INTERROGATING SUSTAINABLE DEVELOPMENT:
A CASE STUDY OF LARGE-SCALE MINING IN COLOMBIA

by

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Abstract

In this thesis, I examine the case of the Canadian-based multinational mining corporation GreyStar resources Ltd. in Colombia. Angosturas is GreyStar’s large-scale gold mining project in the sensitive wet highland of páramo de Santurbán in the northeast of the Andes. Although GreyStar has undertaken explorations in this area since 1994, Colombia’s Ministry of Environment denied the environmental license to the company to start with extractions in 2011. I suggest that the government’s decision must be understood in the context of massive mobilizations against the project in large cities such as Bucaramanga and Bogotá as well as the principle of sustainable development (hereafter SD). The latter forms part of the 1991 Colombian constitution, and thus, through this legal presence, is considered to provide environmental protection in the country. Despite this government’s recent ruling, GreyStar (which renamed itself ‘Eco Oro’ after the 2011 decision) and other mining companies (e.g. Ventana Gold) have continued their quest to gain permission to begin with extractions in Santurbán.

I explore why these continued attempts to persuade the government regarding extraction licensing is possible. In doing so, I critically investigate the principle of SD, which is central to the resolution by which the Ministry of the Environment denies the environmental license to Eco Oro (GreyStar). In other words, this thesis asks why SD allows for the classification of large-scale mining as a ‘common-good’ activity, which has negative implications on attempts to designate certain ecosystems (e.g. páramo) as common-goods on the basis that there are to be sustained as such, and therefore, an unequivocal moratorium on large-scale mining in these ecosystems is necessary. What and whose common-good does large-scale mining in sensitive ecosystems represent? I argue that in the scope of SD, commoditized nature is vulnerable to the volatility of markets and corporate profitability. This thesis is a criticism of SD and the limitations it places on
hearing certain kinds of languages and discourses that resist the key assumptions of SD. The case study allows for addressing a gap in the existing literature, which is the distinctive situation of no legally considered ethnic minorities (e.g. small farmers, small miners, and the cities).

**Key words:** sustainable development; large-scale mining; páramo; Colombia; post-development; juridical frameworks; representations; languages; discourses; social movements; small farmers; small miners; cities.
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Finally, I am responsible for all the statements and arguments in this thesis.
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List of Abbreviations and Acronyms


ANDI: Asociación Nacional de Empresarios de Colombia (National Association of Entrepreneurs of Colombia)

BACRIM: Bandas Criminales (criminal gangs)

CAR: Corporación autónoma regional (regional autonomous environmental organization)

CCFTA: Canada-Colombia Free Trade Agreement

CDMB: CAR para la Defensa de la Meseta de Bucaramanga (CAR of the metropolitan area of Bucaramanga)

CERI: Canadian Energy Research Institute

CIDA: Canadian International Development Agency

CLACSO: Consejo Latinoamericano de Ciencias Sociales (Latin American Council of Social Sciences)

CORPONOR: CAR del Norte de Santander (CAR of Norte de Santander)

DANE: Departamento Administrativo Nacional de Estadísticas (National Administrative Department of Statistics)

EIA: Environmental Impact Assessment

ELN: Ejército de Liberación Nacional (Liberation National Army)

FARC: Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

FENALCO: Federación Nacional de Comerciantes (The National Federation of Merchants)

FTA: Free Trade Agreement

IFC: International Finance Corporation

IIED: International Institute for Environment and Development

IMF: International Monetary Fund
**INCODER:** Instituto Colombiano de Desarrollo Rural (Institute for Rural Development)

**INCORA:** Instituto Colombiano de la Reforma Agraria (Colombian Institute for Agrarian Reform)

**INDERENA:** Instituto Nacional de Recursos Naturales (National Institute of Natural Sources)

**M-19:** Movimiento 19 de Abril (April 19th movement, urban guerilla during the 1970s and 1980s in Colombia)

**Ministry of Environment:** Ministerio de Ambiente, Vivienda, y Desarrollo Territorial (Ministry of Environment, Housing, and Territorial Development)

**OCMAL:** Observatorio de Conflictos Mineros en América Latina (Observatory of Conflicts related to large-scale mining in Latin America)

**PCN:** Proceso de Comunidades Negras (Black Communities Movement)

**RECLAME:** Red Colombiana en contra de la gran minería transnacional (Colombian Network against Transnational Large-Scale Mining)

**SD:** sustainable development

**SINA:** Sistema Nacional Ambiental (National Environmental System)

**UN:** United Nations

**WB:** World Bank
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Chapter 1

Introduction

Situating the Study: Contestation, Mining in the Páramo, and Sustainable Development

Angosturas is the most advanced\(^1\) large-scale gold mining project in Colombia. The Angosturas mining project is geographically located in a high wetlands of páramo\(^2\) de Santurbán in the northeast of the Andes Mountains in Colombia\(^3\). The multinational company GreyStar Resources Ltd. has made explorations in the area since 1994 and requested the environmental license to start with extractions in December 2009. In the context of massive mobilizations\(^4\) against the project in big cities such as Bucaramanga and Bogota, in May 2011, the Ministry of Environment, Housing, and Territorial Development\(^5\) (hereafter: Ministry of Environment) denied permission to the Company.

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\(^1\) Currently, there are no other large-scale gold mining projects in the phase of extraction in Colombia. When I say that Angosturas is the most advanced project, I mean that the company is ready to start with extractions once it gets the environmental license from the Ministry of the Environment.

\(^2\) Because of its geological, geomorphologic, edaphological, climatic, ecosystemic, and genetic characteristics, páramo is an effective eco-hydro-system that captures, regulates, and distributes water from high wetlands to around 70% of the population in Colombia. In other words, páramo is a generous ecosystem because the water requirements of its fauna and flora are low in comparison with the levels of water that it captures (Fierro 2012, 133). All together, the very unique conditions mentioned above allow for the existence of páramo. It means that any large-scale mining project on it (open-pit and underground), would radically damage the ecosystem (Fierro 2012: 135-136, 196). See Appendix 3: Image of Santurbán.

\(^3\) See Appendix 4: Geographical location of Angosturas

\(^4\) The common ground to solidify a massive mobilization within the diversity of individuals and collectives was the defense of water. See Appendix 1: Images of rallies in the cities

\(^5\) The Ministry of the Environment in Colombia was initially created in 1994 in the context of the new Political Constitution of 1991, and Law 99 of 1993. These legislations responded to a national and international discussion on development and environment. The Ministry built upon the previous institution in charge of the protection and management of natural resources for purposes of development, i.e. INDERENA. The creation of INDERENA in 1968 was motivated by long struggles over land tenure and use in the country. The objectives of this institution were modified with the Code of Renewable Natural Sources and Environment of 1974, in the context of the United Nations Convention on Environment and
to start with open-pit extractions. Shortly thereafter, GreyStar changed its name to Eco Oro⁶, changed the executive directors, systematically changed its web site, and is aggressively pursuing an underground large-scale gold mining project in the area of sub-páramo. Aside from Eco Oro (GreyStar), Ventana Gold, AuRo Resources Corp., Galway Resources, and Anglo Gold Ashanti have (property) titles in the area⁷.

The purpose of my thesis is to understand why after the 2011 decision of the Ministry of Environment, Eco Oro (GreyStar) and the other mining companies⁸ have been able to continue explorations in the area in the hopes of eventually obtaining environmental license to start with extractive activities.

**Problematizing Sustainable Development and Research Question**

The framework for Resolution 1015 of 2011⁹, by which the Ministry of Environment denied the license to Eco Oro (GreyStar) is sustainable development (hereafter SD). According to this Resolution, the idea of SD can be traced in the United Nations’ (hereafter UN) Convention on Development in Stockholm 1972. However, it is important to emphasize that the United Nations Conventions were not the starting point of the environmental institutions and legislations in Colombia (Rodriguez Becerra 2009). Since 1994, the structure and objectives of the Ministry have been modified by diverse governments (Rodriguez Becerra 2009). In 2003, through the Decree 217, the administration of Álvaro Uribe Velez merged the Ministries of Environment, and those of Housing and Territorial Development. In late 2011, through the Decree 3570, the administration of Juan Manuel Santos, separated the ministry and created the Ministry of the Environment and Sustainable Development. See Appendix 2: Structure of the Colombian State.

⁶ In this thesis, I refer to the company as Eco Oro (GreyStar) to highlight the continuity in the practices of the company.
⁷ See Appendix 27: Map of the main mining projects and associated minerals and companies.
⁸ Some of these companies are Ventana Gold, AuRo, and AngloGold Ashanti. See Appendix 27: Map of the main mining projects and associated minerals and companies.
Environment and Development which was ratified in Stockholm in 1972. This idea was expanded in the Brundtland Report ‘Our Common Future’ by the UN Commission on Environment and Development in 1987. The official definition is ‘development that meets the needs of present generations without compromising the ability of future generation to meet their own needs’. SD was further discussed in the UN Conventions on Environment and Development in Rio de Janeiro in 1992, and in Johannesburg in 2002\(^{10}\). SD has also been central to innumerable international agreements, such as the Convention on Biological Diversity. It is also expressly stated in Article 80 of the Political Constitution of Colombia of 1991\(^{11}\) (hereafter 1991 Constitution), Article 3 of Law 99 of 1993, and various acts of the Colombian Constitutional Court (see Resolution 1015 of 2011).

Following the Resolution 1015 of 2011, the principle of SD implies that economic activities are conditioned to the limitations imposed by environmental authorities. This is in order to make compatible the right to economic freedom and the right to a healthy environment. Article 1 of the current Mining Code, Law 685 of 2001\(^{12}\), recognizes this principle as it pertains to mining exploration and extraction.

\(^{10}\) This thesis was written in the context of the UN Convention on Environment and Development Rio+20 held in Rio de Janeiro in 2012. The new concept introduced in this opportunity was ‘green economy’. Nonetheless, ‘green economy’ shares the common ground with the principle of SD.

\(^{11}\) This is the current Constitution of Colombia, and it is the main reference of the juridical framework.

\(^{12}\) Law 685 of 2001 was slightly modified with Decree 1083 of 2010 to include further considerations regarding sensitive ecosystems, e.g. páramos. In June 2011, this decree was considered unconstitutional by the Constitutional Court because the Decree was not consulted with ethnic minorities. Nevertheless, because the Decree includes special considerations regarding sensitive ecosystems, it will be in force until June 2013, when the government will need to present a new proposal. For purposes of this thesis, Law 685 of 2001 is the main reference for this analysis because it contains the core of the mining legislation. For further information on the reform, see: ‘Los efectos de la caída del Código Minero’, Semana, May 12\(^{\text{th}}\)
In this sequence of events, the main question driving the thesis is why the principle of SD, which is central to the Resolution 1015 and the national juridical framework in Colombia, places limits on hearing certain kinds of languages and discourses that resist the premises of SD and attempts to protect páramo on the basis that it is to be sustained as such?

**Definition and Usage of SD in the Thesis**

SD refers to both the international meaning and policy implementations by the UN, and other international institutions such as the World Bank (hereafter WB), as well as to the meaning and implementation in the juridical framework in Colombia. It is common to both the international and national meaning of SD, the idea that economic growth is unquestionably and universally desirable, and that environmental degradation threatens economic growth.

Key to SD is the idea of Earth as a corporation that provides clearly identifiable sources of production and services that facilitate human development (understood as economic growth). The ability to guarantee a ‘new era of economic growth’ depends on a managerial approach to nature and the ‘causes’ of (environmental) ‘stress’:

7…people can cooperate to build a future that is more prosperous, more just, and more secure; that a new era of economic growth\(^{13}\) can be attained, one based on policies that sustain and expand the Earth's resource base; and that the progress that some have known over the last century can be experienced by all in the years ahead. But for this to happen, we must understand better the symptoms of stress that confront us, we must identify the

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Accessed on: July 2011.

\(^{13}\) Own highlights
causes, and we must design new approaches to managing environmental resources and to sustaining human development (World Commission on Environment and Development 1987, Chapter 1).

The perceived causes of environmental degradation are poverty and short-sighted industrial practices. In other words, the sustainability of development depends on the management of poverty through the intervention of the poor\textsuperscript{14} and technological innovation.

3. The failures that we need to correct arise both from poverty and from the short-sighted way in which we have often pursued prosperity. Many parts of the world are caught in a vicious downwards spiral: Poor people are forced to overuse environmental resources to survive from day to day, and their impoverishment of their environment further impoverishes them, making their survival ever more difficult and uncertain. The prosperity attained in some parts of the world is often precarious, as it has been secured through farming, forestry, and industrial practices that bring profit and progress only over the short term (World Commission on Environment and Development 1987, Chapter 1).

The poor in this scope is the Third World, the low income woman, small farmers (extensive to small miners), and indigenous peoples (extensive to Afro-descendent communities in Colombia). These various faces of the poor intersect in multiple ways creating a complex landscape of interventions or management strategies. The idea of sustainability in the scope of SD relies on being attractive to corporations in the short and long-term, for this purpose, the commodification of environment, financial institutions and the voluntary cooperation between states play a central role (see Chapter Three).

The Colombian government adhered to the above understanding of SD in the Code of Renewable Natural Resources of 1974. The government reiterated its commitment to SD in the 1991

\textsuperscript{14} For purposes of this thesis, I focus on small-farmers and small-miners because they are the people who live closest to the Angosturas project (see Chapter Four).
Constitution, which is the current axis of the juridical framework in the country. As I suggest in Chapter Three, the inclusion of SD in the 1991 Constitution emerged from, and is a response to various events in the international and national contexts. Central to this argument is the idea that SD as a contained site of contestation that is appropriated, negotiated, and resisted on the ground.

**The Argument and Some Caveats**

The main argument proposed here is that there is no guarantee in the meaning of SD and its implementation in the Colombian context for attempts to designate páramos as common-goods that need to be sustained as such. In the scope of SD, commoditized nature is vulnerable to the volatility of markets and corporate profitability.

In this thesis, I criticize SD and the limitations it places on hearing certain kinds of languages and discourses that resist the key assumptions of SD. Likewise; the case study allows me to fill in a gap of the existing literature on the subject, which is the situation of no legally considered ethnic-minorities, e.g. small farmers, small miners, the cities. The limitations are explained in the field of representation\(^{15}\). In so doing, I do not advocate for a reform to offer other forms of ‘consultations’ within the existing legal framework because it does not really challenge the idea of placing nature in the service of continual economic growth. I am inclined towards the strategic knowledge and use of mechanisms available at hand to temporarily contest large-scale mining.

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\(^{15}\) In the light of Escobar (2012), by representation, I mean a way of speaking of a subject, which contains the possible ways of understanding and thinking about that subject. Representation implies violence as far as it (spatially, historically, ontologically, and epistemologically) essentializes individual and collective subjects.
Nonetheless, simultaneously, I invite to think and imagine potential framings that allow for socio-natural organizations that disrupt the commodification of nature and life. In the debate, I situate myself as a person who was born and raised in the cities of Bogotá and Cartagena, and who is deliberately interested in sustaining páramo as such. In no case, I attempt to speak for small farmers and small miners, and I recognize my methodological limitations to let these individual and collective subjects speak for themselves with their own voices (see methodology section). However, I called attention to the need for dialogue between environmentalists and local populations in order to identify distinctive and mutual challenges and struggles. Likewise, in this thesis I focus on large-scale mining. However, questions regarding small-scale mining in páramo remain open for future research.

**Scholarly Contributions: Situating the Thesis**

This thesis offers both a concrete and analytical contribution to the debates on SD as it pertains to the mining sector in Colombia. The thesis establishes a dialogue between critical theories of development and a concrete case study, which has not been previously documented in scholarly production. Because all large-scale gold mining projects in Colombia are in the phase of exploration, Angosturas constitutes a unique referent for ongoing debates in the country. This is in the context of the current Administration of Juan Manuel Santos (2010-2014), which explicitly promotes large-scale mining as a driving force for development (cf. Departamento Nacional de Planeación 2010).
The ambiguous position of the current Administration with regards to large-scale mining in páramo finds support in Article 13 of Law 685 of 2001:

ARTICLE 13. COMMON-GOOD. According with Article 58 of (1991) Political Constitution, all branches and phases of the mining industry are declared ‘common-good’. Therefore expropriation of goods and other acquired rights could be done following the procedures established in this Code. Expropriation is justified in benefit of the mining industry to facilitate its operation and efficient development (Law 685 of 2001)\textsuperscript{16}.

The classification of mining industry as common-good goes against the attempts to designate páramo as common-good on the basis that it is to be sustained as such. What and whose is this ‘common-good’ that the government promotes, and which is the rationale behind. The UN Division for SD on Mining argues that: ‘Minerals are essential for modern living and mining is still the primary method of their extraction’\textsuperscript{17}. Therefore, the sustainability of mining remains crucial for a ‘new era of economic growth’, and consequently mining turns into a ‘common good activity’ in the scope of SD.

Key to this framing is commoditized nature, which is vulnerable to the volatility of markets and corporate profitability. Commoditized nature is dematerialized, delocalized, susceptible to be


evacuated, and substitutable. Many collectives (e.g. Salinas and Herrera 2008; Weitzner 2002) have raised concerns about the implications of this framing for indigenous peoples and ethnic minorities. Angosturas case study allows for addressing a gap in the existing literature, which is a close analysis of the implications for no legally considered ethnic minorities (e.g. small-farmers, small miners, the cities). Although the main focus of the thesis is a criticism of SD and the limitation it places on hearing discourses that resist the key assumptions of SD (including the commodification of nature), in this thesis I emphasize the limitations for hearing voices of non-ethnic minorities. This is not to say that ethnic minorities are better off with respect to non-ethnic minorities, but it is to illustrate how representation accentuates the limitations that SD places on hearing contesting voices of the populations directly and indirectly affected by Angosturas project.

The core of the theoretical and methodological framework is based on Arturo Escobar’s early and latest work. Escobar’s (2012) early work focuses more on discourse analysis and representation of development and poverty in the Third World, particularly in Colombia. Escobar’s (2008) latest work focuses more on an ethnographic study and the on the ground engagement of ‘Movement of Back Communities’18 (hereafter: PCN) with ideas and practices of biodiversity conservation in the Pacific coastal region of Colombia. On one hand, the first work presents a cogent explanation of the articulation, materiality and embodiment of development ideas in policies, institutions and practices. In doing so, Escobar’s (2012) early work has been criticized (as explained in the preface to the last edition) for presenting a monolithic and totalizing idea of development. On the other hand, Escobar (2008) argues that dominant ideas and practices of biodiversity conservation

18 Proceso de Comunidades Negras, PCN
are actively appropriated, negotiated, and contested on the ground. Development is in this work a site of contestation for active and fragmented players (e.g. state is not an impermeable totality).

I draw on Escobar’s (2008) ‘the deliberate effort’ for engaging with multiple existing languages\(^\text{19}\) that enable subjects to see and imagine three distinctive, interconnected, and potentially complementary projects: 1) alternative modernities, i.e. works that improve the material-social conditions when desired by local communities, such as hospitals, schools, and paved roads, among others; 2) alternative (sustainable) developments, i.e. water and food security and sovereignty; and 3) alternatives to (sustainable) development, i.e. ideas and practices that explicitly challenge the commodification of nature and the desire for unlimited economic growth. I find the value on this approach in that it might allow for thinking of collaborations between environmentalists and local populations against the commodification of nature.

However, I bring more of Escobar (2012) to Escobar (2008) in order to show connections between multiple scales of experiences and legal framing. Likewise, Escobar (2012) points out that despite the fact that development is a site of contestations, the possibilities of contestation are contained. Representation is important to explain why. Escobar (2012) also reminds to Escobar (2008) that distinctive representations (e.g. of ethnicity) accentuate the limitations that SD places on hearing the voices of people affected by development projects (i.e. small-farmers, small-miners, the cities).

\(^{19}\) I adhere to Escobar’s (2008) understanding of language as an expression of meanings, values, and relations. Likewise, languages are mechanisms to think of and make sense of experiences in relation with places and other beings. In that sense, different languages enable distinctive rationales and pluri-verses.
Furthermore, I complement this approach with four interconnected analytical planks. These planks include: 1) Sullivan (2010) on the commodification of nature; 2) de Vries (2007) and Machado-Aráoz (2011) on possible reasons for the support of mining companies by some local people; 3) Rivera-Cusicanqui (2012) on representation and ethnicity; and 4) taken together, de Vries (2007), Machado-Aráoz (2011), and Rivera-Cusicanqui (2012) help me to expand on the concept of violence and ongoing (de-) colonial experience(s) (see Chapter Two).

**Methodology**

The starting point of this thesis is an exploratory research pursued between June and August 2011 in Bogotá, Colombia. During this period of time, I got in touch with people from the Colombian Network Against Transnational Large-Scale Mining (RECLAME) and participated in multiple meetings, forums, and a public hearing in August 2011. The case of Angosturas got my special attention in a celebratory context after the Resolution 1015 of May 2011. The decision of the Ministry of the Environment was presented in the media as a victory of massive mobilizations in the cities. This contrasted with the fact that the same mining company and others continued with titles and explorations in páramo.

In summer 2011, the event was very recent; Eco Oro (GreyStar) was restructuring itself; and some local people had reacted aggressively against environmentalists and journalists visiting the area. In this context, any visit of outsiders to the region was very dangerous for security reasons. Therefore, I opted out from any attempt to visit the local towns. This reflects on my study in the distance with respect to local socio-natural landscapes and voices of small-farmers and miners.
However, I built my analysis upon information publicly available about media coverage and speeches in environmental public hearings. It is important to specify that for this purposes the archive of the environmentalist NGO based in Bogotá CENSAT-Agua Viva Friends of the Earth International Colombia was crucial. The fact that delegates from this NGO (as many others) could not reach the location of the first environmental hearing explains the lack of data on the speeches (see Chapter 4). Likewise, I do discourse analysis of policy papers and legislation to situate the case study in an international, Latin American, and national context. My reflections and statements on this thesis are the result of multiple discussions in various venues in Colombia, Canada, and the United States. Besides my experience in Colombia, I acknowledge the Mining Injustice Solidarity Network based in Toronto in terms of offering me a broader perspective on mutual challenges and struggles in a global scale. In no case, I am displaying statements of people in informal conversations.

**Structure of the Thesis**

This thesis is organized in four chapters. Chapter Two situates and expands on a theoretical framework in relation to existing literature on large-scale mining and SD in Colombia. Chapter Three offers a descriptive analysis that aims to spatially and historically situate the case study in global, regional (Latin America), and national trends on large-scale gold mining. The purpose of this chapter is to explain why and how mining companies find profitable opportunities alongside the intervention of international institutions and states.
Chapter Four elaborates on the case study and has two main goals. First, it explains why Resolution 1015 of 2011 leaves open the possibility for other large-scale mining projects to begin extractive activities in the páramo de Santurbán. Second, it explains why and how the diverse languages employed (e.g. paving the road, jobs, and the defense of water) in various venues (e.g. public hearings, demonstrations, opinion articles, official reports) by no legally considered ethnic minorities\textsuperscript{20} both strategically use and contest SD. In the languages that cannot be translated into SD (e.g. affection, sacredness, moral consideration towards páramo, and communication with páramo, among others), I explore possible and existing socio-natural organizations (e.g. based on water and food security and sovereignty, and communication with páramo) that might lead to sustaining páramo as such, and other discussions about the implications of large-scale mining for diverse people in concrete places. Finally, Chapter Five summarizes the argument presented here and concludes.

\textsuperscript{20} Some examples are: small farmers, small miners, the cities.
Chapter 2

Literature Review and Theoretical Framework

Although the discussion on the particular case study of Angosturas has been rich in non-academic settings, it has not been largely documented in scholarly settings yet. To my knowledge only, MiningWatch Canada and CENSAT-Agua Viva (2009) explore the Angosturas case. In their work, non-governmental organizations elaborate on the negative impacts of Canadian direct investment in mining in Colombia. This work pays special attention to the consequences in a context of internal armed conflict, and thus focuses on a human rights approach that remains largely prescriptive and descriptive. This source is informative, and its main audience seems to be the mining investors in Canada. In contrast, this thesis proposes a different analysis. It inquires how and why the relation between large-scale mining and the principle of SD is framed in a particular manner within the juridical context in Colombia. The rationale behind is to explore the limitations SD places to attempts to designate páramo de Santurbán as a ‘common-good’ that is to be sustained as such without large-scale mining.

