic interests. Bills that have been passed in the Colombian Congress during the Uribe presidency have created a favourable atmosphere for foreign investment, legalising the expropriation of land and making paramilitary structures part of Colombian society.

Various legal initiatives in the past five years appear to provide a political framework for the tragedy of displacement from land: the labour reform (Law 789/2002), the Justice and Peace Law (Law 975/2005), the Forestry Law (Law 1021/2006) and the Rural Development Law debated in Congress (approved on 21 June 2007). Together these laws converge, politically and

temporally, to support the decision to legalise third-party contracting to take advantage of the large supply of labour offered by people who have been impoverished because they have been forced off their land, who are not organised because of the terror, and who therefore lack the ability to negotiate their pay. Added to these circumstances is the legalisation of paramilitary action and of property obtained through pressure, murder, forced sale and de-facto possession.¹³

Survival of the Cofán

The impact of the political violence on the Cofán has reached such an extreme that their survival is at stake. According to figures from the Fundación Zio'Ai, between 1997 and 2003, 26 people were murdered, including three authorities.¹⁴ In May 2007, several Cofán reserves and communities reported that they had been indiscriminately bombarded by state forces. One community member was killed, one disappeared and 30 were arbitrarily detained. More than 40 families were forced to flee their homes out of fear of retaliation by state forces.¹⁵ Because there are so few Cofán, the impact of each murder, disappearance and displacement on the community is great. As a result of the violence that has caused the death and displacement of hundreds of Cofán, there are currently several Cofán communities that have no traditional authorities and where the social fabric has broken down completely.

The Cofán world view and culture are closely tied to ceremonies involving the use of *yagé*. Spraying and eradication have reduced the number of sacred and

medicinal plants in Cofán reserves in recent years. Eradicators have cut *yagé* vines, and spraying has dried up and destroyed stands of *yagé*. In addition, the ceremonies cannot be carried out peacefully because of pollution, noise, environmental damage and the presence of armed groups.

In 2002, the Life Plan of the Cofán People was presented as a proposal drawn up by the communities in the face of the various threats they were facing. In the Life Plan, the proposals for expanding and legalising the boundaries of their reserve are perhaps the most important provisions for ensuring the survival of the Cofán culture and the communities' autonomy. Some reserves were recognised between 2000 and 2007. The most important is the Ukumani Kanki reserve, which is the Cofán people's spiritual centre. Ecopetrol's Eastern Area crosses this ancestral sanctuary, however, and there are three sealed wells in the area.

Notes

¹ See: Colombian Commission of Jurists, "Revertir el destierro forzado: protección y restitución de los territorios usurpados," Bogotá, 2006.

² *Yagé* or ayahuasca is a South American tropical vine that Amazonian peoples use to prepare a potion that is considered sacred medicine.

³ A project of the Cofán community that seeks recognition of their traditions, respect for the thinking of their elders and recovery of their territory so the Cofán can continue to live as indigenous people.

⁴ USAID has a US\$1.8 million programme for sustainable development in indigenous communities. Between February 2006 and March 2007, 77 Cofán families received direct assistance from the *Amazon Conservation Team ACT* (http://pdf.usaid.gov/pdf_docs/PDACJ453.pdf). Among the organisations funded by USAID

through ACT are the Union of Indigenous Yagé Healers of the Colombian Amazon (*Unión de Médicos Indígenas Yageceros de la Amazonía Colombiana*, UMIYAC), of which almost half the members are Cofán elders, and a women's organisation in which many members are also Cofán.

⁵ See the Web site of the National Hydrocarbon Agency:

http://www.anh.gov.co/html/i_portals/index.php

⁶ Article 76 of Law 99 on Indigenous and Afro-Colombian Communities. "Production of natural resources will be done without harm to the cultural, social and economic integrity of indigenous and traditional Afro-Colombian communities, in accordance with [Law 70 of 1993] and [Article 330 of the Colombian Constitution], and decisions on these matters will be made after consulting representatives of these communities."

⁷ See the preparatory report for the international verification mission on the situation of indigenous people,

http://www.onic.org.co/mision/informe_putumayo.pdf

⁸ Comisión Intereclesial de Justicia y Paz, *De Ver* magazine No. 232, *Bajo Putumayo, Plan Patriota – Plan Colombia y la sepultura de los sueños*.

⁹ With the reinforcement of state security forces along the Caño Limón-Coveñas pipeline as of December 2002 as part of Plan Colombia, insurgent attacks on petroleum infrastructure shifted from Arauca to Putumayo.

¹⁰ See the preparatory report for the international verification mission on the situation of indigenous people,

http://www.onic.org.co/mision/informe_putumayo.pdf

¹¹ Indepaz investigative unit. Map of demobilised paramilitaries, by department.

<http://www.indepaz.org.co/myfiles/pdf/120307/maparaco.pdf>

¹² Hollman Morris, "El regreso de los muertos", special to *El Espectador*, 12 May 2007.

¹³ Darío Fajardo Montaña, "Leyes para el destierro," article published 21 June 2007 on the Actualidad Etnica Web site:

<http://www.etniasdecolombia.org/actualidadetnica/detalle.asp?cid=5528>

¹⁴ The Fundación Zio' Ai serves as adviser and coordinator of the Cofán Round Table that was established after the first Colombian-Ecuadoran Congress of the Cofán People in 1998. On 26 December 2000, Henry Pascal (former local governor and member of the standing assembly)

and his wife were murdered by paramilitaries in the Yarinal indigenous reserve. On 3 January 2001, the vice president of the Fundación Zio' Ai was assassinated by alleged paramilitaries. On 4 August, three Cofán people, including the elder Obencio Germán Criollo Queta, were murdered by paramilitaries.

¹⁵ Actualidad Étnica, 31 May 2007,

<http://www.etniasdecolombia.org/actualidadetnica/detalle.asp?cid=5430>

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