There are few sources that explicitly draw connections between large-scale mining and SD. A possible explanation is that it is difficult to justify the sustainability of large-scale mining even in Brundtland’s elastic terminology. Kirsch (2010) highlights the strategic deploy of the word ‘sustainability’ in the principle of SD and sustainable mining. Kirsch (2010) argues that the mining industry claims to be ‘sustainable’ by sponsoring local ‘development’ projects, and by promoting an illusion of an environmentally friendly mining technology that does not exist.
‘Sustainability’ used in this way does not erase the fact that large-scale mining has had negative long-term impacts on the environments and peoples directly affected by the projects. Likewise, being ‘sustainable’ is equated with profitability, in the sense that it contributes to a favourable image of the company among peoples and global lending institutions, e.g. the World Bank and the International Monetary Fund.

Despite these connections, Kirsch (2010) does not engage with the on the ground mining experience in Colombia. Unlike Kirsch (2010), I am interested in understanding two things. First is why and how SD leads to a temporary protection of páramo de Santurbán. Second, why and how SD places limitations on hearing the voices of people directly affected by the project (e.g. small-farmers, small-miners, the cities21), which might attempt to sustain páramo de Santurbán as such.

Fierro (2012) expands on mining policy in Colombia and makes some connections with environmental policy. At the end, he requests a reform to offer other forms of ‘consultation’ directed to a larger group of population within the existing legal framework. Unlike Fierro (2012), I point out the limitations of the existing legal framework and show skepticism towards a reformist proposal. The reason why is that a reform does not really challenge the notion of placing nature and the voices of diverse individual and collective subjects in the service of continual economic growth.

21 In discussing cities, I intend to point out that the representation of non-ethnic minorities within the SD framework is always rural.
The chapter is organized in three main sections. Section One examines the relevant and competing literature. Section Two introduces the main premises and assumptions of my theoretical framework, and Section Three draws conclusions.

**Literature Review**

This section is divided into two main parts. The first part explores the most relevant literature on mining in an international, Latin American, and Colombian context, with a special reference to the legal framing in Colombia. The second part of this section expands on the official meaning of SD, critiques of it from diverse approaches, and the implementation in Colombia.

**Large-scale Mining in Colombia**

There are limited scholarly sources for the particular case in Colombia. This can be explained because Colombia has not historically been a preferred target for the mining industry. Despite the fact that the diverse temporal booms of the prices of minerals at the international level have increased the flux of investment to non-preferred destinations (e.g. Latin America), the investment in preferred destinations (e.g. the United States, Canada, Australia) has remained stable in absolute terms (Bridge 2004).

In South America, the preferred targets have historically been Chile, Peru, and Bolivia. In all these countries the reforms that contributed to facilitate the direct investment in mining took place in the late 1980s and early 1990s. In Chile, reforms to mining legislation occurred in the mid-
1980s under the government of Augusto Pinochet (1973-1990). Unlike these countries, in Colombia, the reforms were materialized in the Mining Code of 2001 under the Administration of Andrés Pastrana Arango (1998-2002). Similarly, diverse countries received credits from the World Bank to ease the ‘modernización institucional’ (institutional modernization); for example: Peru, Bolivia, and Ecuador in 1991; Mexico in 1992; Brazil in 1996; Guatemala in 1997; Honduras in 1998; and Colombia in 2001 (Machado Aráoz 2011, 160).

The fact that the existing legislation in Colombia is from 2001 does not mean that there were not previous attempts to reform the mining legislation, especially during the government of Samper Pizano (1994-1998). According to Sintraminercol (2004), the reform did not occur in the mid-1990s because of the resistance of syndicates and artisanal miners in the South of Bolivar. The approval of the existing legislation has been a process of expropriation, displacement of people and violence. International institutions, such as the Canadian International Development Agency or CIDA and the Canadian Energy Research Institute or CERI offered economic and technical support in the ‘modernization’ of mining legislation (Mining Watch 2009; Sintraminercol 2004).

It was during the Administration of Álvaro Uribe Vélez (2002-2010) that the number of requests of titles over land by multinational mining companies increased, even in conservation areas (Fierro 2012; Rodríguez-Becerra 2009; Sintraminercol 2004). This Administration promoted Colombia as a post-conflict country and an attractive target for foreign investment in large-scale mining (see Chapter Three). Widespread debates surrounding large-scale mining in mainstream media and academic settings in Colombia are relatively recent. These debate have been stimulated by the fact that the current government, of president Juan Manuel Santos Calderón
(2010-2014), has promoted large-scale mining as a driving force of development and a potential solution for unemployment (Departamento Nacional de Planeación 2010).

Given the fact that most of the existing literature on the subject has been produced by diverse NGOs, scholars who want to critically engage with the debates surrounding large-scale mining in Colombia must start by an analysis of this material. This is why the first part of this subsection is on the written reports of some NGOs (such as MiningWatch Canada, CENSAT-Agua Viva, INDEPAZ, and Sintraminercol) and cooperation institutes (such as the North-South Institute). After this discussion, I turn my attention to the scholarly literature on large-scale mining with focus on Latin America and Colombia.

**Mining Literature and NGOs**

All these sources are rich with detailed information. MiningWatch Canada (2007) focuses on the legal structure of multinational mining companies based in Canada. Salinas and Herrera (2008) and Fierro (2012) summarize the current legislation on mining in Colombia and the legal alternatives available for ethnic minorities to negotiate in the process of the adjudication of rights to mining companies. However, for the purposes of this study, they do not challenge the same foundations of the legislation or the distinctive possibilities of speaking for those considered non-ethnic minorities. Weitzner (2002) explores indigenous views on the prior consultation mechanism, and Sintraminercol (2004) offers an historical study of the Mining Code of 2001. However, these sources do not question the foundations of the existing legislation.

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22 A more detailed explanation of the arguments is further explained throughout the study. I do not expand in some of the sources because their purpose and findings go beyond the scope of the thesis.
With my study, I aim to address one main gap in the literature. The gap is the particular absence of legal voice of non-ethnic minorities (i.e. small farmers, small miners, and cities) as it pertains to contesting languages and discourses of directly affected communities by Angosturas. I touch on the representation of ethnic minorities in the Colombian legislation in Colombia, to illustrate how distinctive representations within SD place limitations on voicing contesting approaches to large-scale mining in páramo.

With respect to the gap in the mining literature, I aim to call attention to the fact that everyone who lives or owns property in Colombia can be potentially affected by large-scale mining, and therefore I interrogate and complicate the legal mechanisms available for a larger population to negotiate and contest large-scale mining. I am especially interested in attempts to designate páramo as a ‘common good’ on the basis that it is to be sustained as such. Article 5, Law 685 of 2001, states that minerals of any kind within the national surface and subsoil are exclusive property of the state. This is regardless of any possessions of the surface by any other public, private, or communitarian entities. Moreover, Article 186 indicates that expropriation of land and goods is allowed for proposes of infrastructure construction, exploration, and exploitation. The whole process of expropriation does not last more than 10 days. Article 186 mentions compensation in the following ten days, but it does not clarify how and in what terms. Essentially, there is no legal right to say no.

This straightforward idea of compensation erases the multiple relations between people (ethnic and non-ethnic minorities) and land, which simplifies the understanding of why and how people in concrete places are affected by large-scale mining projects. The law only considers
compensation in case of expropriation of belongings in the surface. However, large-scale mining also affects people by different means from expropriation. For example, the law does not consider possible affective attachments and networks. By examining the Angosturas project, in this thesis, I aim to emphasize that all people in Colombia can be potentially affected (in multiple ways) for purposes of large-scale mining-driven development, and that the existing legal framework allows only for few contestations.

**Mining Literature in the International Context**

Bridge (2004)\(^{23}\) maps the economic liberalization and the intensity and extensity of the mining industry at the global level between 1990 and 2000. This source allows to contextualize the particularity of the Colombian case in comparison with other preferred targets especially (but not exclusively) in South America. It also helps to raise more questions regarding the context and conditions of the Mining legislation restructuring in Colombia.

The argument of Bebbington et al. (2008) is that the relation between mining and development is contentious and ambiguous. To support their thesis the authors draw on the ‘resource curse’ thesis, which refers to a situation of abundance of natural resources which leads to a series of economic and political hardships. The rationale behind this is that the governments rely exclusively on the abundant resource and the investment in other sectors is discouraged by corrupt Administrations. When the resource is exhausted, the country ends up worse off.

\(^{23}\) His findings are explained in the next chapter.
The authors of this paper complement their framework with Harvey’s (2003) idea of ‘accumulation by dispossession’, which is that capitalism displaces in time and space in order to temporarily locate the over accumulation of labor and capital surplus. This process is possible due to the devaluation of assets, including labor and nature. In that sense, dispossession is inherent to capitalism. However, this approach also offers serious limitations to explain the multiple and diverse meanings of dispossession for people in concrete spatial and historical contexts. Likewise, this approach is limited in that it fails to provide an understanding of the limitations SD places on hearing voices that contest the key assumptions of SD and attempt to sustain páramo as such.

*Mining Literature in the Latin American Context*

In October 2011, the Latin American Council of Social Sciences (CLACSO is the acronym in Spanish) released a book on colonized nature, political ecology, and large-scale mining in Latin America. In this book, Svampa (2011) indicates that in the context of Latin America, the recent boom of mining has been facilitated by an ‘illusion of development’\(^\text{24}\), by which a false impression of development is intended. This illusion of development is promoted by both governments from left and right\(^\text{25}\). In the scope of this illusion, nature is reduced to either a ‘basket of sources’, to be used for the purposes of production and consumption, or to a territory that can be socially evacuated and sacrificed.

\(^{24}\) Ilusión de desarrollo

\(^{25}\) Some examples of governments from the left are those of Evo Morales (Bolivia) and Rafael Correa (Ecuador), and from the right are those of Alán García (Perú) and Juan Manuel Santos (Colombia) (Gudynas 2011). However, I acknowledge that left and right have various different meanings in diverse geographical contexts; for example, the ideas of the left party in Canada are far from being considered left in Colombia. Likewise, regional Latin American movements, for example, indigenous movements around the idea of good-living cannot be classified within a right to left scale that is inspired in Marxism. This is because their claim goes far beyond distribution and workers-based struggles. Good-living movement directly contests unlimited economic growth as a major socio-natural goal.

In contrast to approaches mentioned above (e.g., Bebbington et al 2008; Bridge 2004; Harvey 2003), Machado Aráoz (2011) offers a strong and complex understanding of desires, negotiation, and contestation of large-scale mining on the ground in at least two ways. On one hand, the ‘winds of modernity and progress’ speak of ‘the fantasy of becoming part of the First World’29 held by diverse governments and peoples in the Third World. This ‘fantasy’ is reinforced in the small towns by the mining companies. These companies sponsor a material life that escapes the imaginable otherwise (e.g. infrastructure, community projects, and entertaining events). On the other hand, the ‘bodies-territories-in-process-of-being-expropriated’ speaks of a historical experience of symbolic and material violence and colonization that has been actively mediated by nation-states. This is a history of colonialism, expropriation and pollution that is embodied by people in places, e.g. people with disabling diseases caused by the exposure to mercury and cyanide.

26 ‘Aires de modernidad y progreso’
27 ‘Cuerpos-territorios-en-proceso-de-expropiación’
28 ‘Zonas de sacrificio para el desarrollo’
29 Fantasía primermundista
Furthermore, Machado Aráoz (2011) goes beyond denouncing the tensions and violence in the ‘bodies-territories-in-process-of-being-expropriated’; he presents these same bodies and territories as bodies and territories of hope to desire, imagine, and enable other possible socio-natural organizations. Machado Aráoz’s (2011) work is also relevant in revealing a regional trend of an extractive model of development that is promoted by diverse administrations independently of their ideologies. Likewise, this approach is strong in explaining from a complex perspective how large-scale mining is experienced on a daily basis by territories and bodies. Furthermore, it offers hope and the possibility to think of transformations from the same experiences of these territories and peoples. Below, I elaborate on how I incorporate Machado Aráoz’s analysis in my alternative framework. Before doing so, I turn my attention to situating my argument within the wider sustainable development (SD) literature.

**Sustainable Development (SD)**

*The International Meaning of SD*

As I explained in the previous chapter, the dominant idea of SD is that of ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ (World Commission on Environment and Development 1987). This idea can be traced in the UN Conventions on Environment and Development since 1972. It has been widely produced and reproduced by other international institutions such as the World Bank30, the
International Monetary Fund\textsuperscript{31}, Regional Development Banks\textsuperscript{32}, bilateral aid agencies, the Global Mining Initiative\textsuperscript{33}, and it is central to international agreements such as the Convention on Biodiversity Conservation.

According to various authors (Ángel Maya 1996; Carrizosa 1996; Escobar 1999; Gudynas 2004; Martínez-Alier 2002; Lander 2011; Leff 2010; Sachs 1996; Ulloa 2002), SD responded to environmentalist movements mainly in the ‘First World’ in the 1960s and 1970s, which denounced the biophysical and social limits to economic growth. Two relevant books on the spirit of the claims are: ‘The Silent Spring’ (1962) by Rachel Carson, and ‘The limits to Growth’ (1972) by the Club of Rome.

The opening statement of the Brundtland Report (World Commission on Environment and Development 1987) is that this reality needs to be recognized and managed. Science and technology offer the opportunity to reconcile human affairs and natural laws in order to facilitate ‘a new era of economic growth’ that allows future generations to meet their own needs. The emphasis on future generations accounts for the rationale that ‘we borrow environmental capital from future generations with no intention or prospect of repaying’ (World Commission on Environment and Development 1987, XXV), which is perceived as unfair because future generations do not have a voice (i.e. vote), nor do they have political or financial power in the present.

\footnotesize\textsuperscript{31} As part of the agenda, ‘reinforcing multilateralism’, see \url{http://www.imf.org/external/about/onagenda.htm#macroeconomic}

\footnotesize\textsuperscript{32} For further information about the crucial role of multilateral financial institutions, see numeral 99 in World Commission on Environment and Development 1987.

\footnotesize\textsuperscript{33} It starts by directly addressing the idea of sustainable development, see \url{www.icmm.com/document/104}
Within this context of SD, economic growth has been a successful model for development because of the decrease in infant mortality rates, the increase in the human life expectancy, improvements in literacy, and global food production. Poverty\(^\text{34}\) is the unintended cause of environmental degradation, and is therefore a problem for economic growth. Particularly in the context of the debt crisis in the developing world in the 1980s, the environment has been impoverished to meet financial obligations (being the case of small-farmers). Hence, the poor turn into a subject of management and permanent intervention for purposes of SD (World Commission on Environment and Development 1987, Chapter 1).

In the scope of SD, technology and social management alone constitute a solution to the environmental and social constrains. In other words, technological innovation and social management become unquestionable and unconditioned ends. Indigenous communities intertwined with 'strategic' ecosystems require special considerations for purposes of resource conservation in benefit of future economic growth (World Commission on Environment and Development 1987, Chapters 4 and 6)\(^\text{35}\).

The UN has a crucial role in training personnel, and in the institutional and legal framing, especially to support the developing world. Likewise, multilateral institutions play a role in providing the financial and technical support to make SD attractive to corporations in short and long-term (World Commission on Environment and Development 1987, Chapter 12). Ecosystems

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\(^{34}\) In the SD scope, poverty is measured in terms of infant mortality, human life expectancy, and hunger (World Commission on Environment and Development 1987).

\(^{35}\) This will be further expanded in Chapter Three.
services or environmental services\textsuperscript{36} are ‘the nature that capital can see’ (Sullivan 2010, 121), and consequently, they are central to SD. According to Sullivan (2010), since 1970s, the term ‘ecosystem services’ has been used by conservation biologists, and implies an understanding of earth as a corporation that supplies quantifiable and exchangeable services to humans. In the context of the UN Millennium Ecosystem Assessment (2005), environmental services became the dominant ‘unifying language’ to speak of nature. The main premise of this term is that nature can be dematerialized, and de-localized. Therefore, environmental services are essentially infinitely substitutable, susceptible to a monetary value. Consequently, they are tradable in specialized and otherwise unimaginable markets, e.g. Ecosystem Marketplace, conservation banks, specie banks, and carbon markets, among others (Sullivan 2010).

\textit{SD in the Colombian Context}

In Colombia, the principle of SD was first introduced in the Decree 2811 of 1974, or what is also known as the Decree of Natural Renewable Sources and the Protection of the Environment. Rodriguez Becerra (2009), states that the implementation of SD in Colombia responded to both a national and an international context. In the national context, diverse environmentalists saw the discussions on the UN Conventions on Environment and Development in Stockholm in 1972 as a strategic opportunity to strengthen the existing national legislation on environment with transversal implications in diverse economic sectors. These reforms were widely contested by the National Association of Entrepreneurs of Colombia or ANDI and the oil sector (Rodriguez Becerra 2009).

\textsuperscript{36} This understanding is relevant for purposes of this thesis as far as Resolution 1015 of 2011 denies the environmental license to Eco Oro (GreyStar) by arguing the protection of environmental services.
Likewise, the implementation of the principle SD in Article 80 of 1991 Constitution and the Law 99 of 1993 cannot be isolated from an historical moment of their participatory and progressive design (this will be further elaborated in Chapter Three). Although this process took place in the liberal government of César Gaviria (1990-1994), and that this government promoted the liberalization of the economy, these reforms also responded to a wider debate during the government of Virgilio Barco (1986-1990) about the limitation of the substitution importation model to facilitate industrialization. In that sense, for the Colombian case, the experience of the debt crisis (which was less severe in Colombia) does not fully explain the liberalization process and the implementation of the principle of SD in the 1991 Constitution.

**Critical Approaches to SD**

Various authors are spatially and theoretically situated in Latin America37 (Ángel Maya 1996; Carrizosa 1996; Escobar 1999; Gudynas 2004; Martínez-Alier 2002; Lander 2011; Leff 2010; Ulloa 2002). These authors highlight that SD eliminates the contentious relation between economic growth and biophysical and social sustainability. It also depoliticizes the causes of the social and biophysical unsustainability of economic growth, whereas it places more emphasis on the poor, it overlooks the living styles of the rich. In addition, SD leaves to ‘neutral’ science and technology the ‘management’ of the ‘human environment’. In this scope, nature is understood as a resource for purposes of sustainable economic growth. In so doing, SD subalternizes other knowledges, values, and ways of existence that relate to nature in different ways (Lander 2011;

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37 I am suggesting that the perspective of the scholar is influenced and informed by the place s/he has lived in. This is because living in a particular place affects the socio-natural realities, debates, and theories, the scholar gets exposed to.
Leff 2010). SD produces an ‘illusion’ of addressing a consensual and global environmental concern, and in that sense, it weakens other localized understandings and struggles (Lander 2011; Leff 2010). In principle, SD seems to be incapable of addressing the underlying causes of the contemporary environmental degradation (Ángel Maya 1996; Escobar 1999; Gudynas 2004; Martínez-Alíer 2002; Lander 2011; Leff 2010).

According to SD, poverty, as I discussed above, appears to be the cause of the global environmental stress, and therefore, it is reiterated as an object of management (Martínez-Alíer 2002; Leff 2010). The intersection of these representations of ‘environment’ and ‘poverty’ has implications for the local peoples. The implementation of a legislation rooted in SD facilitates the dispossession, the criminalization\(^{38}\) of local peoples (specially of non-indigenous peoples who live in rural areas), the (in)visibility of place-based struggles, and the incommensurability to translate diverse values and concerns into the dominant language (Martínez-Alíer 2002; Ulloa 2002).

Likewise, Escobar (1999), Gudynas (2004), Lander (2011), Leff (2010), and Sachs (1996), indicate the disparity on the implications for countries in the ‘First’ and ‘Third World’, in terms of possibilities to opt out of SD in the context of debt crises in the 1980s. Nonetheless, Carrizosa (1996) highlights that to some degree the idea of SD resonates with the dominant theories of development in the region. This explains why the critiques informed by the dominant theories

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\(^{38}\) This is because small farmers and miners are essentially considered unsustainable. Therefore, an efficient rural development favours large-scale farming on the basis that it counts with the technology necessary to sustain farming and mining. Existing mining legislation erases distinctions of scale of exploitation. Because of the technical, financial, and juridical requirements, legalization of small scale mining is more difficult.
dispute the unequal terms for the development of the ‘poor’, but they do not necessarily challenge the same understanding of development. With respect to environmental services, Sullivan (2010) argues that there is nothing unequivocal to this market-driven logic that suggests that oil and minerals should remain in the ground in perpetuity (Sullivan 2010, 115).

To summarize: the existing literature on large-scale mining has two major gaps as it relates to Colombia. First, it does not explain why and how SD places limitations on attempts to designate páramo as a ‘common good’ on the basis that it is to be sustained as such. Second, it does not inquire about the limitations SD places on hearing voices of affected populations that might contest the key assumptions of SD and large-scale mining as a ‘common good’. Particularly, the representation of non-ethnic minorities accentuates these limitations as it regards to contestations to environmental services. To attend to these gaps, I construct a theoretical framework primarily based on Arturo Escobar’s post-development approach. Since Escobar’s line of inquiry differs from my own, I add four complementary analytical planks to Escobar’s framing. In this final section, I elaborate on the rational for my alternative theoretical framework.

**A Theoretical Framework for Interrogating Sustainable Development in Colombia**

**A Post-Development Approach**

The question that remains open with regard to my argument is: why the principle of SD\(^{39}\) has not been able to sustain the páramo de Santurbán as such without large-scale mining projects (in

\(^{39}\)By which I mean both its international meaning and its implementation in Colombia.
phase of exploration and extraction). Arturo Escobar’s (2012; 2008; 2007) post-development framework is the most suitable to address this question for several reasons. Escobar (2012; 2008; 2007) does not deny certain materiality (e.g. hunger, diseases, and infrastructure, among others), but he inquires about various possible meanings of that materiality on the ground for people in places (e.g. Afro-descendent communities in the Pacific coastal region in Colombia). It offers a critical stance on representation (as previously defined in the introduction) and on the geopolitics of knowledge. From this perspective, Escobar directs his attention to dominant and subalternized knowledges, languages, and discourses intentionally trying to see and imagine other existing and potential socio-natural organizations⁴⁰.

As explained before in the Introduction, there is a tension in this thesis between Escobar’s earliest and latest work, which I mainly see as a matter of emphasis. While Escobar (2012) emphasizes a global design with regards to ideas and practices of development, Escobar (2008) focuses on lived experiences on the ground. However, despite the fact that Escobar’s (2008) analysis is mainly ethnographic, it also contextualizes the case study in the context of global neoliberalism. Escobar (2008) traces neoliberalism in the late 1970s with the Administration of Margaret Thatcher in England, and the Administrations of Ronald Reagan and George W. Bush in the United States. According to him, neoliberalism basically promotes flexible accumulation, financial capitalism, and free market and trade stances (Escobar 2008, 164). Despite the differentiated emphasis, there is a transversal question to Escobar’s (2012; 2008) work. This is to what extent certain legal framings in Colombia in the 1990s respond to the struggles of various social players and movements, and to what extent these changes demonstrate the ability of

⁴⁰By using the expression ‘socio-natural organizations’; Escobar (2008) emphasizes that nature and society are not distinctive and separated domains.
neoliberalism to adapt, absorb, and neutralize social discontents? Escobar’s (2008) argument is somewhere in between the role of social movements and the ability of neoliberalism to neutralize discontents (Escobar 2008, 201-203).

On one hand, there is a clear connection between legal framing and neoliberalism. Escobar’s (2012; 2008) methodology to illustrate this is discourse analysis of policy and legal framing in an international and national level. On the other hand, social movements appropriate, negotiate, and contest dominant discourses and practices on the ground. Unlike Escobar (2008) and drawing on Escobar (2012), I emphasize the limitations that SD places to particular struggles as it pertains to large-scale mining in Colombia. In particular, I emphasize that SD places limitations on sustaining the páramo as such without large-scale mining (explorations and extractions), and on hearing certain languages and discourses that resist the key assumptions of SD (voices of non-ethnic minorities as it pertains to the case study).

Escobar’s (2008) understanding of post-development draws on diverse theoretical sources. Only by taking these sources together, it is possible to shed light on his meaning of post-development. These sources go from post-structuralism (especially Foucault, see Escobar 2012), postcolonial theories (e.g. Edward Said, see Escobar 2012), the Latin American modernities, colonialities, and decolonialities ‘turn’ (e.g. Aníbal Qijano, Enrique Dussel, and Walter Mignolo, among others, and the politics of potentiality (e.g. Gibson-Graham 1995).

Central to his approach is a concern about the geopolitics of knowledge. In the words of Escobar:
As it is often the case, the better-known theories [both liberal and Marxist] are not yet at the point where they can say something radically new because the languages at their disposal do not allow it. As we discovered in the case of the theories of capitalism and modernity, many of these languages are indeed disempowering of these intentions (Escobar 2008, 284)

Seen from the above perspective, post-development intentionally seeks to de-center dominant languages and engage with other subalternized ones that might enable to see and imagine other socio-natural organizations. This approach does not imply that all the ‘evils of the world’ come from capitalism (Ziai 2007a). The various ways how peoples experience the societies they live in can only be explained by looking at the intersections of gender, sexuality, race, age, location, class, and nationality, among others. Nonetheless, this approach intentionally focuses on de-centering⁴¹ (sustainable) development as a social descriptor⁴² by opening up existing languages displayed in on the ground struggles.

In so doing, Escobar (2008) proposes to think of three distinctive, intertwined, and potentially complementary projects (Escobar 2008, 195-196). One is alternative modernities, i.e. desired works directed to improve the material-social conditions of local communities such as schools, hospitals, and paved roads, among others. Another is alternative (sustainable) developments, i.e. mainly related to water and food security and sovereignty, and the satisfaction of basic needs in

⁴¹ It can be also argued that by focusing on de-centering (sustainable) development alone as a social descriptor, (sustainable) development is being re-centered. Although race is directly addressed by Latin American decolonial scholars such as Aníbal Quijano, Ziai (2007b) acknowledges that gender and sexuality are still blind spots in most of post-development theories and practices. Escobar (2008) tries to address this issue, however, it is controversial his success in trying to escape a functionalist explanation of how gender affects the relationships among peoples within the PCN. This M.A. thesis does not fully engage with gender and sexuality. A research project that looks at the various intersections mentioned above goes beyond the scope and possibilities of this thesis.

⁴² By (sustainable) development as a social descriptor, I mean an understanding of all existing social relations as if they were (sustainable) development driven.
concrete contexts. Finally, alternatives to (sustainable) development directly challenge the idea of desirability of unlimited economic growth and consumption.

The relevance of these three projects to the Angosturas case is that they open up possibilities to think and imagine potential socio-natural organizations where alternative modernities coexist with alternative developments, and the designation of páramo as a ‘common good’ on the basis that it is to be sustained as such. Likewise, by considering experiences on the ground that speak of these distinctive projects, it is possible to imagine potential collaborations between environmentalists and local populations.

Escobar (2012; 2008; 2007) situates his work in the so-called ‘Third World’, in particular in the Colombian context. In doing so, Escobar (2012) identifies a continuation of the colonial project in the way how the ‘Third World’ and Colombia as a ‘Third World’ country came to be. Escobar (2012) does not deny certain materiality in the living conditions of peoples both in the ‘First’ and ‘Third World’, but he complicates who gets to define ‘poverty’ and to set the social goals.

Likewise, Escobar (2008) expands on the complex relationship between ideas and practices of (sustainable) development, ethnicity, biodiversity, and conservation by directly engaging with the ideas, languages, and practices of the Black Communities Movement or PCN in the Pacific coastal region of Colombia. In doing so, he is very cautious about reproducing an image of the

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43 Although post-development has predominantly looked for potentialities in the so-called ‘Third World’, Habermann and Ziai (2007) direct their attention to the ‘Global North’ as a space of potentiality. According to them, this initiative aims to resignify how peoples in the ‘Global North’ look at peoples in the ‘Global South’ and the other way around. Likely, this epistemological shift might enable solidarities among peoples in the ‘North’ and ‘South’ and within them.
PCN members as passive and hopeless victims. In fact, he argues that the biodiversity conservation practices in the Pacific coastal region in Colombia by international institutions, the Colombian state, and NGOs, have been actively appropriated, negotiated, and contested by the PCN. Escobar (2008) is the result of a decade of work with PCN. Therefore, even when this approach outlines a guideline for this thesis, there are important methodological limitations to accomplish something similar to Escobar’s (2008) as it regards to his engagement with PCN’s ideas and practices (see methodology section in Chapter 1). The richness of Escobar’s approach to my project does entail some limits, however. In what follows, I elaborate on these limits and how I have dealt with them.

Some caveats to the post-development approach

Escobar (2008) does not draw direct connections with the principle of SD. He does not indicate that the particular way that ethnic minorities (including Afro-descendent communities) are represented in the national legislation dramatically accentuates their limitations to legally voice their concerns. The fact that ethnic minorities are integrated in the legislation as stewards, and that their relation with the land is presented in terms of territory, create a distinctive scenario for potential (although contained) negotiations and contestations. This scenario is different from that of small farmers and miners, who are represented as hordes of poor people who destroy the environment. In addition, these communities and urban communities are denied languages different from the unifying language of environmental services. Within SD, small farmers, small miners, and the cities, are denied languages and discourses that speak of a non-commoditized relation with páramo.
From my perspective, the most challenging critiques to Escobar’s post-development approach are the following ones. The first critique inquires about the content of development which makes possible to identify post-development. This is a sensitive issue because defining the content of development essentializes diverse and multiple theories, practices, and actors. In so doing, there is a risk of reproducing a top-down epistemology that disregards the active appropriation, negotiation, and contestation on the ground (Ziai 2007a; 2007b). Another intertwined critique (de Vries 2007) calls attention to the desires of some local peoples for development both in the form of ‘obritas’ (small works, mainly infrastructural projects such as paved roads) or in the form of unlimited accumulation and consumption.

Ziai (2007a; 2007b) responds that from a post-development perspective, development is a function rather than a content. In other words, development describes a ‘look’ towards others in terms of ‘lacking’ (Ziai 2007a; 2007b). As a result, to challenge development as a function, post-development cannot just vary the content of development. In his words:

“Even by radically redefining development as for example, a humble and harmonious relationship with nature or social cooperation without unequal access to resources one cannot simply change the terms of the discourse (Ziai 2007b, 230).”

From this view, Ziai (2007a) concludes that post-development is a project of ‘radical democracy’ as a critique of centralized power of any kind. In that sense, if desired, people can choose to pursue a capitalist (sustainable) development. My concern is about the implications of a project of ‘radical democracy’ in terms of self-determination on the use of land. The reason is that decisions taken in a punctual place have extensive impacts on the territory, and therefore in the lives of a
larger population\textsuperscript{44}. In these terms, I ask if post-development is necessarily desirable, and if it is better to talk about alternative (sustainable) developments.

Unlike Ziai (2007a), Escobar (2008) does not propose a project of ‘radical democracy’, but rather a project that intentionally seeks subjects who do not desire (sustainable) development-centered societies. Some issues that remain open are: 1) a ‘look’ towards others in terms of ‘lacking’, 2) the desires of some people for (sustainable) development, 3) the risk of potential eco-fascist ideas and practices, and 4) the potential for self-determination and non-centralized (e.g. in the state or to any other institutions) socio-natural organization\textsuperscript{45}.

\textit{Points of Departure from Escobar’s Post-Development Approach}

Drawing on Escobar (2012), I talk of representation as a particular way of speaking of individual and collective subjects; and in that sense, representation contains the possibilities for understanding and thinking of those subjects. Representation implies violence by means of overgeneralization of subjectivity from spatial, historical, ontological, and epistemological exteriorities. For example, to say that the Third World is homogeneously and universally poor makes only visible poverty when referring to the diverse people who inhabit what was socially, historically, and spatially constructed as the Third World. Who gets to define poverty, the expert knowledge, or long term historical and spatial relations of power is not in question. Ultimately, from this perspective, the Third World is inherently poor. It is permanently in a lacking and

\begin{itemize}
    \item Padre Marco Arana from the movement ‘Tierra y Libertad’ expressed this concern in his speech on ‘El modelo minero transnacional en Perú y sus impactos sobre las comunidades campesinas e indígenas’, in the Andean Parlament in Bogotá, in July 25th of 2011.
    \item A fully elaboration of these concerns goes beyond the possibilities of this M.A. thesis.
\end{itemize}
unaccomplished stage. Representation within official documents has impacts on policies and interventions on people in concrete places. For example, this particular representation of the Third World as poor calls the attention of most of the international development and assistance programs in the First World.

This thesis project differs from Escobar (2012; 2008) in two main ways. First, I focus on the relation between SD and large-scale mining in Colombia. Second, I call attention to the accentuated limitations that SD imposes on hearing non-ethnic minorities concerns that resist the key assumptions of environmental services. This work aims to interrogate juridical frameworks understood as a relation between diverse populations and the state.

**Four Complementing Planks and their Justification**

The first plank is presented by Sullivan’s (2010) work, which I noted above. I draw on Sullivan (2010) to explain why SD imposes limits on attempts to sustain páramo as such. Sullivan (2010) expands on the commodification of nature (within SD) to argue that there is nothing unequivocal to ‘environmental services’\(^46\) that guarantees that oil (or gold for purposes of this thesis) should remain underground. By commodification of nature, Sullivan (2010) refers to a process of turning nature into a commodity, which is tradable in specialized markets. Central to this process is the abstraction, delocalization, and dematerialization of nature, which makes it substitutable and comparable. To become a commodity, nature is fragmented into identifiable sources and services with monetary values in specialized markets. Building on Sullivan (2010), I argue that the final

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\(^{46}\) This is the language deployed in the Resolution 1015 of 2011
decision in Resolution 1015 of 2011, based on the notion of ‘environmental services’ (commoditized nature), leaves open the possibility for other large-scale mining projects in the páramo. Therefore, commodification of nature in the Resolution 1015 (in terms of environmental services) goes against attempts to sustain páramo as such on the basis of its ‘common good’.

The second analytical plank I employ builds on the work of de Vries (2007). In doing so, I explore potential reasons for the support of Eco Oro (GreyStar) by some local people. De Vries (2007) speaks of desires for development in the forms of ‘obritas’ (or small works) such as paved roads, schools, and hospitals, among others, as an expression of a long historical relation with the state. Different from de Vries (2007), I claim that this relationship is not only historical, but also spatial, and it does not speak only of a relation with the state, but also with the cities (see Chapter Four). De Vries (2007) complements Escobar (2008) in that he calls attention to the desires for development on the ground and the implications of denying those desires. This concern is relevant to the Angosturas case because the available information shows that the support of Eco Oro (GreyStar) by some local people can be understood in terms of de Vries’ (2007) desires for development, particularly in the form of ‘little works’, e.g. paved roads.

Escobar (2008) complemented with de Vries (2007) open up possible collaborations between environmentalists and local populations, which might strengthen struggles against commodification of páramo in the scope of SD. To deny the desires for development of some local people only benefits large-scale mining industry. This is because mining companies temporarily respond to the legitimate desires of some local people and unattended by central state and some environmentalists in the cities. This is in order to strategically gain the support of these
people. Consequently, if those desires continue unattended, Eco Oro (GreyStar) or any other company in the region will be able strategically gain the support of these people. The fact that this desire for development seems to be mainly a desire for ‘small works’ draws a hopeful scenario where the three Escobar’s (2008) projects\textsuperscript{47} are potentially complementary and integral to potential socio-natural organizations that resist the commodification of nature on the basis of other classifications of common-good.

The third analytical plank I draw on is Machado Aráoz’s (2011) because it also helps me to expand on possible reasons for the support of some local people to Eco Oro (GreyStar). Unlike de Vries (2007), Machado Aráoz (2011) indicates coexistence and contrast between ‘winds of modernity and progress’ and ‘bodies-territories in process of being expropriated’\textsuperscript{48}. The former refers to a socio-material life in local towns sponsored by mining companies, e.g. a radio station, a sports and recreation centre, and Internet access, among others. This socio-material life is unimaginable in some small towns without mining companies sponsoring them. This speaks of a spatial-historical relation with the state and the cities. At the same time, mining in its different phases (exploration and exploitation) radically transforms the landscape and possible uses of land. Likewise, it has long-term impacts on the bodies exposed to mercury and cyanide, most of the times with disabling consequences.

\textsuperscript{47} The projects are alternative modernities, alternative (sustainable) developments, and alternatives to (sustainable) development.

\textsuperscript{48} He emphasizes on pollution of watersheds and air, and disabling diseases, among others.
I take from Machado Aráoz (2011) the idea of coexistence of ‘winds of modernity and progress’ and contrast with ‘bodies-territories-in-process-of-being-expropriated’. However, I call\(^{49}\) attention to other languages and discourses (e.g. sacredness, and communication with páramo, among others), which add nuances to the relation of coexistence and contrast between de Vries’ (2007) desires for development, and Machado Aráoz’s (2011) ‘winds of modernity and progress’. Machado Aráoz (2011) complements Escobar (2008) because he directly addresses on the ground experiences of large-scale mining.

The fourth plank refers to Rivera-Cusicanqui’s (2012) explanation of the stereotypical representation of indigeneity in Bolivia. Unlike her, I expand on the implications of the representation of non-ethnic minorities in the scope of SD in Colombia. According to Rivera-Cusicanqui (2012), the stereotypical representation of indigenous peoples is that of ‘noble savages’. This representation ‘combines the idea of a continuous occupation, invariably rural, with a range of ethnic and cultural traits, classifies indigenous behaviour and constructs scenarios for an almost theatrical display of alterity’ (Rivera Cusicanqui 2012, 99). She argues that this representation has a double impact. First, it denies the contemporaneity of indigenous peoples and erases them from the struggles of modernity\(^{50}\). This representation neutralizes decolonizing impulses that ‘emerge from the present in a spiral whose movement is a continuous feedback from the past to the future’ (Rivera Cusicanqui 2012, 96). Second, the above unifying representation of indigenous peoples also denies cultural traits to non-indigenous peoples or ‘acculturated populations’, e.g. the settlement areas, mining centres, and the cities.

\(^{49}\) In this thesis, I do not expand on the multiple languages and discourses for methodological reasons, rather I indicate the existence of contesting languages.

\(^{50}\) The assumption is a quiet, static and unifying identity, which is immobile in space and time.
In this thesis, I identify this stereotypical representation of indigenous peoples within the international meaning of SD, and of ethnic minorities (including afro-descendent communities) within SD as implemented in Colombia. I focus on the juridical implications for ‘acculturated populations’, i.e. small-farmers, small-miners, the cities, for purposes of this thesis. I argue that from the beginning, non-ethnic minorities are denied languages and discourses (different from the unifying language of SD, e.g. affection, life-style, sympathy, sacredness, etc.) in the juridical struggles over large-scale mining in Colombia. In that sense, I pick up on Escobar’s (2008) methodology of opening up contesting existing languages. Rivera Cusicanqui (2012) complements Escobar (2008) in that she explicitly complicates the stereotypical representation of indigenous peoples and the implications of this particular representation for non-indigenous contemporary struggles.

**Ongoing (de-)colonial Experience and Violence**

Building on Escobar (2008), de Vries (2007), Machado Aráoz (2011), and Rivera Cusicanqui (2012), I refer to violence as a spatial, historical, ontological, epistemological, juridical, and forceful\(^{51}\) subalternization of individual and collective subjects. This resonates with Machado Aráoz’s (2011) and Rivera Cusicanqui’s (2012) understandings of the (de-) colonial experience as especially in the context of an internal armed conflict in the country, I acknowledge that this violence is not only subtle, but openly and visibly aggressive and looks for the literal extermination of territories and peoples. To illustrate this point, I build on Sintraminercol’s (2004) description of the death of Juan Camacho Herrera, an active member of an association of artisanal miners (Asociación Agrominera del Sur de Bolivar or Agromisbol) in the Caribbean coast of Colombia. In December 1997, in the context of resistance during the ‘modernization’ of the mining legislation, Juan Camacho Herrera was shot down with fusil by paramilitares, who after cut his head, played soccer with it, and finally impaled it looking towards the mountains of San Lucas. This was to indicate that the goal of that group of paramilitares was to achieve the control over the region, where small-scale mining is a traditional activity. See Chapter Three for a brief overview on the internal armed conflict in Colombia.

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an ongoing experience, i.e. despite the administrative independence from Spain, colonial acts and perceptions are still experienced. Besides, I adhere to Zuleta’s (2007) understanding of conflict and disagreement as constitutive of socio-natural organizations. From this perspective, the potential eradication of all conflicts is unlikely achievable and desirable. The challenge for socio-natural organizations is to facilitate better spaces for conflicts and disagreements that do not lead to the suppression and extermination of the other.

Based on these ideas of violence and ongoing (de-) colonial experience, I argue that the current Administration and some environmentalist positions that disregard de Vries’ (2007) desires for development of some local people, and Machado Aráoz’s (2011) ‘winds of modernity and progress’ in California and Vetas, perpetuate violence and an ongoing (de-) colonial experience.

**Conclusion**

This chapter was organized in two main parts. Part one situated the case study in relation with the existing literature on large-scale mining and SD in Colombia. Part two elaborated on my theoretical framework for interrogating SD. Briefly, this work responds to gaps in the existing literature, and proposes distinctive questions, with an associated theoretical and methodological approach. The core of this framework is Arturo Escobar’s (2008) latest work on why and how ideas and practices of biodiversity conservation are appropriated, negotiated, and contested by the PCN in the Pacific in Colombia. Unlike Escobar (2008), this thesis draws connections between SD and large-scale mining and focuses on non-ethnic minorities (i.e. small-farmers, small-miners,
the cities). The claim is that the representation of these populations within SD\textsuperscript{52} imposes limitation on hearing voices that resist the unifying language of environmental services. This is relevant because by opening up these existing languages it is possible to envision complementary alternative modernities, alternative (sustainable) developments, and alternatives to (sustainable) development, that might enable sustaining páramo de Santurbán as such on the basis of its ‘common good’.

I complement this approach with four intertwined planks that allow me to elaborate on the commodification of nature within SD, the support of EcoOro (GreyStar) by some local people, the representation of non-indigenous peoples within SD and its juridical implications for struggles over large-scale mining, violence, and ongoing (de-) colonial experiences.

\textsuperscript{52} By which, I mean its official international meaning and its implementation in Colombia
Chapter 3

Situating the Case Study

Drawing on the theoretical framework in Chapter Two, this chapter builds a multi-scale spatial and historical perspective of representation to address the main question of the thesis: why the principle of SD, which is central to the national juridical framework in Colombia, has fallen short to sustain of páramo de Santurbán as such without large-scale mining (explorations and extractions) in the area. Although I frame the discussion in my theoretical framework (Chapter Two), the contextualization is completed primarily through a descriptive analysis that focuses on aspects of representation, as it relates to SD and large-scale gold mining. The aim of this descriptive analysis is to contextualize large-scale gold mining along three scales that involve the global, Latin America, and Colombian settings. Similar to Escobar (2012), the purpose of this exercise is to illustrate why and how transnational mining companies, such as Eco Oro (GreyStar), find profitable opportunities with the support of international institutions such as the WB and CIDA, and nation-states such as Canada and Colombia.

Drawing on the coexistence and contrast between de Vries’s (2007) desires for development, Machado Aráoz’s (2011) ‘winds of modernity and progress’, and the understanding of violence and ongoing (de-) colonial experiences (see Chapter Two), I explore possible reasons for the on

53 It refers to uses, consumers, producers, investment flows, profits, leading companies, and the playing role of international institutions such as the WB.

54 It is mediation of regional administrations, economic ties, dominant idea of (sustainable) development, and possible reasons on the ground, which facilitate profitable opportunities for companies.

55 It spatially situates large-scale mining in Colombia.
the ground reproduction of these trends. This analysis also resonates with Escobar’s (2008) suggestion that neoliberalism responds to international trends, but it is also appropriated, negotiated, and contested on the ground. In other words, international trends that facilitate profitability for multinational companies are not possible only by means of cooptation and economic ties. Instead, Escobar (2008) invites readers to think of negotiations and contestations that might enable multiple and potential alternative modernities, alternative (sustainable) developments, and alternatives to (sustainable) development (see Chapter Two).

This chapter is organized in four main parts. Part one provides a multi-scalar context of large-scale gold mining by situating the latter in the global, Latin American, and Colombian settings. Part two elaborates on the relationship between SD\textsuperscript{56} and large-scale mining, and the significance of interrogating this relation. Part three focuses on possibilities available for diverse populations to negotiate and contest large-scale mining within the SD framework in Colombia. Part four summarizes the discussion and concludes.

\footnote{By which, I mean its official international meaning and its legal implementation in Colombia}
Large-scale Gold Mining Trends from a Multi-scale Perspective

Global Trends: Players, Prices, Uses

A further consideration of the uses and value of gold aims to rematerialize, relocalize, and repoliticize commoditized nature in general (see Sullivan 2010 in Chapter Two), and gold extraction in particular. Despite the fact that gold is good at conducting heat; and therefore, it has the potential to be used in electrical devices, because it is expensive to extract, other metals have been favored in the production of electrical devices. Historically, gold’s main uses have been reserve of value and jewelry. Nowadays, 85% of the production is used in jewelry and only 7% in electrical equipment (IED 2002, 90). Other metals are used in construction, packing, machinery, domestic devices, transportation, and energy production, among others. These other minerals constitute the same support of the material and social life in modern contemporary societies; and therefore, to ask for a moratorium on their large-scale exploration and extraction raises very difficult questions about what we (as individuals and collectives) are willing to give up in terms of our standards of living. In contrast, the main use of gold is jewelry. At least in that sense, large-scale gold mining does not support in the same way the materiality of social life in contemporary societies.

57 The information in which I draw on in this chapter is based on six main sources: IIED (2002), Bridge (2004), PWC (2011), Fierro (2012), the Trade Retrieval and Aggregation System (TRAGS), and the official web sites of the top mining companies. To my knowledge, these are the most complete and systematic sources on the topic. Although PWC (2011) and Fierro (2012) are the most recent publications with accessible information on the topic, some of the information that they used is from before 2000. This is one important limitation for this intended analysis on current trends.

58 See Appendix 5: Metal Consumption by End-use in 2000

59 Such as Aluminium, Copper, Lead, and Steel (IIED 2002).

60 A question that remains open is about the possibility of a moratorium on large-scale gold extraction, in other words, the possibility of leaving the gold underground.
In terms of international consumers, the International Institute for Environment and Development or IIED (2002) indicates that the main consumers of gold are Western Europe, South East Asia, and Middle East, and it emphasizes that gold is used in the latter two locations for traditional and ceremonial purposes. From 1990 to 2000, and despite the fact that the role of gold as a stabilizer in the world monetary system has been highly contested in an era where money is not supported by gold reserves (IIED 2002), according to IIED (2002), a general trend indicates that Central Banks have been important players in the gold market. Central Banks, for instance, held gold reserves to exchange for currency reserves, especially in times of crises, e.g. after September 2001 and in Argentina in 2002. In the 1990s, 70% of the countries reported to the International Monetary Fund or IMF that they held gold reserves in their Central Banks. This trend declined after the mid-1990s, which was reflected in the decrease of gold prices. The impact of this decline in the prices is referred as the ‘Gold Crisis’ (IIED 2002, 53, 75, 99, 103-105).

Compared to the top countries in gold reserves and resources, South Africa has almost four times the reserves of the United States and Uzbekistan, almost 5 times the reserves of Australia, 6 times the reserves of Russia, almost 13 times the reserves of Canada, and almost 24 times the reserves of Brazil. In terms of resources, it has 6 times the resources of Uzbekistan, 7 times the resources of the United States, 8 times the resources of Australia, 11 times the resources of Australia and Canada, and 33 times the resources of Brazil (IIED 2002, 105). This is significant

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61 However, it does not provide further detail about: 1) the diverse meanings of gold in the various societies in South East Asia and the Middle East; 2) the dependency of the ‘culturally’ specific uses on large-scale extraction; 3) who and where are the final product consumers (e.g. of jewellery), and which are the proportions of their consumption from a comparative perspective.

62 The difference between resources and reserves is that the first ones are estimations whereas the second ones are proved amounts (Deneault 2008, 126).

63 See Appendix 6: Estimated Gold Reserves and Resources 2000
to illustrate which have spatially and historically being the main extractors of gold and preferred targets.

Historical trends for prices\(^6^4\) and investment flows\(^6^5\) show that they are directly related, i.e. investment-flows increase simultaneously with gold prices. Since the early 1990s a peak in the prices together with a decrease in the quality\(^6^6\) of the gold reserves coincide with increasing investment in non-traditionally\(^6^7\) favored targets such as South America.

In 2012, the extractions of minerals concentrate mainly in the Pacific coast and the Appalachian Mountains in North America, in Central America and some Caribbean Islands, in the Andes from Ecuador to Chile, in Brazil, in Australia and its surrounding islands, in the Iberian Peninsula, in the Nordic countries, and in the Middle East. The exploration activities concentrate in the same areas and in Colombia\(^6^8\). In terms of profitability, even after the financial crisis of 2008, PWC (2011) shows that the valuation of the top mining companies in the markets increased in 2009 and

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\(^{64}\) The gold price average (in US$ in real terms) from 1968 to 2000, shows an increase in around 100% in the 1970s and a peak in 1981. From 1983 to 2005, the price remained stable around 100. Since then, it has continually increased. See Appendix 12: the Gold Price, Average London Fixing, 1968-2000, and Appendix 13: Gold Price in USD, 1990-2012.

\(^{65}\) Bridge (2004) shows that the investment flows where relatively stable with a peak in the mid-1990s (See Appendix 8: Global mining investment flows (1990–2001), aggregate trend versus gold). The peak of investment flows in the mid-1990s, coincide with the increasing investment in new targets, especially in South America. See Appendix 9: Global investment flows by world region 1990-2000. Nonetheless, the overall investment in favored targets (e.g. the United States, Canada, and Australia) remained stable from 1990 to 2000 (Bridge 2004). By country, for the same period, the average investment (in US$ millions), was between 5,001 and 15,000 in South Africa, the United States, Australia, and Canada; between 500 and 5,000 in Uzbekistan and Russia; between 5,001 and 10,000 in Central America and Peru; over 15,000 in Chile; and between 500-1,000 in Colombia. See Appendix 10: Global mining investments by country, 1990–2001.


\(^{67}\) The traditional targets at the time where South Africa, The United States, Canada, and Australia (Bridge 2004)

\(^{68}\) See Appendix 11: Drilling and exploration activities across the world, 2012.
The market capitalization for the largest three companies, BHP Billiton, Vale, and Rio Tinto, was above 100 (US$ billion) in 2009 and 150 (US$ billion) in 2010. These numbers illustrate an increasing profitability for the largest three companies between 2009 and 2010 despite the financial crisis of 2008. The other top companies were valued around 70 (US$ billion) in 2009 and 150 (US$ billion) in 2010. Likewise, in 2010, 70% of the top mining companies reduced their debt, and 14 had no net debt (PWC 2011, 29). The largest gold producer, BarrickGold, was valued around 100. Based on information provided by the same company, BarrickGold’s production is located in North America (44%), Australia (24%), South America (24%), and Africa (7%). Besides, its reserves are located in North America (42%), Australia (11%), South America (38%), and Africa (9%).

With respect to the intervention of international institutions, the World Bank or WB is a very important player in the Gold market for several reasons. One of the reasons is that the International Finance Corporation or IFC is the leading bank in lending funds for large-scale mining projects in scenarios considered highly risky by other banks. Therefore, IFC is in a

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69 See Appendix 14: Country base of the top mining companies 1999 and 2000.
70 BHP Billiton extracts diamonds, steel, coal, petroleum in the different locations mentioned before (See the official website: http://www.bhpbilliton.com/home/Pages/default.aspx). Vale extracts nickel, copper, and cobalt in Canada, Indonesia, New Caledonia, Asia, the United Kingdom, and Brazil (see the official website: http://nickel.vale.com/). Rio Tinto extracts aluminium, copper, diamond, and iron in North America, Europe, and Australia (See the official site: http://www.riotinto.com/)
71 The other top companies are: China Shenhua, Xstrata, Freeport-McMoRan, Barrick Gold, Potash Corp, and Coal India (PWC 2011, 25).
72 See Appendix 15: Top 10 market capitalisation (US$ billion), 2009-2010
73 A Canadian-based multinational company (see official web site http://www.barrick.com/)
74 See the official website: http://www.barrick.com/GlobalOperations/GlobalOverview/default.aspx
75 Five institutions are part of this group. The International Bank for Reconstruction and Development, and the International Development Association, lend money and provide technical assistance to governments, in order to develop the mining sector, and ‘modernize’ the juridical framework. The International Finance Corporation offers loans and investment funds. The Multilateral Investment Guarantee Agency provides funding to specific private sectors. Finally, the Advisor/Ombudsman office is in charge of mediating in complaints and disputes.
privileged position to set international standards for mining companies looking for loans. Other important players are: the Organization for Economic Co-operation and Development; the UN Regional Economic Commissions; the UN Environment and Development Programs; the UN Conference on Trade and Development; the World Trade Organization; the UN High Commissioner for Refugees; the UN Global Compact on Corporate Social Responsibility; and the International Labor Organization\textsuperscript{76} (IIED 2002, 67-68). These organizations are important because of their influence in international and national policy decision making.

Finally, Canada has historically been a major actor in the mining industry within its national borders and abroad. In the context of the decrease in the prices of minerals in the 1990s, the Mining Association of Canada promoted the Whitehorse Mining Initiative, which aimed to reform the fiscal and legal regime in Canada to stimulate foreign investment and financial markets. The strategy of the mining industry was a vertical integration of the society with an active participation of the Canadian government. By which I mean that Canada has been the global leader in hosting multinational gold mining companies, consulting agencies, equipment production, mining and geology programs in universities, and investment by publicly funded institutions, such as the Canada Pension Plan Investment Board and the Export Development Canada (Deneault 2008).

Likewise, 57\% of all the mining companies participate in the Stock Exchange in Toronto\textsuperscript{77}, where it is relatively cheap and easy to participate (Fierro 2012, 126). Similarly, CERI and CIDA have

\textsuperscript{76} See Appendix 16: Inter-governmental Initiatives Relevant to the Minerals Sector.

\textsuperscript{77} Bre-X Minerals Ltd. exchanged in Toronto Stock Exchange. This case is known as one of the worst scandals in the gold market. In 1995, the broker David Walsh and the geologist John Felderhoff bought
funded and supported the ‘modernization’ of the mining legislation in many countries, including Colombia. The privileges to Canadian-based mining companies have been also extended through FTAs. FTAs guarantee national treatment for these companies; facilitate transfers and compensation in case of loss; and empower companies to issue national states (Sintraminercol 2004). Bill C 300, for instance, was a Canadian initiative that aimed to promote corporate accountability of Canadian-based mining companies operating in developing countries, was defeated in October 2010 in the Canadian House of Commons in a vote of 140 to 136. Presently, there is no mechanism that allows affected individuals and communities interposing complaints against these companies to the Canadian government.

Large-scale Mining in the Latin American Context

Mining has been integral to ongoing (de-) colonial experiences (see Chapter 2) in the region. Mining was practiced on a small-scale by diverse indigenous peoples before the arrival of the European colonizers (Spaniards and Portuguese). Mining on larger scale was integral to colonization, the extermination of many native peoples, and to the slavery of African and Afro-

land in Indonesia and stated that they had found gold. They contracted the services of the geologist Michael Guzman to estimate the reserves and resources. Without major proofs, the latter indicated that the land counted with 8% of the gold global reserves. In 1995, a title in Bre-X Minerals Ltd. cost $2 CN, in 1996 it cost $275 CN. In 1997, BarrickGold became interested in the company and pursued investigations. The lie was discovered and the value of its titles decreased 97%. Many investors lost their money, including pension funds of professors in Ontario. For further information: http://www.oroyfinanzas.com/2009/12/brex-minerals-ltd-el-mayor-escandalo-en-la-historia-de-la-mineria-de-oro/

79 Introduced to the House of Commons by John McKay.
80 See for further information: http://www.miningweekly.com/article/canadian-mps-vote-against-bill-c-300-2010-10-28. There is a new initiative, Bill C 323, which is finding support to be voted again in the House of Commons. See the full text here: http://parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5160018&File=24
descendent peoples. Nonetheless, it is dangerous to represent colonization, mining, negotiation, and resistance, as an historical event that finished with the administrative emancipation from European colonizers. The process of subalternization (or subordination of beings, knowledges, and nature) by local elites continues. Artisanal and medium-scale mining were and are still important activities for populations that intersect indigenous peoples, afro-descendent communities, peasants, artisanal miners, entrepreneurs, and the cities in various ways. In that sense, struggles over land and mining are current struggles, and the diverse people mentioned above are contemporary beings who are not defeated\textsuperscript{81}. Some of these artisanal and medium-scale practices have caused contamination with mercury and cyanide of watersheds and air. However, the magnitude of the impacts of these artisanal and medium-scale practices, are not comparable with those of large-scale mining\textsuperscript{82}.

Nowadays, Latin America produces, 47.3\% of the global copper production; 41.3\% of silver; 29\% of iron; 27\% of bauxite; 22\% of zinc; and 16\% of gold and nickel. By contrast, it consumes only 3-6\% of the global production (Machado-Aráoz 2011, 169). In other words, whereas Latin America is one of the main producers of minerals, its consumption of minerals is relatively low. Exploration and extraction of minerals are mainly localized in Central America, the Andes, and

\textsuperscript{81} This emphasis on contemporary beings and current struggles directly speaks to Marxist (1867) aligned analyses, i.e., to historical narratives centered in the ‘emergence’ of capital. These narratives situate these struggles surrounding land in a pre-capitalist and no-longer existent stage. This critique does not apply to Harvey (2003), whose idea of ‘accumulation by dispossession’ emphasizes the continuation of these struggles. For further detail, see: Desmarais (2007); McMichael (2008; 2006); and Rivera Cusicanqui (2012).

\textsuperscript{82} This is because of the volume of extractions and the methods to accomplish them. The production of a gold ring takes the destruction of 20 tons of soil. For further detail, see: http://www.nodirtygold.org/dirty_golds_impacts.cfm. It does not imply that the consequences of small and medium-scale mining should not be addressed.

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Brazil\textsuperscript{83}. A new wave of large-scale explorations and extractions started in late 1980s simultaneously with an increase in prices and investment, and a decrease in the quality of existing reserves. This new wave has been facilitated by means of legal ‘modernization’, i.e. reforms in the mining legislation in benefit of investors and multinational companies, with the financial and technical support of international institutions such as the WB, CERI, and CIDA. For example, the reforms that took place in Chile during the dictatorship of Augusto Pinochet in the 1980s; in Peru, Bolivia, and Ecuador in 1991; in Brazil in 1996; in Guatemala in 1997; in Honduras in 1998; and in Colombia in 2001\textsuperscript{84} (Bridge 2004; Machado-Aráoz 2011, 160).

This wave has also been eased by the support of regional administrations as a response to economic relations (e.g. debt crisis in the 1980s\textsuperscript{85} and Free Trade Agreements, or FTAs), and a shared idea of development that transcends apparently irreconcilable ideologies. On one hand, economic ties are reinforced by FTAs, which empower mining companies with national and international legal mechanisms to protect their profits\textsuperscript{86}. In some cases, nation-states have been demanded by multinational mining companies in front of international tribunals, e.g. the Advisor/Ombudsman office, part of the World Bank Group. An example of this situation is the demand that Pacific Rim interposed against Salvador for halting the Dorado gold mining project in the region of Cabañas. The claim is based on Salvadorian legislation on investment and the

\textsuperscript{83} See Appendix 11: Drilling and exploration activities across the world, 2012.
\textsuperscript{84} Sintraminercol (2004) clarifies that in Colombia there were attempts to reform the mining legislation since 1994, but the resistance of worker unions and miners in the South of Bolivar temporarily stopped these reforms. Gill (1995) and Jessop (2000) emphasize on the process of legal ‘modernization’ as integral to neoliberal reforms oriented to facilitate capital accumulation.
\textsuperscript{85} This will be further elaborated for the Colombian case later on.
\textsuperscript{86} Mining companies profit even before any exploration or extraction by means of speculation in various Stock Exchange, e.g. in the Stock Exchange in Toronto (Deneault 2008; Fierro 2012).
Dominican Republic-Central America FTA. These kind of economic ties limit national initiatives to put moratoriums on certain mining activities. This is the case of Costa Rica, where the moratorium on open pit gold mining could not be applied to existing projects.

On the other hand, various authors (Gudynas 2011; Machado Aráoz 2011; Svampa 2011, 191) indicate that most of the governments hold a similar understanding of large-scale mining as a driving force for development. Central to this belief is the idea of economic growth as unquestionably desirable even at the expense of ‘national’ territories-bodies. ‘Left’ wing governments such as those of Rafael Correa 2007-2013 (Ecuador), Evo Morales 2006-2014 (Bolivia), and Ollanta Humala 2011-2016 (Peru), are also part of the trend. These three cases are particularly interesting for diverse reasons. In the case of Ecuador, the government’s view on large-scale mining as a driving force of development coexists with constitutional principles of ‘good living’ and ‘the rights of nature’, which were inspired in indigenous Cosmo-visions. The debate surrounding drilling in the Amazonian Yasuní National Park, illustrates that there is nothing unequivocal to the government’s position on ‘the rights of nature’ that prevents exploration and exploitation of minerals even in conservation areas (Sullivan 2010).

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87 See for example: [http://es-us.noticias.yahoo.com/pacific-rim-prepara-seguir-demanda-salvador-002400418.html](http://es-us.noticias.yahoo.com/pacific-rim-prepara-seguir-demanda-salvador-002400418.html). Eventually, the same argument could be used against the Colombian state based on the CCFTA.

88 Only the Administration of Laura Chinchilla 2010-2014 (Costa Rica) has placed a moratorium on open-pit gold mining exploration and exploitation that requires the use of mercury and cyanide. However, this measure does not affect operating projects at the date of the expedition of the decree. For further information, see: [http://www.archivoelectoral.org/documentos/11](http://www.archivoelectoral.org/documentos/11). Accessed on: May 2012.


In the case of Bolivia, the support of the first indigenous president of the country to large-scale mining, illustrates a division within indigenous populations with respect to these large-scale projects. In the case of Peru, in 2011, Ollanta Humala won the elections over Keiko Fujimori, partially because of his clear stance against the Conga large-scale gold mining project. In March 2012, Humala changed his position arguing the potential social benefits of the project.

In the same light, Carrizosa (1996) highlights that the dominant theories of development in Latin America reproduce the idea of economic growth as a driving force for development, and agree on the means to achieve it. In this sense, even theories that criticize the unbalanced terms of exchange within the global political economy, such as the dependency theory, do not inquire about the identity between development and economic growth. Likewise, de Vries’ (2007) concept of ‘desires for development’ and Machado Aráoz’s (2011) ‘winds of modernity and progress’ (see Chapter Two) speak of the socio-natural reproduction on the ground of global and regional trends that facilitate profitable opportunities for multinational companies. In the light of Escobar (2008), dominant ideas and practices are impacted by global trends, and simultaneously, they are actively appropriated, negotiated, and contested on the ground.

Building on Machado Aráoz (2011), ‘winds of modernity and progress’ coexist and contrast with violence. In other words, the progress that mining companies bring to small towns in the form of little works (e.g. paved roads, schools, and a radio station, among others) contrasts and coexists


92 Watch the movie ‘Conga, las razones para el NO’ (Conga, the reasons to say NO), available at: http://www.youtube.com/watch?v=lo7fXcxTLm8; and listen to Humala’s speech in support of Conga http://www.youtube.com/watch?v=9HVpYRBC2zk. Accessed on March 2012.
with irreversible impacts on the local territories and bodies (as explained in Chapter Two). This is a multilayer violence that speaks of a spatial, historical, ontological, and epistemological relationship with the nation-state and the large cities. This violence manifests in juridical frameworks that contribute to the criminalization and use of legal force against some community leaders and activists. According to the Observatory of Conflicts related to mining in Latin America (or OCMAL), there are 160 registered conflicts associated to 123 mining projects, which affect 212 communities. There are four trans-boundary conflicts: two between Argentina and Chile (i.e. Pascua Lama and Pachón); one between Costa Rica and Nicaragua (i.e. Crucitas); and one between Salvador, and Guatemala (i.e. Cerro Blanco). A common denominator in all these conflicts is a generalized concern surrounding water.\(^93\)

With respect to the criminalization of protest, based on the registered\(^94\) and verified information by OCMAL, the criminalization of protest (or/and the raising of complaints of these cases) has increased since 2005. 60% of the cases are associated with gold mining, and 41% with Canadian-based companies. Most of the cases occurred in Peru, Ecuador, and Guatemala. In the period 2005-2011, threats, murders, juridical measures against activists, and cases involving the use of force by the police have happened in Peru. In the period 2008-2011, three cases of juridical measures against activists occurred in Ecuador. Between 2008 and 2011, three cases of threat, murder, and juridical measures against activists happened in Guatemala. The only Colombian case registered by OCMAL is the murder of José Reinel Restrepo\(^95\) (priest of Marmato), who

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\(^93\) See Appendix 17: Map of Registered Environmental Conflicts associated with large-scale mining, OCMAL.
\(^94\) This data leaves many cases aside which have not been registered for multiple reasons. For example, the case of Juan Camacho Herrera (Sintraminercol 2004) does not appear in OCMAL’s data base.
\(^95\) For further detail, see for example: [http://canadians.org/blog/?p=13932](http://canadians.org/blog/?p=13932) Accessed on: May 2012
hold a strong stance against large-scale gold mining projects that compromise the same existence of Marmato.  

**Large-scale mining in the Colombian Context**

A comparative study that intersects different maps of Colombia offers a spatial context to large-scale mining projects in the country. First, Colombia is divided in five watersheds: Pacific, Amazonas, Orinoco, Caribbean, and Catatumbo. In the map, the darkest green-blue represents the largest water streams. 41% of the wet-highland ecosystems of páramo in the Americas are located in Colombia (Fierro 2012, 133). In addition, Colombia has the most biodiversity per area in the world. The country, for example, holds 10% of the entire biodiversity of the planet in only 0.7% of the continental surface (Fierro 2012, 133).

Second, indigenous territories recognized by the Colombian state are located in three main centers: 1) in the Caribbean, in the regions of Sierra Nevada de Santa Marta and Guajira; 2) in the Pacific, in the regions of Choco, Cauca, Valle, and Nariño; and 3) in the Orinoco and Amazon rain forest. The main concentration of recognized territories of Afro-descendent communities is...
the Pacific\textsuperscript{101}. Third, the cartography of the armed conflict shows that Revolutionary Armed Forces of Colombia or FARC\textsuperscript{102} concentrates in the Pacific; in the South-East in Arauca, Orinoco, and Amazon; and in the South of the Caribbean Coast. Liberation National Army or ELN\textsuperscript{103} operates in the South of the Pacific, and in Arauca. Finally, criminal gangs or Bacrim\textsuperscript{104} and paramilitares are also located in the Caribbean; in the South-East, in the Pacific, and in some places in the Andes\textsuperscript{105}. From the intersection of these maps, it is possible to appreciate that the territories of ethnic minorities coincide with the main locations of the armed conflict. This is significant because it helps to situate large-scale mining and the case study in particular with respect to the recognized territories of ethnic-minorities and in the context of the internal armed conflict in Colombia.

Most of the population in Colombia lives in the Andes and the Caribbean\textsuperscript{106}. The national system of conservation areas directly provides water to 31\% of this population, and indirectly to 50\% (Fierro 2012, 142). The largest center of food production is the Andes, especially the region of Tolima\textsuperscript{107}. According to the recent report of National Administrative Department of Statistics or DANE\textsuperscript{108}, the regions with the poorest\textsuperscript{109} population are: the Caribbean (41.8\% of the population

\textsuperscript{101} Appendix 21: Territories of Afro-descendent communities, RECLAME 2012
\textsuperscript{102} Fuerzas Armadas Revolucionarias de Colombia
\textsuperscript{103} Ejército de Liberación Nacional
\textsuperscript{104} Bandas criminales
\textsuperscript{105} Appendix 22: Map of FARC’s location intersected with Bacrim’s and ELN’s, 2012
\textsuperscript{106} Appendix 23: Subregional urban centers of Colombia 2002, IGAC—Instituto Geográfico Agustín Codazzi
\textsuperscript{107} Colosa, other large-scale gold mining project is located in this area. Appendix 24: Use of land for agriculture 2002, IGAC - Instituto Geográfico Agustín Codazzi
\textsuperscript{108} Departamento Administrativo Nacional de Estadísticas
\textsuperscript{109} Measured by the poverty line methodology
is considered poor); the Pacific (32%); the Andes (30.7%); and the South-East (29.2%)\textsuperscript{10}. The poorest regions also intersect with the recognized territories of ethnic minorities and the cartography of the internal armed conflict.

From 1990 to 2002, the titles requested coincided with traditional mining territories, such as Antioquia, Caldas, Cauca, Choco, Valle del Patia, and Bolivar (Sintraminercol 2004, 20). The historical-spatial evolution of requests of mining titles and the assignation of titles for the period 1990-2010\textsuperscript{111} indicates that the companies requested titles over territories where there was already mining activity. By 2009, multinational mining companies have requested ownership titles for 35% of the continental surface of Colombia (Fierro 2012, 152); 16.51% of indigenous recognized territories; and 29.25% of the territories of Afro-descendent communities (Fierro 2012, 183).

By 2010, 70% of the Andean region had been requested by multinational mining companies regardless of watersheds, centers of food production, regional urban centers, or the cartography of the conflict (Fierro 2012, 122). Moreover, 571 titles were assigned in conservation areas\textsuperscript{112}: 0.4% in National Natural Parks; 0.5% in Regional Natural Parks; 56.4% in forest reserves; and 45.9% in strategic watersheds (Fierro 2012, 150). 40% of the requests were for large-scale open-pit gold mining projects\textsuperscript{113} (Fierro 2012, 85), and only one company, AngloGold Ashanti had requested 5% of the continental surface (Fierro 2012, 249). The flows of investment come from the

\textsuperscript{111} Appendix 25: Historical-spatial evolution of requests of mining titles 1990-2010, RECLAME
\textsuperscript{112} Appendix 26: Map of conservation areas intersected with mining titles requests
\textsuperscript{113} Appendix 27: Map of the main mining projects and associated minerals and companies
following countries: Canada (43.41%); the United Kingdom (3.69%); Australia (2.53%); the United States (2.27%); and Japan (0.26%) (Fierro 2012, 127).

Based on mainstream national media coverage from 2010 to 2012, most of the criticism to large-scale mining include: radical conservationist stances; concerns regarding negative social impacts (mainly in terms of human rights); inquiries about the mediation, costs and benefits for the national government; skeptical views towards technology; discontents with profitable opportunities that multinational mining companies find in specialized markets by means of speculation (even before any extraction); concerns about the management of waste and energy sources; and questions regarding the responsibilities of the governments where the companies are based, especially of the Canadian government. As mentioned in the previous chapter, there is no literature that has focused on SD and large-scale mining.

In this spatial and historical context, Angosturas is located in the trans-boundary (Colombia-Venezuela) Catatumbo watershed. Therefore, the impacts of this project cannot be contained in the Colombian borders. Besides, it provides water to one of the most populated centers in Colombia, which is the metropolitan area of Bucaramanga. Likewise, agriculture is an important activity in this area. In this location, there are not state-recognized ethic-minorities. This territory has historically been under the influence of the ELN and FARC. Mining companies have been in the area since the mid-1990s; however, their presence increased during the second Álvaro Uribe Administration (2006-2009). Aside from Eco Oro (GreyStar), there are other mining companies in the area such as Ventana Gold, AuRo, and Galway, which are trying to obtain the
environmental license to start with extractions. In the next section, I connect this spatial and historical analysis of large-scale gold mining to SD.

**Linking SD to Large-scale Gold Mining**

There are factors located at the national scale and the international scale that help to explain why it is important to pay attention to SD when addressing large-scale gold mining projects. In the national context, SD imposes limits to mining\(^{114}\). In Colombia’s Political Constitution of 1991, SD appears as a principle\(^{115}\), a right\(^{116}\), a duty\(^{117}\), and a goal\(^{118}\). Other related legislation are: the Code of Natural Renewable Resources or Law 2811 of 1974\(^{119}\); the Law 99 of 1993\(^{120}\), S T-251 of 1993\(^{121}\); C-519 of 1994\(^{122}\); the Law 162 and Law 165 of 1994\(^{123}\); the Law 164 of 1994\(^{124}\); Law

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\(^{114}\) Mining is considered a ‘common good’ activity in Article 13 Law 685 of 2001 (the Mining Code)

\(^{115}\) Articles 3, 80, and 333 1991 Constitution

\(^{116}\) Article 8 and numeral 8 Article 95 (right to a healthy environment); and Article. 11 (right to live) 1991 Constitution

\(^{117}\) Article 8 and numeral 8 Article 95 (protection of a healthy environment); Articles 65, 71, 79 and 81 (protection of the environment and natural resources) 1991 Constitution

\(^{118}\) Articles 3, 80, 81, and 333 1991 Constitution

\(^{119}\) This law was a direct response to the first United Nations Convention on Environment and Development in Stockholm in 1972 (Fierro 2012, 74; Rodríguez Becerra 2009).

\(^{120}\) It responds to the United Nations Convention on Environmental and Development held in Rio de Janeiro in 1992. Likewise, it orders the creation of a Ministry of the Environment and the ‘Sistema Nacional Ambiental’ (National Environmental System hereafter SINA for the acronym in Spanish). Article 1 orders special protection to páramos and the Article 49 introduces the mechanism of the environmental license (Fierro 2012, 75).


357 of 1997; Law 629 of 2000; the goal 7 of the Millennium Development Goals; C-671 of 2001; C-339 of 2002; and Decree 2820 and 1220 of 2005. The Mining Code of 2001, Law 685 of 2001, acknowledges the limits imposed by SD to mining. It recognizes the requirement of an environmental license prior to extractive activities, and special considerations regarding conservation areas and ethnic minorities. Likewise, the Law 1382 of 2010, which operates until June 2013, forbids mining in strategic ecosystems, such as páramo.

In addition, the principle of SD has been integral to the diverse development plans of the Colombian governments since 1990.


128 It is on SD and international agreements.


130 Article 196 Law 685 of 2001

131 Article 85 Law 685 of 2001

132 Article 121-130 Law 685 of 2001

133 In spite of the law, 10 titles had been assigned in páramos (Fierro 2012, 42).

The stance of the UN Division for Sustainable Development on Mining is that:

minerals are essential for modern living, and mining is still the primary method of their extraction. To date, it appears that the main constraints to sustainability in the mining sector derive from the ever-increasing demand for mined resources, the consumption of resources (mostly energy and water) needed to extract and process metals, and the increasing pollution generated by the extraction process. This holds true for both large-scale, often multinational corporate, operations as well as for small-scale or artisanal ventures… Given the importance of mining to revenue and employment in some developing countries, as well as the non-renewable nature of many mined resources, the sustainability of this industry and the efficient use of its resources for development remain crucial.  

This statement is contradictory because it basically says that despite the fact that mining is unsustainable its sustainability remains crucial for ‘modern living’. SD claims to deal with non-renewable resources by means of technological innovation and efficient management. In 2000, the ‘Global Mining Initiative’ responded to critiques about the fundamental unsustainability of an industry that depends on non-renewable resources and has many ‘real and perceived’ negative consequences. The initiative aimed to build more trust between governments, international, and financial institutions, about the commitment to SD. Mining industry claims sustainability supported on the hollowness of SD. Likewise, as mentioned above, the WB follows the same approach.

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136 The premise is that mining industry is essential to modern life. The focus is on sustainable patterns of extraction rather than in modifying current and increasing patterns of consumption. The differences between large and small scale mining are erased. However, whereas large-scale mining seems to be of special importance in some developing countries, small-scale mining is relegated to increasing pollution. This reading also dismisses similarities in extraction patterns in ‘developed’ and ‘developing’ countries, and it neglects the fact that large-scale mining is a capital rather than labour intensive activity. See the United Nations Division for Sustainable Development on Mining: http://www.un.org/esa/dsd/susdevtopics/sdt_mining.shtml Accessed on: May 2012.


138 Five institutions are part of this group: the International Bank for Reconstruction and Development; the International Development Association; the International Finance Corporation; the Multilateral Investment Guarantee Agency, and the Advisor/Ombudsman.
SD guideline for its environmental assessments (IIED 2002, 67-68). These assessments set the standards for mining companies.

In this national and international context, the idea of SD by national governments, mining corporations, and global development institutions, imposes limits and regulates the mining industry; and therefore, it offers some juridical mechanisms to contest large-scale mining projects with negative perceived and proved consequences on territories. In other words, in the light of Escobar (2008), SD by national governments, mining corporations, and global development institutions, facilitate profitable opportunities for multinational mining companies. However, this does not happen as a straightforward cooptation, rather SD is also actively appropriated, negotiated, and contested on the ground by national, regional, and local governments and people.

**Possible Negotiations, Contestations, and the Protection of Páramo**

*The Foundations of the International Meaning of SD*

Based on text analysis mainly of the Brundtland Report (World Commission on Environment and Development 1987) and the UN Declaration of Rio 1992, the main premise of SD is that the perceived limits to economic growth can be internally fixed by the same model of development through technological innovation, and social management (World Commission on Environment and Development 1987, Chapter 1). Central to this idea is the focus on certain populations, technological innovation, the cooperation between nation-states, and the role of international
development agencies and financial institutions\textsuperscript{139} in making the required adjustments economically attractive to corporations in the short and long term. In this framework, the environment turns into a commodity that is ‘vulnerable’, and at the same time, it is abstracted, dematerialized, delocalized, categorized in clearly identifiable services, which are suitable to have a monetary price and to be exchanged in specialized markets.

In principle, in the light of Sullivan (2010), there is nothing essential to this understanding of SD that will guarantee the preservation of a sensitive ecosystem. At the end, the final decision over large-scale mining projects highly depends on the fluctuation of prices of minerals and environmental services. The market as a validation mechanism becomes the unifying language to speak of environmental concerns (Sullivan 2010). The limits to economic growth are not perceived as biophysical constrains to sustain life, but as a problem of management of scarce resources. Nature understood as a resource provides clearly identifiable services that are dematerialized and delocalized. Hence, nature turns into infinitely substitutable, which makes it suitable to be traded in specialized markets. Ecosystem and environmental services become the ‘unifying language’ to speak of environment (Sullivan 2010), and neutralize other possible languages (meanings) and discourses of contestation. From this perspective, territories and inhabitants are susceptible to be sacrificed for purposes of (sustainable) development (Machado Aráoz 2011; Svampa 2011).

Within the scope of SD, the social limits to economic growth are considered a matter of a ‘gap between numbers and resources’. In that sense, there is nothing essentially wrong with setting

\textsuperscript{139} The World Bank and other major lending banks, the United Nations and other bilateral agencies
economic growth as the major socio-natural goal. A ‘new era of economic growth’ that better manages the ‘gap between numbers and resources’ is not only possible, but unquestionably desirable, i.e. a global ‘common good’ (World Commission on Environment and Development 1987, Chapter 4). Overall, SD can be characterized by a managerial approach that depoliticizes unbalanced socio-natural relations. In this scope, the poor are the most responsible for environmental ‘stress’ and the main subject of management.

This understanding resonates with a strong faith in technology, which presupposes that the required technology already exists or it is about to be reached. It overlooks the fact that innovation is an ongoing process that is insufficient alone to address the pressure of economic growth into the possibilities of the planet to sustain life\textsuperscript{140} (Kirsch 2010). Likewise, the emphasis on the cooperation and sovereignty of nation-states assumes that the resources are owned by nation-states and the consequences of national decisions can be contained within national borders. This assumption dismisses that national boundaries and institutions are social constructions, and that punctual decisions on places have extensive impacts on territories. In other words, and as suggested by priest Marco Arana\textsuperscript{141}, a Peruvian priest and a vocal opponent of large-scale mining, watersheds do not know national boundaries.

\textsuperscript{140} Nonetheless, the unifying language of Rio Declaration 1992 is scientific and technical for purposes of the commodification of nature. The principle 15 of the Rio Declaration can be strategically used to contest technological innovation within the scope of SD. This principle states that ‘in order to protect the environment, the precautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation’.

\textsuperscript{141} Priest Marco Arana is one of the most vocal members of the movement ‘Tierra y Libertad’ (Land and Freedom) from Peru. This movement is against large-scale open-pit mining. He expressed this concern about national boundaries in a conference in the Andean Parliament in Bogotá-Colombia in July 2011.
The focus on certain populations perceived as poor comes from the assumption that poverty is the cause of environmental destruction. The rationale behind is that the poor do not have choice, but they make short-term decisions that affect the environment in order to survive. In other words, these people are victims of poverty, and means of environmental destruction:

Poverty itself pollutes the environment, creating environmental stress in a different way. Those who are poor and hungry will often destroy their immediate environment in order to survive: They will cut down forests; their livestock will overgraze grasslands; they will overuse marginal land; and in growing numbers they will crowd into congested cities. The cumulative effect of these changes is so far-reaching as to make poverty itself a major global scourge (World Commission on Environment and Development 1987, numeral 8).

Therefore, the poor need to be intervened or managed to overcome poverty for SD purposes. Representation, understood as a particular way of speaking of, implies a particular ontology and epistemology that abstract history and space, and has effects for policy making. Because of who is speaking of (the UN) and its articulation with multiple international and national institutions, sustainable development becomes the official and unifying language and discourse to speak and think of development, environment, and local-global societies. Representation in the scope of SD shapes policies, where a ‘nature’\textsuperscript{142} of the poor is normalized (see Chapter Two).

The poor is identified as those residing in the Third World (South Asia, Africa, and Latin America), low income women, small-farmers, and indigenous peoples (World Commission on Environment and Development 1987, Chapter 1). These four categories of representation intersect in various ways guiding distinctive interventions on the lives of peoples in places. In this scope, the ‘Third World’ is represented as ‘low income, ecologically disadvantaged, poor

\textsuperscript{142} Nature here is equivalent to ‘they are’
households’. Low income women appear in a broader discussion about birth control (World Commission on Environment and Development 1987, Chapter 4). Small farmers enter in a discussion on the pressure on forests and the need for increasing food production to respond to the global hunger problem (World Commission on Environment and Development 1987, Chapter 5). Finally, indigenous peoples are brought into the debate as part of the strategy of conservation (World Commission on Environment and Development 1987, Chapter 6).

All the populations that fall into these categories are represented as victims\textsuperscript{143} of poverty. Hence, these passive populations need to be given the means for self-determination and development, which is also strategic in order to sustain economic growth. The poor has to be ‘reached’ and intervened with ‘education, health, and nutrition’; and by means of aid, incentives, and adequate financial and infrastructural support (World Commission on Environment and Development 1987, Chapter 4 numeral 71).

This emphasis on the poor of the Third World\textsuperscript{144} dismisses historical power relationships between the First and Third World, but also within these various societies. The rich from both the First and Third World is not looked as lacking and in need of intervention (in their ‘self-determination’,

\textsuperscript{143} It implies a view of peoples in terms of lacking, in the sense of Ziai (2007a; 2007b). See Chapter Two.

\textsuperscript{144} Two considerations should be made to be clear on my understanding of the relation between the First and Third World. First, although the focus of SD in the Third World is motivated by the dismissal of historical experiences of colonialism and exploitation, colonialism is also an ongoing experience among peoples within the Third World (as it is also in the First World). Therefore, it is unsatisfactory to respond to this representation by reversing the terms of the speech. It is to respond neglecting the urgency of cooperation among peoples across the First World and Third World. This cooperation should address though the unbalanced relationships in the global political economy and should challenge life styles based on increasing production and consumption both in the First and Third World. Second, representation does not erase the materiality of living conditions in some places in the so-called Third World. From my experience, the terminology of Global South and North is nowadays more frequent in North America. However, my current understanding is that this change in the terminology does not make any difference.
choices, bodies, and believes). To ‘choose’ a small size family is the expected self-determination and development of low income women. These women’s empowerment becomes the means to address the issue of the ‘gap between numbers and resources’. The patterns of consumption of the rich (mainly in the First World) are mentioned as a minor point.

In the case of small farmers, self-determination means protection of land tenure and communal rights during a transition stage to a non-agricultural work. Within the scope of SD:

The new technology behind increases in (sustainable) agricultural productivity requires scientific and technological skills, a system for technology extension and other services for farmers, and commercial orientation in farm management... 18. Many herders are nomadic and difficult to reach with education, advice, and equipment. They, like subsistence farmers, depend on certain traditional rights, which are threatened by commercial developments. They herd traditional breeds, which are hardly but rarely highly productive (World Commission on Environment and Development 1987, Chapter 5 numeral 18)

To be competitive in international markets, agricultural (sustainable) industry requires a rural development without small farmers. In other ways, small farmers must eventually disappear (World Commission on Environment and Development 1987, Chapter 5). In contrast, the cultural ‘preservation’ of indigenous peoples is strategic for conservation purposes, by which is meant:

These communities are the repositories of vast accumulations of traditional knowledge and experience that links humanity with its ancient origins. Their disappearance is a loss for the larger society, which could learn a great deal from their traditional skills in sustainably managing very complex ecological systems... 75. The starting point for a just and humane policy for such groups is the recognition and protection of their traditional rights to land and the other resources that sustain their way of life - rights they may define in terms that do not fit into standard legal systems. These groups' own institutions to regulate rights and obligations are crucial for maintaining the harmony with nature and the environmental awareness characteristic of the traditional way of life (World Commission on Environment and Development 1987, Chapter 4 numerals 74 and 75)
Conservation is ‘crucial for development’, as far as it means ‘new and improved foods, new drugs and medicines, and new materials for industry’\textsuperscript{145}.

Conservation of living natural resources - plants, animals, and micro-organisms, and the non-living elements of the environment on which they depend - is crucial for development...\textsuperscript{2} Species and their genetic materials promise to play an expanding role in development, and a powerful economic rationale is emerging to bolster the ethical, aesthetic, and scientific cases for preserving them. The genetic variability and germplasm material of species make contributions to agriculture, medicine, and industry worth many billions of dollars per year (World Commission on Environment and Development 1987, Chapter 6 numeral 1).

This intertwined representation of indigenous peoples and conservation coincides with Rivera Cusicanqui’s (2012) analysis of the stereotype of indigenous peoples (see Chapter Two). According to her, this stereotype has two negative impacts in terms of neutralizing socio-natural contestations. First, it denies the contemporaneity of indigenous peoples and erases them from struggles of modernity. Second, it classifies non-indigenous peoples as ‘acculturated populations’. By these means, non-indigenous peoples are erased from the struggles over meaning and languages in debates within SD. For example, small-farmers are condemned to disappear in a history that is centered in the idea of a rural development without small farmers. In addition, because of their destructive ‘nature’\textsuperscript{146}, they are excluded from any ‘culture’ or world vision that entitles them to speak of a meaningful connection with the place they live in, and to become a subject of special rights. In that sense, the struggles of some small farmers to remain in their land constitute both an anachronism and a contradiction within SD\textsuperscript{147}.

\textsuperscript{145} Chapter Six, ‘Species and ecosystems: resources for development’, In \textit{Our Common Future}

\textsuperscript{146} In the sense of, ‘they destruct the environment’

\textsuperscript{147} See Desmarais (2008) and McMichael (2008; 2006) on contemporary ontological and epistemological struggles of farmers that directly challenge the idea of industrialized (sustainable) rural development, as defined above.
The above (stereotypical) representation of indigenous peoples makes available for them some mechanisms of appropriation, negotiation, and contestation (e.g. prior consultation). Although these mechanisms are limited and reproduce historical relations of oppression, they exist to be strategically used by communities (if possible and desired). Besides the protection of ‘environmental services’, and the vague mention to ‘land tenure and community rights’ in the transition to non-agricultural work, small framers do not count with clear mechanisms available for these populations. I argue that it is a clear consequence of how they are represented within the existing juridical framework. I am not suggesting that a reform to make available other ‘consultations’ for a larger population within the existing framework because this reform would not disrupt the relations of power and the commodification of nature within SD. The argument here is that representation within SD places important limitations on hearing contesting voices. In the case of non-indigenous peoples, these individual and collective subjects are denied of languages different from commoditized nature to contest large-scale mining.

The situation is not that different for ‘acculturated’ populations in mining centers and the cities. In saying this, I am not representing (speaking for) any romanticized idea of local communities as individual and collective subjects who do not desire (sustainable) development. I acknowledge that there are diverse local communities with distinctive individual and collective desires (including those for development, alternative modernities and developments, and alternatives to development). A shift in the representation that neglects these desires also perpetuates the violence experienced for some individuals and communities in long term multi-scale relationships (see Chapter Two).
Rather, part of the argument is that the set of representations within SD offers a system of spatial-gender-class-race-ethnicity categories, which intersect in various ways, and configure a multi-scale landscape of poverty and interventions. Depending on the individuals and collectives and how they are classified in the above set of representation, SD offers some opportunities to contest large-scale mining projects in terms of resources and services (see Chapter Two).

However, first, there is nothing in this logic that would lead to definitively forbid large-scale mining in sensitive ecosystems based on ‘unattractive’ reasons for corporations. This framework is very limited in terms of the types of discussions (e.g. birth control and low income women, conservation and indigenous peoples, industrialized production of food) and discourses (e.g. resources and environmental services) that are allowed. This reflects on the official ideas and practices by international development institutions, national governments, multinational mining companies, and some contestations. Likewise, victories in this field are temporal, in the sense that the decisions might change depending on the fluctuation of prices of minerals and environmental services. Second, from the beginning, ‘acculturated’ (see Chapter Two) people are denied languages (different from resources) to speak of their lived experience in places, which might open up other possibilities of contestation against large-scale mining and protection of the páramo.

To sum up: SD literally aims to facilitate a new era of economic growth by means of commodification of nature, technological innovation, and the management of the poor (see World Commission on Environment and Development 1987). At the same time, in the light of Escobar (2012; 2008), this particular representation and localization of poverty has facilitated funding for
localized development programs that have been appropriated, negotiated, and contested on the ground. The complex lived experiences of SD by people in concrete places account for both ‘desires for development’, ‘winds of modernity and progress’, violence, and on-going (de-) colonial experiences (see Chapter Two). Nonetheless, the official (international) meaning of and representations within SD imposes distinctive limits to the possible appropriations, negotiations, and contestations by legal means.

The Implementation of SD in Colombia

The Colombian government has adhered to the international meaning of SD in the 1970s, which was ratified in the 1991 Constitution. This did not occur in a vacuum, but must be understood as in a particular international, regional, and national context (see part one of this chapter) with the support of the Colombian administrations, some environmentalists, and the opposition of entrepreneurs. Rodríguez Becerra (2009) indicates that the implementation of SD in Colombia started in the early 1970s in the context of the UN Convention on Environment and Development in Stockholm in 1972. Colombia adhered to the principle of SD both under the pressure of environmentalists\(^\text{148}\) and the resistance of the industry. The implementation of SD in Colombia built into existing institutions\(^\text{149}\). The Code of Natural Renewable Resources and the Environment of 1974 redirected existing public institutions such as Regional Autonomous Organizations (or CARs\(^\text{150}\)), and the (National Institute of Renewable Natural Sources (or INDERENA\(^\text{151}\)).

\(^\text{148}\) According to Rodriguez Becerra (2009), one of these environmentalists himself, saw in the context a strategic opportunity to strengthen environmental legislation in Colombia.

\(^\text{149}\) The first CAR was created in 1954 and the INDERENA in 1968. The creation of the second institution responded to a long history of struggles over land (Rodríguez Becerra 2009, 2).

\(^\text{150}\) ‘Corporaciones Autónomas Regionales’
In the context of the UN Convention on Environment and Development in Rio de Janeiro in 1992, the environmental legislation was reformed in Colombia. The principle of SD was incorporated in 42 articles of the Political Constitution of 1991. Likewise, the Law 99 of 1993 reformed INDERENA and created the Ministry of Environment and the National Environmental System (or SINA) to strengthen the implementation of SD in Colombia (Rodríguez Becerra 2009). Following Rodriguez Becerra (2009) and Lora (1988) together, these changes occurred simultaneously with the liberalization of the economy. Authors such as Gill (1995) and Jessop (2000) emphasize that such reforms in the legislation have been integral to neoliberalism around the world, and they suggest that countries undertake these reforms mainly because of economic ties. Some readings for the case of Latin America highlight the context of the debt crisis of the 1980s (Escobar 1999; Gudynas 2004; Lander 2011; Leff 2010; Sachs 1996). However, building on Rodriguez Becerra (2009) and Lora (1988), the explanation for the shift to SD and neoliberalism in the Colombian case cannot be reduced to the austerity politics emerging from the debt crisis of the 1980s.

According to Lora (1988), in contrast to other countries in Latin America, Colombia began what might be referred to as a regulated process to liberalization and public and private indebtedness with national and international financial institutions. The liberalization initiative partially responded to perceived failures of the dominant model of development in the region to stimulate industrialization. Various favorable circumstances made distinctive the Colombian case in the

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151 ‘Instituto Nacional de Recursos Naturales’
152 ‘Sistema Nacional Ambiental’
153 The dominant model of development at the time was import substitution industrialization. This is a model of development that promotes industrialization by means of state support and protection of the national industry. In Latin America, this model was promoted by the UN Economic Commission for Latin
context of the debt crises and the structural adjustment programs recommended by the WB, the International Monetary Fund or IMF, and the Inter-American Development Bank (or IADB) (Lora 1988). First, the amount of reserves hold by the Central Bank eased quick corrective measures. Second, a government strategy of trust with international financial institutions facilitated new credit options. Third, new oil reserves were discovered, and the prices of coffee increased as well (Lora 1988).

At the same time, and in the context of difficult situation of public order in the late 1980s, i.e. increasing violence linked to narco-trafficking, the ongoing armed conflict between legal and illegal groups, and growing distrust in the existing democratic system, a generalized claim for a radical transformation of the legislation in terms of rights and ‘modernization’ of the economy, led to the new Political Constitution of 1991. Besides representatives of the two traditional parties, people from indigenous and afro-descendant movements, and some former members of the urban guerrilla M-19 participated in writing the new constitution. Unlike its previous version, the 1991 Constitution offers various participation mechanisms for Colombian citizens (Salinas and Herrera, 2008). Article 2 of the 1991 Constitution, for example, sets participation as a principle whereas Article 90 makes the state responsible in case of an omission that compromises the rights of an individual or a community (Salinas and Herrera 2008). The principle of participation also resonates with the 10th principle of the 1992 Rio Declaration. Article 2 of the 1991 Constitution, states that facilitating participation in decision making processes is an essential goal of the Colombian state. The 10th principle of the 1992 Rio Declaration states the same with respect to ‘environmental issues’.

Carrizosa 1996). A further explanation of this model goes beyond the scope of this thesis.
After the 1991 Constitution, other legislations have supported the principle of participation, particularly with respect to the right to live and to a healthy environment. It is the case of Law 23 of 1973\textsuperscript{154}; Law 99 of 1993\textsuperscript{155}; Law 489 of 1998, Decree 330 of 2007, and Article 25 Decree 2820 of 2010\textsuperscript{156}; and the Law 850 of 2003\textsuperscript{157} (Salinas and Herrera 2008). The 1991 Constitution also contemplates special considerations with respect to ethnic minorities (indigenous and afro-descendent communities)\textsuperscript{158}. These considerations are aligned with the representation of indigenous peoples in the Report of The UN World Commission on Environment and Development, ‘Our Common Future’ (World Commission on Environment and Development 1987, Chapter 6), which was explained in the previous section. In Colombia, this representation of indigenous peoples is extended to Afro-descendent communities\textsuperscript{159}.

With respect to small farmers, Law 160, which was enacted in 1994, established the National System of Agrarian Reform and Peasant Rural Development\textsuperscript{160}. This legislation aligns with the idea of rural development in the scope of SD, which refers to a process in which industrialized

\textsuperscript{154} It was prior to the Code of Natural Renewal Resources and the Environment of 1974
\textsuperscript{155} Especially important articles are: Article 70 (right to request information about procedures); Article 72 (about public environmental hearings); and Article 74 (right to request information).
\textsuperscript{156} These are about public environmental hearings
\textsuperscript{157} It is on the autonomous and independent entities that should guarantee the right to participation, i.e. General Attorney, General Finance Office, Advocacy of People, and the Public Ministry. See Appendix 2: Structure of the Colombian State.
\textsuperscript{158} Articles 10, 63, 68, 72, 176, and 246 of the Political Constitution of 1991 acknowledge special rights to ethnic minorities. Other related legislations are: Law 21 of 1991 (by which Colombia adheres to the International Labour Organization Convention on Indigenous Peoples of 1987); Law 70 of 1993 (by which Colombia ratifies its commitment with the rights and protection of the cultural identity of afro-descendent communities); Law 165 of 1994 (by which Colombia adheres to the United Nations Convention on Biological Diversity of 1992); Decree 1320 of 1998 (on the right to prior consultation in case of large-scale extractive projects).
\textsuperscript{159} Law 70 of 1993, by which the Colombian state recognizes afro-descendent communities in the Pacific as ethnic minorities.
\textsuperscript{160} In 2003, the Decree 1292 eliminates the Colombian Institute for Agrarian Reform (or INCORA), and the Decree 1300 creates the Institute for Rural Development (or INCODER).
agriculture emerges without small farmers. On this view, small farmers should be absorbed through non-agricultural work. This process must be actively mediated by the state and financial institutions. During the transition, small farmers are guaranteed ‘land tenure and communal rights’. Under the same rationale, Law 160 institutes ‘regions of peasant reserves’\textsuperscript{161}. These rights are subject to the conservation and territorial planning policies. Moreover, this legislation does not challenge the unequal distribution of land or the exiting titles over land, but it opts for the negotiation with current owners and a ‘simple’ distribution of presumed wilderness\textsuperscript{162} for ‘common-good’\textsuperscript{163} productive purposes.

Seen from the above perspective, the opportunities offered to small farmers are: credit, subsidy, technical assistance, and commercialization. The program targets low income men and women older than sixteen years of age, who constitute heterosexual families; single women who are the head of her family; and ethnic minorities. As I noted earlier, in the bounds of SD, rural development model condemns no considered ethnic minorities to their extinction. Unlike ethnic minorities who must be preserved for conservation proposes, ‘acculturated’ populations (see Chapter Two) are assumed to be easily mobile. Their current struggles seem an anachronism in that they are reduced to disappear for purposes of industrialized (sustainable) agriculture. Large-scale mining is integral to this idea of a rural development. The implications of this rural development for small farmers also extend to small miners\textsuperscript{164}, who intersect in various ways with small farmers and ethnic minorities.

\begin{footnotesize}
\textsuperscript{161} Article 9 Law 160 of 1994.
\textsuperscript{162} Empty from humans.
\textsuperscript{163} The meaning of ‘common good’ is ambiguous in this legislation.
\textsuperscript{164} According to RECLAME, in Colombia, almost 2.5 million people and their families depend on small mining to live. However, the multiple financial, technical, and juridical requirements make legalization of
\end{footnotesize}
It is important to underline that at the same time that the 1991 Constitution and the legislation based on it opened up opportunities for participation; it facilitated neoliberal reforms. In this sense, and following Restrepo (1992), participation mechanisms of the 1991 Constitution imply alternatives within neoliberalism rather than alternatives to neoliberalism (Restrepo 1992, my emphasis). As indicated by Escobar (2008), this is despite the fact that these mechanisms are appropriated and contested on the ground, and do not represent all the means of contestation. The premise under the emphasis of this thesis on juridical frameworks is that these frameworks reflect international and national forces and perpetuate long-term multi-scale power relationships.

The aim is then to be aware of, and take advantage of existing available mechanisms to halt large-scale mining projects in páramo. However, the existing framework places important limitations on hearing voices that resist the commodification of nature. Therefore, the commitment is to open up existing languages and discourses that attempt to sustain páramo as such based on its ‘common good’.

Before an explanation of how the environmental legislation connects with the current mining legislation, it is important to provide some context to the current mining legislation. Sintraminercol (2004) highlights that there were attempts of reforming the mining legislation to facilitate foreign direct investment in large-scale mining since the mid-1990s. This occurred in an mining activities very difficult for them. Therefore, the existing legislation on mining contributes to their criminalization and dispossession in benefit of transnational companies. See http://reclame15.reclamecolombia.org/index.php?option=com_content&view=article&id=135:i-jornada-nacional-de-movilizacion-para-frenar-la-locomotora-minero-energetica-&catid=5:cdoc&Itemid=4. Accessed on: May 2012.
international context of increasing flows to non-traditional targets for mining investment, and the ‘modernization’ of the legislation in various countries with the financial and technical support of international institutions, such as the World Bank, CERI, and CIDA (see the first section of this chapter). According to Sintraminercol (2004), the first attempt of reform was the Law project of 1994, during the Ernesto Samper Administration (1994-1998). During this time, the government gave 2 years to small-scale miners to legalize their activities. However, small-scale miners in some strategic regions were not legalized, e.g. in the South of Bolivar. Some small-scale miners who tried to legalize their activities became military object of paramilitares, e.g. Juan Camacho Herrera. The reform took longer because of the resistance of small miners (e.g. Agromisbol), syndicalist movements (e.g. Sintraminercol), and international organizations (Sintraminercol 2004).

Nonetheless, multiple conditions facilitated the reform of the mining legislation during Andrés Pastrana Administration (1998-2002). During the Colombia Plan, three military bases were built in strategic regions for mining: in Bolivar; in Tolima; and in Norte de Santander (Sintraminercol 2004, 27). The construction of these bases gave the impression of security for foreign investment. Moreover, CERI and CIDA provided funds to hire a pool of lawyers to assist the legal ‘modernization’ (Sintraminercol 2004, 43). Likewise, the issue of artisanal miners was reduced to a matter of legality and destructive impacts on the environment. In this sense, this representation of small scale miners reproduces that of small farmers in the scope of SD. The

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165 This is especially in Latin America.
166 A 2 years government program to fight against the narcotraffic with the military assistance of the United States, and the financial support of the International Monetary Fund and the World Bank. A further explanation goes beyond the scope of this thesis.
167 This pool of lawyers represented half of the mining companies registered at the time (Sintraminercol 2004, 43).
premise is that existing illegal miners did not take advantage of past opportunities to legalize their activities, and therefore, these populations do not deserve special considerations in a sector that aims to operate on a large-scale.

According to Fierro (2012) and Sintraminercol (2004), the new Mining Code of 2001, Law 685 of 2001, is controversial for several reasons. First, Article 3 and Article 4 of the Mining Code aimed to weaken all the other legislation outside the Mining Code\textsuperscript{168}. Second, Article 5 institutes the property of the nation-state over all minerals in the surface and underground, which weakens the self-determination of ethnic minorities over their territories. Likewise, by means of this article, any person who lives or has property in Colombia can be potentially expropriated and displaced. Third, Article 13 specifies that mining is a ‘common-good’ activity\textsuperscript{169}. To classify mining as a ‘common good’ favors large-scale explorations and extractions against attempts to designate páramo as a ‘common good’ on the basis that it has to be sustained as such for the well-being of human and other than human beings that inhabit the territories. Article 34 and Article 37 build into Article 13. Article 34 sets the requirements to eliminate a reserve for purposes of ‘common good’ mining activities. Similarly, Article 37 forbids territory plans, which permanently or transitorily exclude ‘common good’ mining projects\textsuperscript{170}.

\textsuperscript{168} Sentence C-339 of 2002 declared unconstitutional these articles.
\textsuperscript{169} This Article builds into the art.158 of the Political Constitution of 1991.
\textsuperscript{170} Decree 2372 of 2010 establishes a differentiation between permissible land uses within conservation areas. The restrictions to any activity vary from preservation zones (exclusively devoted to preservation); restoration zones (total or partial); and sustainable use of land for purposes of development (only in case that the land use does not affect the conservation priorities). Under these categories, agriculture, mining, industry, and housing activities are allowed, which is subject to a prior environmental license.
The requirements to request a mining title take into account the special considerations regarding conservation areas and ethnic minorities in the following ways. The company has to provide a map with the coordinates of the project and pay a monthly minimum salary\textsuperscript{171}. The mining authorities\textsuperscript{172} in charge of implementing the policies juxtapose the map with existing mining titles, conservation areas, and territories of ethnic minorities\textsuperscript{173}. In the case that it coincides with territories of ethnic minorities, these communities have the right to prior consultation. In case of forest reserves, these can be eliminated for purposes of ‘common good’ mining, under the restrictions imposed in the scope of SD. Article 207 and Article 208 extend the validity of the license to the whole period of extraction. This restricts the possibilities of environmental authorities to intervene during the extraction process\textsuperscript{174}. The willingness of the national government to accede to any such limitations resonates with the idea that mining is a ‘common good’ activity and should be facilitated by the national government for its efficient operation and development. From this, it is clear that framing mining as a ‘common good’ benefits mining industry against contesting understandings and claims of ‘common good’.

Article 45 of the Constitution establishes that the period of extractions is maximum thirty years extendable for 20 years more. Likewise, the exploration activities are allowed three years with the possibility to extend the permission for consecutive periods of two years for a maximum length of

\textsuperscript{171} The average for the period 2001-2011 is $410,654 (COL), which is around $230 (CN) by June 2012.

\textsuperscript{172} In Colombia, the Ministry of Mining and Energy and the ‘Unit for Mining and Energy Planning’ (Unidad de Planeación Minero Energética) are in charge of the policy design; whereas the Geological Service and some regional governments are in charge of implementing the policies (Fierro 2012, 39).

\textsuperscript{173} These entities do not count with information of properties; watersheds; cultural and historic sites; populations in risk to be displaced; and there is not further coordination with environmental authorities (IFierro 2012, 39).

\textsuperscript{174} Although the construction of infrastructure and the exploration also cause socio-environmental impacts, Decree 1728 of 2002 restricts the requirement of an environmental license to extractive activities. In other words, it eliminates the requirement for 47% of the activities that previously required a license (Fierro 2012, 80).
eleven years. In addition, according to Sintraminercol (2004), title IV Chapter XVII assumes that small, medium, and large-scale miners have the same historical-spatial conditions to legalize their activities. In so doing, many small miners turn into illegal miners or criminals. Moreover, in an attempt to make more attractive Colombia to the foreign investment, Article 227 fixes a royalty of no more than 0.4% for the whole operation of the project; and Article 231 forbids new taxes to the mining industry175.

In this sense, the mining legislation fulfills the environmental legislation by acknowledging special considerations in the case of conservation areas and territories of ethnic minorities. These special considerations constitute most of the opportunities to negotiate large-scale mining projects. The constitutional principle of participation, and the legislation related to rural development also offer other opportunities. All of these legislations resonate with the principle of SD. However, these possibilities of negotiation are contained and limited to the general framework. The identification of mining with a ‘common-good’ activity176 makes especially ambiguous the relation between the ‘protection’ of the environment and ethnic minorities, and large-scale exploration and extractive activities even in very sensitive ecosystems177. An attempt to open up languages and discourses that enable (existing) struggles for alternative modernities and (sustainable) developments, and alternatives to (sustainable) development, should directly challenge this identification between mining and ‘common good’.

175 Decree 2353 of 2001 says that the payment of royalties can be in specie, i.e. the construction of infrastructure, or/and part of the product.
176 Both in Article 58 of 1991 Constitution and Article 13 of the Law 685 of 2001
177 It includes very sensitive ecosystems that are protected by a large amount of international and national legislation, as it is the case of páramos.
Further considerations are necessary to explain the current situation of mining in Colombia, and the relationship between SD and mining. The government of Álvaro Uribe Vélez (2002-2010) simultaneously weakened the environmental institutions and internationally promoted Colombia as a mining country. This Administration merged the Ministries of Environment, Housing, and Territorial Development\(^{178}\); reduced its budget; and assigned part of the budget to respond to the consequences of the floods in rainy seasons (Rodríguez Becerra 2009, 7-10). At the same time, this government promoted the plan of SD of mining 2019\(^{179}\). As it pertains to gold mining, the goal is to increase 4 times the production. The premise is that informal small-scale mining is insecure, less competitive, and environmentally unsustainable. By contrast, large-scale mining must be sustainably developed through foreign investment. For that purpose, juridical stability; the reduction in times to get titles; and the reduction in royalties and taxes become a priority (Fierro 2012, 44-53).

Finally, during the Juan Manuel Santos Administration (2010-2014), large-scale mining is promoted as a driving force for development, and the Canada-Colombia Free Trade Agreement (or CCFTA) entered into force in August 2011. This agreement facilitates Canadian flows into Colombian mining sector and protection to mining companies. Article 803 stipulates national treatment; Article 806 agrees on compensation for losses; Article 810 eases transfers; Article 811 protects the mining companies in case of expropriation for national purposes; Article 816 is on

\(^{178}\) In 2003, through Decree 217, the government of Álvaro Uribe Velez merged the Ministries of Environment, and those of Housing and Territorial Development. In late 2011, through Decree 3570, the government of Juan Manuel Santos, separated the ministry and created the Ministry of the Environment and Sustainable Development.

corporate social responsibility; Chapter XVII is on SD as a framework for environmental regulation

Conclusion

This chapter provided a multi-scale spatial-historical-context to situate the case study. It also addressed the main question of the thesis: why the principle of sustainable development, which is central to the international and national juridical frameworks, has fallen short to sustain the páramo of Santurbán as such?

Building on Escobar (2008), this chapter engages with the argument of neoliberal cooptation that suggests that SD is integral to an international legal framing that eases neoliberal reforms. According to this argument, SD both recognizes and contains an increasing discontent with the dominant model of development, based on unlimited economic growth. Escobar (2008) suggests that this argument fails short in visualizing that (SD) dominant ideas and practices are appropriated, negotiated, and contested on the ground. I adhere to Escobar (2008), but I bring back Escobar (2012) to suggest that representation (i.e., in terms of speaking of) in existing juridical frameworks affects the same possibilities of diverse individuals and collectives (e.g. small farmers, small miners, the cities) to negotiate and contest large scale-mining projects. Seen in this way, SD contains attempts to designate páramo as a ‘common good’ on the basis that it is to be sustained as such (not as commoditized nature).

With respect to the main question of the thesis, there is nothing unequivocal to the idea of SD that sustains the *páramo* as such without any large-scale mining project (in phase of exploration or extraction). Any victory in the scope of SD and commoditized nature is temporal because extraction depends on a trade-off between potential monetary benefits in specialized markets. Likewise, the relation between SD and large-scale mining portrayed as a ‘common good’ activity makes even more ambiguous the protection of the *páramo* and the peoples who are affected by a large-scale mining project in the area.

In general, SD erases ‘acculturated populations (see Chapter Two) from the struggles over meanings and other languages (e.g., affection, sacredness, and dignity, among others) to speak in debates on large-scale mining and that might enable sustaining *páramo* as such. The possibilities of contestation by legal means are even more restricted for small farmers and miners, who in the scope of SD are victims of poverty and unintended cause of environmental destruction. Therefore, they become subject of management for purposes of a SD, which also condemns them to disappear. Their contemporary struggles for their recognition as subjects of rights are an anachronism and contradiction in the terms of SD.

In the Colombian case, international and national reasons explain the distinctive implementation of SD. The worrying scenario where 35% of the continental surface has been requested by multinational mining companies also speaks of international and national policies and economic ties reinforced by Free Trade Agreements or FTAs.
The remaining question is where to go from this analysis? I think that although the strategies of struggle and contestation cannot be reduced to the existing juridical measures. The existing mechanisms that offer opportunities to negotiate and contest large-scale mining should be known and strategically used. However, it is important to remember that all victories in this scope are temporary. That is why I argue that it is necessary to open up the languages, discourses, and representations to enable attempts to designate páramo as a ‘common good’ on the basis that it is to be sustained as such (not as commoditized nature). This might be possible by directly engaging with the speeches and practices of the various social movements and players. In the next chapter, I continue, albeit narrow, my focus on the same question and line of argumentation by examining the case study of Angosturas.
Chapter 4

The Case of Angosturas and Sustainable Development

As I noted in the Introductory Chapter, Angosturas may be the first large-scale open-pit gold and silver mining project in Colombia, if Eco Oro (GreyStar) obtains the environmental license from the Ministry of Environment. The bid for Angosturas constitutes a precedent for all ongoing projects that seek to start with gold extractions in the country. The Angosturas project is also a relevant case study in terms of the massive mobilizations\(^1\) and coverage of debates in the international, national, regional, and local media. Prior to the decision of the Ministry of Environment, there were two large public hearings and simultaneous mobilizations in the largest cities of Colombia, such as Bucaramanga, and Bogotá. Around 40,000 people joined the demonstrations in Bucaramanga, Bogotá, and other cities in February 25\(^{th}\) 2012. The Angosturas project is also a politically sensitive case because of the open support to the company by some local people\(^2\).

The common ground of the opposition to the project is the defense of water and the páramo de Santurbán\(^3\). Almost half of the Angosturas project is situated in this sensitive wet high land area. According to Joaquin Molano\(^4\), páramos emerged more than five million years ago and have been ice caps in different moments of their histories. In the words of Cruz de Lina

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\(^1\) See Appendix 1: Images of rallies in the cities
\(^2\) See Appendix 4: Geographical location of Angosturas
\(^3\) See Appendix 3: Images of Santurbán
\(^4\) Joaquin Molano is the ex-director of the environmentalist NGO CENSAT-Agua Viva, Friends of the Earth International Colombia.
Landazabal: ‘Páramos are like a sponge. If you take some soil and you smash it, it will drop lots of water. This is why big companies go after it.' Páramos constitute a complex of interconnected lagoons and wet-lands that feed the main rivers of the country. They are home for 457 species of plants and 300 species of animals. In addition, while páramo occupies only 1.7% of the national territory, it provides water to most of the population in Colombia. 49% of all páramos in the world is situated in the country. However, the benefits derived from this ecosystem are not limited to national borders of Colombia. For example, páramo de Santurbán is important to Catatumbo trans-boundary (Colombia-Venezuela) watershed that feeds the rivers Zulia, Suratá, Lebrija, Magdalena, and Arauca.

Despite the extensive international and national legislation and agreements that protect this ecosystem (see Chapter Three), EcoOro (GreyStar) is not the only company with mining projects in the area. Likewise, other companies have multiple titles in diverse páramos in Colombia.

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185 She has lived her whole life in Suratá. See Appendix 4: Geographical location of Angosturas.


190 See Appendix 27: Map of the main mining projects and associated minerals and companies

191 See Appendix 28: Páramos in risk because of large-scale mining projects in Colombia
This situation motivates the main question of the thesis. Why the principle of SD\textsuperscript{192} has been inadequate to sustain páramo as such without large-scale mining (in the phase of exploration and extraction)?

Drawing on a multi-scale spatial and historical perspective of representation, I argued in the previous chapter (Chapter Three) that the principle of SD offers opportunities for affected communities to appropriate, negotiate, and contest large-scale mining projects. This is a paradoxical process, but has offered some options to citizens in general (e.g. public environmental hearings), indigenous peoples\textsuperscript{193} (e.g. prior consultation) and special considerations regarding conservation areas. In the case of Colombia, the constitutional principle of participation offers some legally accepted opportunities (e.g. demonstrations, and letters). However, the principle of SD has serious limitations to protect sensitive ecosystems and their inhabitants. These limitations are first related to the same understanding of ecosystems as commodities and a particular representation of peoples (e.g. small farmers, small miners, and ‘acculturated populations’) as subjects of management.

In what follows, I focus my discussion on small farmers and miners, and the cities because they constitute the main population affected by Angosturas, and the analysis of their situation also represents a gap in the existing literature on large-scale mining in Colombia (see Chapter Two).

\textsuperscript{192} Both its foundations and implementation in the Colombian context
\textsuperscript{193} In the Colombian context, it is ethnic minorities, which also include Afro-descendent communities. See Law 70 of 1993.
For reasons explained in the methodology section in Chapter 1 (mainly for security reasons and availability to build trust with local people in my condition of outsider), in this thesis, I do textual analysis of media coverage and speeches on public hearings. A significant amount of the data comes from the archive of the environmentalist NGO CENSAT-Agua Viva Friends of the Earth International Colombia. This methodology reflects on the distance towards the socio-natural landscapes and the inability to claim that I am able to let small-farmers and small-miners speak with their own voice. The methodology also limits my possibilities to expand and contextualize the multiple meanings of languages and discourses displayed in the media and public hearings. The most I commit myself to do is to point out their existence and potential to resist the key assumptions of SD.

There are multiple aspects of translation in this exercise: 1) data comes from a secondary source, i.e. CENSAT-Agua Viva and various media; 2) the original language is Spanish. Nonetheless, the exercise remains relevant in pointing out the existence of contestation and resistance which fails to be translated into the ‘unifying language’ of SD. This analytical exercise further illustrates the argument that SD places limitations on hearing certain kind of discourses and languages that contest the commodification of páramo (especially coming from non-ethnic minorities). Furthermore, this analytical exercise helps to show that the final decision in Resolution 1015 of 2011 goes against attempts to classify páramo as a ‘common-good’ that need to be sustained as such in benefit of the well-being of the inhabitants of the territory.

Drawing on my theoretical framework and Escobar’s insights in particular, I suggest that the principle of SD neither challenges neoliberalism, nor can it be understood straightforwardly as a
neoliberal product imposed on local communities. Rather the principle of SD is a site of contestation that has been actively and strategically appropriated, negotiated, and contested on the ground by national, regional, and local administrations and people. Its implementation in Colombia since 1974 has not been only the response to the pressure of international institutions. It also responds to internal dynamics (but relational in an international scale) such as a dominant shared idea of mining as a driving force for development (see Chapter Three).

In this chapter, I explain that the relation between the principle of SD and large-scale mining is especially ambiguous because mining is portrayed as a ‘common good’ activity by international institutions such as the UN and the Colombian government. As noted in the Introduction and Chapter Three, the ‘common good’ refers to an unquestionably good activity for the commons. Moreover, at the same time that the previous Administrations have promoted Colombia as a mining country, the government bodies responsible for environmental (e.g. the Ministry of Environment) and mining (e.g. the Ministry of Mining and Energy, and the Geological Service) have not been simultaneously strengthened. Moreover, it is possible to state that these institutions have been weakened by merges of bodies, cuts in funding, and increasing duties (see Chapter Three).

This chapter is organized in three main parts. Part one elaborates on the meaning of Resolution 1015. The main purpose is to explain why there is nothing in this resolution that guarantees the protection of páramo from existing and potential large-scale mining projects in the area. Part two explains why and how the diverse languages and discourses used by various actors (e.g. inhabitants of the closest towns to the location of the mining project, the Committee in Defense of
Páramo of Santurbán, RECLAME, Colombian state bodies, and Eco Oro) both strategically use and contest SD. In the languages that cannot be translated into SD, I aim to illustrate failures in SD to fully respond to the concerns of people directly and indirectly affected by a large-scale mining project in the area. Likewise, I aim to explain why and how SD narrows the discussions (e.g. ‘common-good’, mining, conservation and ethnic minorities, and participation, among others), and it restricts potential alternative modernities, alternative (sustainable) developments, and alternatives to (sustainable) development (see Chapter Two). Part three sums up and draws connections.

Resolution 1015

In December 2009, Eco Oro (GreyStar) requested an environmental license to the Ministry of Environment to start with large-scale open-pit gold and silver mining project in the area of the páramo de Santurbán. The initial project\(^{194}\) required the daily use of 230 tonnes of explosives (i.e. ammonium nitrate fuel oil or ANFO) to open a large cavity (i.e. 2kms long, 1km wide and 200m deep)\(^{195}\). The same Environmental Impact Assessment\(^{196}\) presented by the company recognizes significant impacts in soil\(^{197}\), water\(^{198}\), and the air\(^{199}\).

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\(^{194}\) Since the Ministry of Environment denied the environmental license to start with the project, EcoOro (former GreyStar) has been working in turning the project into an underground mine. ‘Proyecto minero de Angosturas arranca de cero’, Portafolio, August 18\(^{th}\) 2011. Available at: http://www.portafolio.co/negocios/proyecto-minero-angostura-arranca-cero. Accessed on: August 2011.
\(^{196}\) The Environmental Impact Assessment presented Eco Oro (GreyStar) to the Ministry of Environment in December 2011 is available at: http://www.minambiente.gov.co/documentos/DocumentosBiodiversidad/licencias/edictos/cap_1_introducci%C3%B3n.pdf Accessed on: February 2011. See also: ‘Minería en el páramo de Santurbán: ¡No viable!’,
A brief digression is useful here to profile briefly Eco Oro (GreyStar). The latter is a publically-listed Canadian based company with no previous experience in mining extractions\textsuperscript{200}. The company’s majority shareholders are foreign (56\% ownership levels) and 44\% Canadian. It is interesting to note the specific ownership breakdown of Eco Oro (GreyStar), given the players involved. The main holder is CDS & Co. (the United States), the International Financial Corporation or IFC (World Bank Group), JP Morgan Asset Management (the United Kingdom), and George Milton (ni)\textsuperscript{201}.

According to the Environmental Impact Assessment, at least half of the project was situated in páramo\textsuperscript{202}. The closest municipalities to the project are: California (with a population of 1,856); Vetas (2,374); Suratá (3,555). These municipalities are followed by Matanza (5,689); Berlín (2,308); and the metropolitan area of Bucaramanga (1.5 million people). Based on MiningWatch Canada and CENSAT-Agua Viva (2009), small-scale mining is a traditional activity in California.
and Vetas since Spanish colonialism, whereas the main social-economic activity in Suratá is small farming. Eco Oro (Greystar) initially went to the region in 1994 when the guerrillas had strong influence in the area. The company abandoned operations from 2000-2003 when an executive was kidnapped. In the context of ‘Plan Colombia’, a military base was built between Suratá and California. The base counts with 500 soldiers, and 2 military camps with a total of 55 soldiers. The company went back in 2003, in the context of the government of Álvaro Uribe (2002-2010), and his promotion of Colombia as a post-conflict country. Since this time, the company continues to operate in the region. In June 2011, after the Ministry of the Environment denied the environmental license to the project, GreyStar changed its name to Eco Oro.

In May 2011, the Ministry of the Environment responds to Eco Oro’s (GreyStar’s) request of an environmental license to start with extractions. The response was framed around the 1991 Constitution, and the principle of SD. Nationally, the resolution refers to the legal framework; the principle of participation; and the requirement of an environmental public hearing prior the decision of the environmental authority. The Ministry also considers the technical advices of the

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203 See further details in Chapter Three.
204 There is a controversy surrounding the fact that under the Law 1382 of 2010, páramos are excluded from mining activities. Therefore, the Ministry of the Environment should not have to consider the request. The company has argued that the legislation was changed after it obtained the titles. Despite the fact that owning titles does not immediately guarantee the right of extraction, the Ministry of the Environment considered Eco Oro’s (GreyStar’s) request. In June 2011, the Constitutional Court declared unconstitutional the Law 1382 of 2010 because ethnic minorities were not consulted during the framing. Nevertheless, because of its strategic importance for the protection of sensitive ecosystems, the Law is into force until June 2013. It is important to clarify that it is not the only law that nationally and internationally protects páramos (see Chapter Three). Overall, the implementation of the reforms to the legislation is ambiguous, as this case illustrates.
‘Corporation in Defense of the Plateau of Bucaramanga’ (hereafter CDMB\textsuperscript{205}); the Humboldt Institute; and the Division of Ecosystems of the Ministry of the Environment\textsuperscript{206}.

In the resolution, the Ministry of the Environment explicitly states that the significance of the project was evident to the institutions by means of:

> The amount of letters and petitions that have been accepted during the process; the unestimated amount of articles and opinion notes that have circulated in newspapers, radio, television, and media in general; the simultaneous demonstrations that took place in Bucaramanga, Bogotá, and other cities in February 25\textsuperscript{th} 2011 with the participation of 15.000-40.000 people. Likewise, because of the magnitude of the project, two public environmental hearings were held, instead of the only one required. The first public environmental hearing was requested by 7 NGOs and 238 people; and the second was first demanded by the General Attorney, and after by the Governor of Santander, the municipal council of Bucaramanga, and other NGOs and groups, including the Administrative Tribunal of Santander\textsuperscript{207}.

Nevertheless, in the Resolution 1015 of 2011, the Ministry of the Environment ratifies its commitment to Article 13 of Law 685 of 2001 on the ‘common good’ of mining industry. Likewise, the multiple languages and discourses at stake in the debates and demonstrations are not considered in the final decision of the Ministry of the Environment, which is framed in terms

\textsuperscript{205} Corporación en Defensa de la Meseta de Bucaramanga
\textsuperscript{206} For further detail on these agreements and institutions see Chapter Three.
\textsuperscript{207} My translation of ‘el numeroso volumen de escritos y peticiones que a lo largo del trámite se han radicado en el expediente, por la cantidad no estimada de artículos y notas de opinión que en prensa, radio, y televisión se han publicado en los medios de comunicación; por las marchas que de forma simultánea se realizaron en las ciudades de Bucaramanga, Bogotá y otras ciudades del país, el día 25 de febrero de 2011, en las cuales según los medios pudieron estar en el orden de 15.000 a 40.000 personas. De igual forma la magnitud del proyecto generó la necesidad sui generis de celebrar no una sino dos audiencias públicas ambientales, solicitadas la primera por siete (7) organizaciones no gubernamentales y doscientas treinta y ocho (238) personas; y la segunda provocada por la Procuraduría General de la Nación, a cuya petición se aunaron con posterioridad a su orden, el Gobernador de Santander, el Concejo Municipal de Bucaramanga y otras ONG’s y personas, incluida una orden emitida por el Tribunal Administrativo de Santander’
of ‘environmental services’ (commoditized nature). Only the reasons of the technical reports of CDMB, Humboldt Institute, the Department of Ecosystems of the Ministry of the Environment, and the advice of the General Attorney, are revised to make the final decision. These reports state that the ‘ecological integrity’ of the ecosystem of páramo is fragile. Therefore, it is not possible to undertake the mining project without deeply damaging the ecosystem, and the supply and regulation of ‘environmental services’ required for the quality of life of people who would be directly and indirectly affected by the project.

In Resolution 1015, the Ministry of the Environment adheres to this reason for its final decision and adds the following observations. 81% of the area where the Angosturas project is situated should be dedicated to conservation. Due to the low level of resilience of this ecosystem, the negative impacts of the project would be irremediable and irreversible, with little or no guarantee of restoration in the medium or long term. Therefore, all the measures proposed by the company are compensatory. According to the Law 99 of 1993, the duty of the Ministry of the Environment is to protect the right to a healthy environment, the natural sources, and the biodiversity. Besides, the expectations of increasing employment do not have solid foundations. In this order of ideas, the Ministry of the Environment denies the environmental license to Eco Oro (GreyStar) to start with the extraction phase of the Angosturas project.

The final decision is contradictory because at the same time that it recognizes reasons to sustain páramo as such without large-scale mining explorations and extractions, it ratifies the high importance of ‘common good’ mining and a commoditized approach to nature as an

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208 It is in terms of its ecological and physical integrity. See Introduction, Footnote Two.
‘environmental service’. The later makes páramo vulnerable to the volatility of specialized markets of ‘environmental services’ and minerals, and claims of technological innovation. The final decision does not imply any coercive measure for the mining companies with ownership titles in the area and their exploratory activities. This implication can be partially explained by the existing legislation, the passionate commitment of the national government to large-scale mining, and economic ties.

Eco Oro (GreyStar) is working on an underground mining new proposal, and plans to apply for the license at the end of 2012. Aside from EcoOro (GreyStar), Ventana Gold (owned by the Brazilian multimillionaire, Eike Batista), AuRo Resources Corp., Galway Resources, and AngloGold Ashanti have titles in the Santurbán area. In total, there are 44 titles assigned in 23,380 Ha. It will be recalled, that a primary motivation for this thesis is an inquiry about why this situation is possible. I argue that the Resolution 1015 of 2011 illustrates that there is nothing unequivocal in the principle of SD that guarantees sustaining páramo as such without large-scale mining projects in the area. The framework of SD relies on technological innovation to potentially pursue a large-scale project in the area. The fact that mining is portrayed as an

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209 See Appendix 27: Map of the main mining projects and associated minerals and companies.
210 See Appendix 28: Páramos in risk because of large-scale mining projects in Colombia.
211 One year after the resolution was denied. The movement against this project has not spread out. In July 2012, different organizations including MiningWatch filed a complaint in the Compliance Advisor Ombudsman (of the World Bank Group) and requested disinvestment from the Angosturas project. For further information see ‘Piden al Banco Mundial retirar sus inversiones de proyecto minero en el páramo de Santurbán’, in CENSAT, July 5th 2012. Available at: [http://censat.org/component/content/article/10495](http://censat.org/component/content/article/10495). Likewise, a Continental Day against transnational large-scale mining is taking place in August 1st 2012 in multiple places in the Americas, including Canada and Colombia. See [http://vancouver.mediacoop.ca/events/11586](http://vancouver.mediacoop.ca/events/11586). Accessed on: July 2012
activity of ‘common good’\textsuperscript{212} contributes to open the possibility of extractions by means of technological innovation.

The emphasis on ‘environmental services’ in the principle of SD contributes to the commodification of the páramo, and makes the decisions over it vulnerable to prices changes in specialized markets of minerals and environmental services. Ownership of the land and clauses in FTAs can be eventually used by companies to issue the Colombian state, e.g. the Canada-Colombia Free Trade Agreement or CCFTA (see Chapter Three). Despite the fact that the diverse actors in debates and the mobilizations in the cities pressured the recommendations of policy makers and the Ministry of the Environment, the diversity of languages and discourses (such as affection, sacredness, communication, jobs, paving roads, and dignity, among others) and struggles was erased from the final decision.

In this sense, the principle of SD is limited in its ability to offer protection of the páramo and to address the diverse struggles and concerns and contestations surrounding a potential large-scale mining project in Santurbán. In the following section, the objective is to explain why and how SD places limitations on hearing existing and contesting languages deployed by various actors (e.g. inhabitants of California, Vetas, and Suratá, the Committee in Defense of the Water of Bucaramanga, RECLAME, state bodies, the mining Company) in multiple venues (opinion articles, public hearings, and demonstrations). The rationale in doing this is that in languages that cannot be translated into SD there is the potential for sustaining páramo as such on the basis of its ‘common good’.

\textsuperscript{212} Article 13 Law 685 of 2011
Venues, Actors, Languages, and Discourses of Contestation

Municipalities of California, Vetas, and Suratá

The representation of the inhabitants of California and Vetas in the scarce media coverage on the topic can be summarized in the following points. First, mining has been a traditional activity in these towns since Spanish colonialism. In 1901, California was named after the state in the United States because of the resemblance with the gold fever. Eco Oro (GreyStar) arrived to the towns offering some ‘winds of modernity and progress’ unthinkable otherwise. The army arrived after the company. Eco Oro (GreyStar) sponsored the deactivation of 300 anti-personal explosives put in the land by the ELN. Eco Oro (Greystar) also sponsored: the first ambulance; the first franchise of a bank; the first place where people could access Internet; the first radio station; the first community garden; the first college; and the first sports and recreation centre. The company also promised that in the case of extractions, it will pave the road that communicates the towns with Bucaramanga, and it would generate 870 direct and 3,400 indirect jobs.  

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213 As explained by Machado Aráoz (2011), see Chapter One
Inhabitants of California and workers of the company Eco Oro (GreyStar) reacted aggressively against some functionaries of environmental offices and journalists of the CM& television news program\(^{215}\). Likewise, the media coverage available seems to support the generalized fear among the inhabitants about a possible creation of a regional conservation area due to potential restrictions to the use of land. Various newspaper articles also indicate a generalized feeling of abandonment by the national government\(^ {216}\).

There are two main differences in the media coverage. On the one hand, there is general support of the people from California and Vetas to the project. On the other, there is a shared perspective that there is only one use for the land: mining. Whereas some newspaper articles state that there is a unanimous support to the company and that nobody fears the cyanide because everybody in


these towns has worked with it for ever\textsuperscript{217}. Other articles challenge the dominant idea of a unanimous support to the company. One article mentions fears of ‘leaving our homes or living in a dessert’\textsuperscript{218}. Another is the Advocate of Peoples of Vetas’ position against the Angosturas project in the second public environmental hearing\textsuperscript{219}. He inquired about the situation of the people after the company leaves the town.

Similarly, most of the media coverage has emphasized that the only one social use of the land surrounding the project is mining. However, this focus dismisses that agriculture is also a social vocation of the land in the municipalities of Suratá, Charta, Matanza, Tona, Mutiscua, and Cucutilla. In both cases, mining and farming, activities have been practiced in small-scale\textsuperscript{220}. A possible reason for the emphasis on the mining vocation of the land is that the same company used this argument to contest the idea of the environmental authorities that the vocation of the land is conservation. Both small-scale miners and farmers are affected by the large-scale mining

\textsuperscript{217} See for example: ‘El Páramo de Santurbán, una largo dilema que captó a la Asamblea de Santander’, 
project and the potential declaration of a regional conservation area\textsuperscript{221}, according to Ignacio Echavarría, major of Suratá:

\begin{quote}
‘We have always been affected. What would I do with the 482 families if the land became a conservation area, and these families could not own a hen or a cow, or use the paths that they use now? We are affected in both cases with the conservation area and the mining project. I agree that any project should be done with the community in mind.’\textsuperscript{222}
\end{quote}

This example calls attention to whose ‘common good’ activity large-scale mining is and to whom benefits the ambiguous relation between SD and large-scale mining-driven development. The enthusiasm of some environmentalists\textsuperscript{223} and politicians surrounding the creation of a conservation area in Santander was stimulated by the speech of the Governor of Santander during the second public environmental hearing. He requested to CDMB the creation of a conservation area. On the topic see: ‘Santander se hizo oír en la audiencia del proyecto Angostura’, in CENSAT, March 9th 2011. Available at: http://censat.org/component/content/article/10148. Accessed on: July 2011.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{221} In June 2008, the autonomous corporation of Norte de Santander declared a conservation area, Sisavita Natural Park, in the area of Santurbán that is in Norte de Santander. The declaration of this conservation area aimed to protect the side of Santurbán that in the jurisdiction of Norte de Santander. This measure consisted on a strategic use of the legislation available and resulted on the modification of the Angosturas project. Although the initial plan was to declare a trans-boundary (Norte de Santander and Santander) conservation area, there were difficulties in the coordination between CORPONOR and CDMB. There is not information available about how were taken into account the concerns of people who live in the area of Santurbán in Norte de Santander. Likewise, the creation of Sisavita does not mean that the integrity of the ecosystem and the people who live in Norte de Santander would not be affected by any project in Santurbán that is in the area of Santander. On the creation of Sisavita conservation area, see for example: ‘Los poderes detrás del páramo de Santurbán’, in La Silla Vacía, March 9\textsuperscript{th} 2011. Available at: http://www.lasillavacia.com/historia/los-poderes-detras-del-paramo-de-sanurbán-22387. Accessed on: July 2011. ‘La espera de Santurbán’, in Vanguardia Liberal, May 2\textsuperscript{nd} 2011. Available at: http://www.vanguardia.com/historico/60808-la-esperanza-de-sanurbán. Accessed on: July 2011. The renewed debate on a conservation area in Santander was stimulated by the speech of the Governor of Santander during the second public environmental hearing. He requested to CDMB the creation of a conservation area. On the topic see: ‘Santander se hizo oír en la audiencia del proyecto Angostura’, in CENSAT, March 9th 2011. Available at: http://censat.org/component/content/article/10148. Accessed on: July 2011.
\item \textsuperscript{222} Own translation of: ‘Siempre hemos sido perjudicados, ¿qué voy a hacer con esas 482 familias cuando se cree la zona de Páramo de Santurbán y no puedan tener un ave o una vaca, y no puedan tener los senderos que tienen? Salimos perjudicados por lado y lado, si se declara Páramo o para la minería. Yo estoy de acuerdo con que cualquier proyecto, se construya con la comunidad’. In ‘El Páramo de Santurbán, una largo dilema que captó a la Asamblea de Santander’, Vanguardia Liberal, July 30th 2010. Available at: http://www.vanguardia.com/historico/70427-el-paramo-de-santurbán-una-largo-dilema-que-capto-a-la-asamblea-de-santander. Accessed on: July 2011.
\item \textsuperscript{223} Generally situated in the cities
\end{itemize}
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conservation area without considering the peoples who will be directly affected perpetuates an historical, spatial, ontological, and epistemological violence against them (see Chapter Two). The unattended desires for development expressed in ‘small-works’ such as paving the road, employment possibilities, and the radio station, among others, raise questions on long-term spatial and historical relations with the state and the cities (see Chapter Two). To prevent the perpetuation of violence, these desires and long term relations cannot be dismissed from attempts to designate páramo as a ‘common good’ on the basis that it is to be sustained as such (not as commoditized nature).

The same people who in the juridical framework are neglected from being subjects of their own histories, in words of Machado Aráoz, ‘bodies-territories- in process of being expropriated’, become at the same time ‘bodies-territories of hope’. They open up possibilities for alternative modernities, (sustainable) developments and alternatives to sustainable development (see Chapter Two).

\[224\] As explained by de Vries (2007), see Chapter Two
\[225\] The idea of rural development in the core of SD condemns small farmers and miners to disappear. These people are portrayed as the cause of unsustainability and environmental degradation. Therefore, the permanent intervention in their lives is necessary to guarantee sustainability. This view is also reflected on the Colombian juridical framework on rural development. For further detail see Chapter Three.
To illustrate the above point that existing on the ground struggles of affected people in concrete places open up alternative understandings to socio-natural organizations that challenge SD and large-scale mining as a ‘common good’ activity. I draw on the lived-experience of small-farmers against large-scale coal mining in páramo el Almorzadero. This páramo is part of a larger complex of páramos that includes páramo de Santurbán. Almorzadero is situated in the South of Santurbán. In the context of the struggle of small farmers against a large-scale coal mining project, in 2007 and with the support of the priest Pedro Elías, Almorzadero area was declared a sacred territory for the community of small-farmers. Despite the fact that sacred territories of small farmers do not count with special considerations in the existing juridical framework, this declaration constitutes a referent in a struggle to reclaim the sacredness of territories from the perspectives of peasant and religious-based communities.

With a leading role of ‘Municipal Association of Peasant Women’ (Asociación Municipal de Mujeres Campesinas) and in cooperation with some NGOs, some small farmers have promoted alternative (sustainable) development projects such as food security and sovereignty for these communities, recovery of endemic seeds, agro-ecology, and local markets. In April 2011, some

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226 Some media highlights that Eco Oro (GreyStar) counts with the support of the Catholic Church. To highlight that other priest supported the struggle of small-farmers against a large mining company is part of an effort to contest monolithic readings of the Catholic Church as it pertains to this case study.


228 Including Fundaexpresion and CENSAT-Agua Viva
small farmers and environmentalist organizations visited the region of Santurbán to discuss alternative (sustainable) development projects including the possibility of small mining by ‘mazamorreo’. Despite the fact that this commission could not get to California and Vetas because of security concerns, the interest in dialogue is there.

Another proposal by some local people is the creation of ‘peasant reserves’ (see Law 160 of 1994, Chapter Three), in the words of Éber Abello Villada: ‘the only alternative available to us, the people who live in the areas where there is gold, is to associate in community to contest multinationals and the same government, whose main interest is capitalist development and no the protection of water.’

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229 ‘Mazamorreo’ is an artisanal mining practice that consists of looking for gold in the surface of the rivers. ‘Oro Verde’ (green gold) in Choco is an example of this kind of projects in Colombia. The organization that is supporting this initiative is the Alliance for Responsible Mining. See the official website: [http://www.communitymining.org/](http://www.communitymining.org/) Accessed on: June 2011. Nonetheless, in a speech in the Andean Parliament in Bogotá in August 2011, the priest Marco Arana expressed his scepticism with respect to the sustainability of this practice and the use of mercury.


231 Own translation of: ‘la única salida que tenemos las personas que vivimos en zonas en las que hay oro, es la de asociarnos en comunidad para hacerles frente a las multinacionales y al mismo Gobierno, para quienes prima el desarrollo capitalista y no el cuidado del agua’. Éber Abello Villada is a member of the parliament of Caramantá, Antioquia, and was part of the commission that visited the area of Santurbán. ‘Más allá del oro de Santurbán’, *El Espectador*, April 25th 2011. Available at: [http://censat.org/articulos/10030-noticia/10202-mas-alla-del-oro-de-santurban](http://censat.org/articulos/10030-noticia/10202-mas-alla-del-oro-de-santurban) Accessed on: July 2011.
For small farmers, to strategically use ‘peasant reserves’ in the struggles surrounding large-scale mining, they must be recognized in the mining legislation (Fierro 2012). However, ‘peasant reserves’ might have the same limitations as conservation areas and the territories of ethnic minorities in the implementation of the law. Moreover, the idea of ‘peasant reserves’ does not challenge the dominant idea that small framers and miners must eventually disappear for purposes of rural (sustainable) development and that of commoditized nature.

To summarize: small farmers and miners do not count with special considerations in the scope of SD and its implementation in Colombia. Rather, within the principle of SD, small farmers and miners embody the cause of environmental degradation and the subject of management for purposes of rural large-scale (sustainable) development. Therefore, small farmers and miners do not count with mechanisms to convey their own concerns regarding livelihood, believes, and relations to land, from where to contest both large-scale mining and conservation projects. Legislative initiatives oriented to include ‘peasant reserves’ in the mining legislation might open up some mechanisms to be strategically used by these communities. However, they do not challenge the idea of large-scale rural (sustainable) development that condemns small farmers and miners to disappear in the long term and that of commoditized nature (see Chapter Three).
Some languages employed (e.g. sacredness) reveal that contemporary small farmers and miners struggles go far beyond land distribution and use. The final decision in the Resolution 1015 and the enthusiastic conservationist initiatives from the opposition to the project perpetuate a spatial and historical violence that is ontological, epistemological, juridical, and in the use of force (see Chapter Two). The struggles of small farmers and miners of Santurbán and Almorzadero are potentially struggles over alternatives to (sustainable) development, at least in the sense that they challenge the same idea of a rural (sustainable) development. Likewise, these struggles reclaim other values associated to páramos different from those of resources and environmental services in the scope of the principle of SD.232

When opening up these languages and discourses, other debates are possible, e.g. for whom large-scale mining is a ‘common-good’; why and how large-scale rural development enables and disables water and food security and sovereignty; what the self-determination of small farmers and miners over the use of land might imply for larger populations. The information available about the support of Eco Oro (GreyStar) by some local people in California and Vetas speaks of de Vries’s (2007) ‘desires for development’, and Machado Aráoz’s (2011) ‘winds of modernity and progress’. These desires and winds unveil Escobar’s (2008) potential ‘alternative

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232 This resonates with Desmerais (2007); McMichael (2008; 2006); Rivera Cusicanqui (2012). For further explanation see Chapters Two and Three.
modernities’ that might be compatible with alternative (sustainable) developments (e.g. water and food security and sovereignty), and alternatives to (sustainable) development (e.g. the unequivocal moratorium of large-scale mining projects in the area) (see Chapter Two). Finally, without romanticizing these communities, a question that remains open from a post-development perspective is about local peoples whose desire for development goes beyond ‘small works’, and who might eventually support (underground) Angosturas project or any other large-scale mining project in the area.

Mobilizations in the Cities

According to Resolution 1015, the various ways how diverse groups participated in the mobilization in the cities made evident within the framework of SD the national relevance of the Angosturas project for the Ministry of the Environment. However, the multiple languages and discourses displayed in venues such as public hearings, demonstrations, and newspapers did not reflect in the Resolution 1015, in which the ‘unifying language’ is that of environmental services. Therefore, the principle of SD legitimizes participation venues, at the same time that it neutralizes discourses and struggles.

The concerns surrounding the Angosturas project expressed in the media, in the public hearings, and the demonstrations, were multiple and diverse. For example, some of the concerns were about the payment of royalties, the fact that the company was a foreign company, and the
observation of the law. The movement against the project congregated a large range of organizations, e.g. environmentalists, peasants, syndicalist, and various politicians with different agendas, among others. The questions that emerge here are: why and how water became the common ground\textsuperscript{233} to solidify a massive mobilization within diversity?, And, what other languages and discourses are in the movement to open up debates that challenge the large-scale mining as a ‘common good’ activity for purposes of SD, i.e. its official and international meaning, and its implementation in Colombia?

\textit{The Committee in Defense of the Water of Bucaramanga}

The movement started to be covered by the media since mid-2010, in the context of an electoral period. The only article available\textsuperscript{234} that refers to the organization of the movement describes the process in the following way. The first three associations that called attention to the risk that the Angosturas project implied for the water supply of Bucaramanga were the syndicates of the aqueduct of Bucaramanga; the sewage facilities office, and the central syndicate. The concern, which was publicly presented by the above associations, was about the impacts on the quality and quantity of water. Students mainly from public universities joined the movement. This was then followed by Congressperson Roberto Schmalbach from the left party, Polo Democrático\textsuperscript{235}.

\textsuperscript{233} By common ground, I mean an agreed basis for collaboration among individual and collective subjects with diverse approaches to development driven by large-scale mining and the protection of páramo.


\textsuperscript{235} He is from the group of Jorge Robledo.
According to the journalist Camila Osorio, the fact that the movement was initiated by syndicates, leftist leaders, and students from public universities was looked suspiciously by some right wing people\textsuperscript{236}. It was not until a conservative wing joined the Committee in Defense of the Water of Bucaramanga that it started to be generally perceived in Bucaramanga as a civic movement concerned about the environment. ‘The National Federation of Merchants’ (FENALCO\textsuperscript{237}) joined the movement and led the organization of the demonstration of 25 February 2011 in Bucaramanga. Finally, the support of the General Attorney, who was a highly influential politician in the region and the wide diffusion in social networks, strengthened the movement.

The demonstration (rally) of 25 February 2011 was organized around the theme: ‘The defense of the water of Bucaramanga’. Around 40,000 people participated in the demonstration\textsuperscript{238}. Generally speaking, two main themes served as a common ground to the diverse movements and associations: water and Santander, especially Bucaramanga. The regional component was expressed in different ways. First, the movement was articulated not around the defense of water in general, but around the defense of the water ‘of’ Bucaramanga. Second, some of the discourses


\textsuperscript{237} ‘Federación Nacional de Comerciantes’

and images displayed referred to the historical and imaginary role of people from the region in the struggle for the independence from Spanish colonialism.

The references are multiple and diverse; for example, ‘In Santander a new ‘comunero’ movement raises in the struggle over water.’ Likewise, in a recent call for a demonstration: ‘People from Santander in the defense of water and life’; and ‘231 years ago, our struggle was over freedom. Now, it is in the defense of the water and life of our sons, which is endangered because of multinational mining companies.’ Besides these messages, there is the image of José Antonio Galán, one of the most well-known leaders of the ‘comunero’ movement. In the public hearing in August 3rd 2011 in Bogotá, there was also an explicit reference to a very emotional quote of Galán, which expresses that whatever needs to happen to reach the goal is welcome. In general, the references seem to suggest a triumph over Spanish colonialism. In other words, it assumes a post-colonial context and denies ongoing colonial experiences within Colombia (see Chapter Two). In that sense, freedom was something already achieved. Now, there is a different struggle,

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239 I mean the long-term construction of heroes and heroines of the independentist movement, and the feeling of proud and belonging to a region that was home for these heroes and heroines.

240 In particular, they refer to the insurrection of the ‘comuneros’ (commons). In general terms, this movement emerged from a discontent with the Spanish administrations. It initiated around the payment of taxes, and it after extended to other social aspects. Although, the independence movement built up into these struggles, it is controversial to say that the movement radically challenged the colonial order from the beginning. A further explanation of this movement goes beyond the scope of the thesis.


242 Personal translation of: ‘¡Santandereanos por la defensa del agua y la vida!’ Available at: http://salvemoselaguaylavida.drupalgardens.com/content/16-de-marzo-marcha-por-el-agua-de-bucaramanga. Accessed on: July 2011.

243 Hijos is the literal translation of the male-biased word that refers to offspring.

244 Personal translation of: ‘Hace 231 años la lucha fue por la libertad, ahora el grito es por el agua y la vida de nuestros hijos amenazados por las multinacionales mineras’ Available at: http://caminoclaro.blogspot.ca/2012/03/marcha-por-el-agua-y-la-vida.html. Accessed on: July 2011.

245 ‘y lo que fuere menester que sea’
one over water and life. The continuation is traced in the ability of people from Santander to fight together.\(^\text{246}\)

In case the Ministry of the Environment approved the license for Eco Oro (GreyStar), the Committee in defense of the water of Bucaramanga had already planned claims and actions. The movement is still organized and strengthens the national movement against on large-scale mining as a (sustainable) development force. Another positive result of this struggle is that, in words of Julio Fierro: 'Bucaramanga does not believe that water comes from the sink anymore'.

(Bucaramanga dejó de creer que el agua sale de la llave.\(^\text{247}\)).

The question that emerges here is, which of the languages mentioned above are and are not translatable into the principle of SD and Resolution 1015, and why? What does it say in terms of

\(^\text{246}\) A succinct study of this from a Latin American decolonial perspective goes beyond the scope of this thesis. However, I want to indicate some references from the regional newspaper, Vanguardia Liberal, due to their racist, colonial, and elitist language. Some examples are: ‘All for nothing is the reality that foreigners leave us with. They come only to exploit. They do not come to share their benefits and their prole, as our ancestors did. Our ancestors came to stay and bring their fortunes, honesty, and last names from the old world. This was in benefit of our region, which was then in a state of primitive development’ (‘Todo por nada es la realidad que nos dejan los extranjeros que vienen solo a explotar y no a dejar sus ganancias y su prole como lo hicieron nuestros antepasados que vinieron a quedarse para siempre y nos legaron sus conocimientos, sus fortunas, su honradez y sus apellidos venidos del viejo continente para beneficio de nuestra región, entonces incipiente en su desarrollo’). In ‘Todo por nada’, Vanguardia Liberal, March 1st 2011. Available at: http://www.vanguardia.com/opinion/columnistas/94597-todo-por-nada. Accessed on: July 2011. Another example is: Everyone protested in his or her way. You cannot ask a crew from the third world, where 1 million people live, and with an economy where 60% of the people are underemployed or unemployed, to protest in an organized way. Some of the people walked with sanity and discipline. The students yelled. The lumpen—a sub-product of a society like ours—damaged the walls with calls that generate disapproval and disunity. Everyone expressed himself or herself (‘Cada cual protestó a su manera. No se puede pedir a un conglomerado del tercer mundo, donde vive un millón de personas, que tiene una economía donde más del 60% son subempleados y desempleados, que proteste ordenadamente. Algunos marcharon con cordura y disciplina, el estudiantado gritó, el lumpen —subproducto de una sociedad como la nuestra— emborronó paredes con consignas que generan rechazo y no unen. Todos se expresaron’). In ‘Y la ciudad dijo no...’, Vanguardia Liberal, March 1st 2011. Available at: http://www.vanguardia.com/opinion/columnistas/94627-y-la-ciudad-dijo-no. Accessed on: July 2011.

alternative modernities and (sustainable) developments, and alternatives to (sustainable) development? The call around the common ground of water and regionalism is broad and effective enough to congregate a large portion of the population. However, the call has multiple meanings for different persons and collectives, and one of these possible meanings is that of ‘environmental services’. This particular meaning gets translated into the final decision of the Ministry of the Environment.

The emphasis on the regional component leaves ambiguity about if the defense of water matters in general or just because it is the water ‘of’ Bucaramanga. Although the movement has been effective in pressuring policy decision makers and halting extractive activities, the victories are temporary in the framework of the principle of SD (see Sullivan 2010 in Chapter Two). There is not a cogent proposal that represents the movement as a collective. The proposal of a conservation area strategically uses the legal mechanisms available, but overlooks the concerns of local peoples (de Vries 2007 and Machado Aráoz 2011 in Chapter Two). In the diversity of the movement, there is lots of potentiality in the multiple meanings of water, aside from resource and environmental service. Although a broad common ground is effective to congregate people; the differences within the movement have also to be addressed and lead towards building projects of alternative modernities and (sustainable) developments, and alternatives to (sustainable) development248 (see Escobar 2008 in Chapter Two).

*The National Network Against Transnational Large-scale Mining (RECLAME)*

248 This is from legalist and other than legalist perspectives. This observation does not necessarily mean that it is not happening.
RECLAME was founded in February 2010 when 50 associations decided to cooperate in order to stop the ‘mining locomotive’, i.e. a governmental policy that promotes large-scale mining in benefit of transnational companies. In comparison to the other groups discussed above, RECLAME has a broader agenda around three basic common goals: 1) to fight against transnational large-scale mining; 2) to fight against legislations that conduce to dispossession; and 3) to defend water, the decision of staying in the territory, and the national sovereignty\textsuperscript{249}. The main strategy is the articulation of local struggles.

The organizations that are part of RECLAME are very diverse and include: environmentalists, syndicates, students, small-farmers, small-miners, artists, and research centers. The Committee in Defense of the water of Bucaramanga is also part of this network. The first goal of RECLAME directly challenges the idea of large-scale mining as a ‘common good’, which, as I noted earlier, legitimates a governmental policy that facilitates direct investment in the sector. The second goal directly questions legislations that conduce to dispossession. The third goal prioritizes water, challenges the idea that territories can be potentially evacuated for purposes of (sustainable) development, and emphasises on a nationalist aspect. The diverse associations that are part of RECLAME bring multiple meanings to these goals.

These three goals are ambiguous enough to congregate diverse associations, and at the same time, to leave open other discussions and possible disagreements. For instance, with respect to the first goal, would a potential ‘national’ large-scale mining be more acceptable? What about medium and small scale mining? Whose mining? Where? How? And, what does it imply for the people,

who are currently living (and want to continue living) from those activities? Regarding the second
goal, it is not clear if it is a reformist attempt, and in that case, what is to be reformed; or if not,
what is the proposal. With respect to the third goal, if water is prioritized, does it mean that water
is not susceptible to be translated into an ‘environmental service’? How are water and the
decision to stay in the territory aimed to be defended? Whose nation? What does it mean to
indigenous nations for example? The emphasis on national sovereignty assumes that the
consequences of decisions made by the Colombian nation-state can be contained in the national
boundaries? As far as RECLAME maintains its mission of articulation of local, regional, and
national struggles, RECLAME is itself a potential proponent of alternative modernities and
(sustainable) developments; and potential alternatives to (sustainable) development.

RECLAME participated in the two public hearings and led a creative demonstration in front of
the Ministry of the Environment on 25 February 2011. The language used in that opportunity was
that of solidarity and company to the process in Bucaramanga. The call to this demonstration was
‘our true gold is water’\(^{250}\). Various videos with celebrities were widely disseminated on Internet
to invite people to join the action\(^ {251}\). Besides the message, ‘water is more valuable than gold’, the
nationalist component is strong in the videos. For example, one of the videos indicates that the

\(^{250}\) On the topic see: ‘Con música y arte, llegará hasta Bogotá la marcha de Bucaramanga’, \textit{CENSAT},
February 2011. Available at: \url{http://www.censat.org/campanas/10030-noticia/10114-con-musica-y-arte-
llegara-hasta-bogota-la-marcha-de-bucaramanga}. Accessed on: July 2011. ‘Noticias sobre la masiva
defensa del agua del pasado 25 de febrero’, \textit{CENSAT}, March 1st 2011. Available at:
\url{http://www.censat.org/articulos/10030-noticia/10136-noticias-sobre-la-masiva-defensa-del-agua-el-pasado-
2011. Available at: \url{http://censat.org/articulos/10028-documento/10146-nuestro-verdadero-dorado-es-el-

\(^{251}\) ‘Artistas respaldan jornada de defensa del páramo de Santurbán’ (it includes videos), \textit{CENSAT},
February 21st 2011. Available at: \url{http://censat.org/articulos/10025-comunicado/10123-artistas-respalda-
una-jornada-en-la-defensa-del-paramo-santurban%20v%20http://censat.org/articulos/10030-noticia/10119-nuestro-dorado-es-
problem was not of 2 million people, but of 44 million of ‘Colombians’. Likewise, it adds that the project would benefit few people who are ‘not even Colombians’. Other of the videos shares the nationalist component. However, it directly questions the existing mining legislation, and states that water and life are not negotiable. To say that water and life are not negotiable is to say that they are not commodities; they do not have a monetary value associated; they are not substitutable or tradable. This language was not translated into the ‘unifying language’ of SD and the Resolution 1015\textsuperscript{252}.

RECLAME led in Colombia a big campaign against transnational large-scale mining, and in particular, against the ‘mining locomotive’ of the Juan Manuel Santos Administration (2010-2014). This action has been coordinated with other actions taking place throughout the Americas, i.e., in South America, Central America, and North America\textsuperscript{253}. The emphasis in each locality varies. Whereas in Colombia the emphasis was the opposition to large-scale mining as a force for

\textsuperscript{252} CENSAT-Agua Viva (part of RECLAME but acting in its own name) published an article that aimed to generate solidarity towards the other-than human building upon public controversies surrounding violence against animals. The article starts with a reference to a particular case involving an owl. In one soccer game, an owl that was crossing the stadium was hit by the ball and fell into the grass. It was still in the grass, when a soccer player kicked it as a ball instead of helping it. This gesture produced a generalized disapproval and booing in the audience. After referring to this case, the article tells other stories to show that the ‘owl case’ is not an isolated one. Similar reactions have occurred when some policemen have violently reacted against dogs; against a center in Bogotá where animals who live on the streets are killed; and against bullfighting. The article continues by extending these concerns to the death of animals in Santurbán in the case of large-scale extractions. Then, it extends the concern to other-than animals, such as entire ecosystems; and from Angosturas, the article passes to other large-scale mining projects. This article is interesting for purposes of this study because it opens up the languages within RECLAME to facilitate no-anthropocentric discussions surrounding large-scale mining. 'La lechuza y Santurbán’, CENSAT, March 1st 2011. Available at: http://censat.org/articulos/10030-noticia/10134-la-lechuza-y-santurban. Accessed on: July 2011.

development, in countries like Canada, the emphasis was on accountability of investors and mining companies.

**Environmental Public Hearings**

The environmental public hearing is an example of the opportunities that SD (as implemented in the Colombian context) offers to ‘acculturated populations’ (see Chapter Two) to partake in decisions regarding large-scale mining projects (see Chapter Three). At the same time, the multiple languages and discourses displayed in the hearings failed to be translated into the ‘unifying language’ of SD (see Chapter Two). At the end, the Resolution 1015 contemplates only what can be translatable into SD and disregards the rest. Therefore, I argue that SD is incapable to attend to multiple languages and discourses (in this thesis I focus on those of ‘acculturated populations’) that might lead to the sustain of páramo from large-scale mining project and coexisting alternative modernities, alternative (sustainable) developments, and alternatives to (sustainable) development (see Chapter Two).

It is particularly interesting to observe that the public hearing simultaneously legitimizes the Resolution 1015, neutralizes multiple languages, discourses, and struggles, and pressures to temporarily halt the Angosturas project. The diverse languages and discourses displayed in these venues challenge the idea that only indigenous peoples (in the international scale) and ethnic minorities (in Colombia) can use cultural-based arguments, languages, and discourses to negotiate and contest large-scale mining (see Chapter Two).
Exceptionally, two public hearings and a complementary one (instead of one that is the requirement, see Chapter Three) were hold as it regards to Eco Oro’s (GreyStar’s) open-pit Angosturas project. I draw on these public hearing to illustrate different parts of the overall argument of the thesis. I build upon the hearing on 21 November 2010 to expand on the meaning of de Vries’ (2007) ‘desires for development’, Machado Aráoz’s (2011) ‘winds of modernity and progress’, and potential Escobar’s (2008) ‘alternative modernities’ that might coexist with sustaining páramo as such without large-scale mining projects (see Chapter Two). I draw on the hearing on 4 March 2011 to elaborate on Rivera-Cusicanqui’s (2012) ‘acculturated’ languages that might enable to see and imagine existing Escobar’s (2008) alternative (sustainable) developments, and alternatives to (sustainable) development (see Chapter Two).

*The First Public Hearing: 21 November 2010*

The first public hearing took place in November 21st 2010 in California, and it was called in July 2010 by 250 organizations and people. At the time, the un-paved roads in a rainy season made impossible for some environmentalists, scholars, and deputies to get to the hearing on time. Because more of the information available has been archived by CENSAT (Alive Water Friends of the Earth International Colombia) and this was one of the NGOs that could not get to the place, there is not information available to discuss the content of the speeches in the first public hearing.

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However, this first public hearing helps me to illustrate part of the thesis argument. One of the discontents was that the hearing was hold in California whereas most of the people affected were in Bucaramanga. Nonetheless, it could be counter-argued that for people who live closer to the place of the mine might have been easier to get to California than to Bucaramanga for several reasons. Likewise, the observation about the ‘bad condition’ of the road that communicates California with Bucaramanga did not lead to a further discussion about state responsibilities in facilitating a better communication between the city and the surrounding towns. This is particularly interesting because one of the promises of Eco Oro (Greystar) to the populations of California and Vetas was to paving the roads if the extractions started. This point illustrates unattended concerns of people in places that might lead to support for Eco Oro (GreyStar).

In other words, this event speaks of possible reasons of the support of some local peoples for Eco Oro (GreyStar). This illustrates Machado Aráoz’s (2011) ‘winds of modernity and progress’, and de Vries’ (2007) ‘desires for development’ sponsored by Eco Oro (GreyStar) rather than by the Colombian state (see Chapter Two). The example of the paving road accounts for spatial and historical relations between the inhabitants of the Santurbán area with the state and the cities. On one hand, to disregard these winds and desires perpetuates violence and ongoing (de-) colonial experiences (see Chapter Two). On the other hand, it has negative implications for the position against large-scale mining in páramo, because in the case that other mining company plays the role of sponsor of a material-social life unthinkable otherwise in small towns, the company might likely gain the support of some local people as well. To address these winds and desires is necessary to open up possibilities for Escobar’s (2008) alternative modernities that are potentially compatible with alternative (sustainable) developments (e.g. water and food security and
sustainability), and alternatives to (sustainable) development (e.g. sustaining páramo as such without large-scale mining).

Because of the discontent of the people who could not get to the hearing and despite the fact that the law only requires one public hearing, the General Attorney and the governor of Santander asked for a second hearing in Bucaramanga. The public hearing was held on 4 March 2011 and there was a preparation event on 17 February 2011. CENSAT denounced that some people registered to speak in the hearing before it was publicly announced. At the end, 476 people and associations registered to speak, the interventions of people who could not attend to the first hearing were not prioritized, and Eco Oro (GreyStar) was granted 1 hour and a half to talk about the Angosturas project. Whereas Eco Oro (GreyStar) had promotional stands, banners of other organizations were forbidden. 10 buses were available to transport people from the small towns to Bucaramanga, and some of these people gave their right to talk to the company. According to this story telling of the opposition to Angosturas, the people were transported. The argument here is that to state that ‘people were transported’ presumes that all the local people who went to the hearing in support of the company did not have agency or own legitimate reasons to attend the hearing. Once again, this disregards possible and legitimate reasons why some local people might consciously support large-scale mining, which perpetuates violence and ongoing colonial (de-) experiences (see Chapter Two).

The Second Hearing: 4 March 2011

The second hearing took place in Bucaramanga. Many organizations that supported the campaign in the defense of the water of Bucaramanga attended this hearing. As previously mentioned, this campaign congregated syndicates, students, scholars, environmentalists, and an increasing number of politicians (after the massive mobilization on 25 February 2011 and in an electoral period). Likewise, some local people attended the hearing making use of 10 buses rented by Eco Oro (GreyStar).

After only 40 interventions, the hearing was suspended by the Ministry because of ‘the attitude of people’ (la actitud de la gente). According to CENSAT, the ‘attitude’ was to stand up and silently wave the hands saying NO during the interventions of the company. The disapproval of these actions generated some booing afterwards. The Ministry of the Environment invited to continue with the hearing one week later. However, this event did not count with the massive participation of the former one.

The part of the argument that I want to illustrate through some languages and discourses displayed by ‘acculturated populations’ in the second public hearing is: 1) that they exist; and 2)

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257 Most of these organizations could not attend to the first hearing in California because of the bad condition of the unpaved road that communicates Bucaramanga and California in rainy season.


that these languages and discourses cannot be translated into the ‘unifying language’ of SD and the Resolution 1015 (see Chapter Two). Whereas the final decision of the Ministry of the Environment refers to the protection of ‘environmental services’ necessary for people directly and indirectly affected by Angosturas project, these other languages and discourses speak of the message of páramo, traditional food and dignity, and home and affection among others (see Chapter Three). Whereas the Resolution 1015 leaves open the possibility for other large-scale mining projects in the area, the ‘acculturated’ languages and discourses challenge the identity between ‘common-good’ (see Introduction and Chapter Two) and mining, raise ethical concerns about non-human beings, and open up the possibility of unequivocally leaving the gold underground. This is because the páramo is alive and directly warns about the risks of a large-scale mining project and home is non-substitutable or for sale. The following four examples help to illustrate the point.

The first example speaks of communication with páramo. The person who told the story was a delegate of CENSAT in the hearing:

For many people\textsuperscript{261}, nature was the first to speak in the public hearing. One night before, it set its position against large-scale mining in high lands. In the same place where Eco Oro (Greystar) plans to situate the leaching piles and dumps because this location guarantees that water supplies would not be affected even in the case of an accident, there was an avalanche. Three people died, including an employee of Eco Oro (GreyStar). It is like the same páramo is warning about the risks of open-pit mining in a highland with high levels of seismicity\textsuperscript{262}.

\textsuperscript{261} There is not further information available about who are them.
\textsuperscript{262} Personal translation of: ‘Para muchos, la primera intervención de la audiencia estuvo a cargo de la naturaleza, que la noche anterior pareció rebelarse contra la minería en alta montaña. Justo en el lugar donde la compañía canadiense piensa ubicar pilas de lixiviación y escombreras asegurando que ‘ni por accidente afectarán el agua’, se presentó una fuerte avalancha que le costó la vida a tres personas, incluido un empleado de la Greystar, como si el páramo mismo quisiera advertir los graves riesgos de realizar
The above example illustrates an animist perspective towards ‘nature’. Following Sullivan (2010), animism refers to a feeling of connection with all existence. In this way, the páramo is able to communicate with the attendees to the audience to prevent about the potential risks of Angosturas. The perceivers receive a message that is also a response and a gesture to an ongoing debate and struggle. Briefly, páramo does not need to be given a voice, because it can speak. This raises a question about the moral consideration towards the non-human, that from this perspective, it is an active interlocutor.

The second example expresses that traditional-food security and sovereignty are a matter of dignity. The delegate from the ‘Seeds Group’ (Grupo semillas), an NGO that promotes and supports agroecological initiatives in the area expressed: ‘who has your bread and arepa’ has your dignity. In that sense, livelihood has a particular content (i.e. traditional food) that is non-substitutable and a meaning (i.e. dignity) that goes beyond livelihood. The third example plays with home and mobility. The ex-director of CENSAT Agua Viva based on his work with local communities in the area claimed: ‘These Mountains are our only one home’. ‘These mountains are our only one home’ because to stay is both ‘our’ reality and deliberated decision. Home adds an affective component to the relation with the mountains. This statement reinforces the message

263 ‘Arepa’ is a traditional meal to different countries in Latin America. It is based on corn.
that these mountains (our home) are not substitutable, and therefore they are not suitable to become a commodity.

The Colombian Government

Different state institutions intervened in the debate in distinctive ways. Despite of the tensions between the Ministry of Mining and Energy (by 2019, the country aims to increase its gold production by 400%), and the Ministry of the Environment (in charge of the protection of a healthy environment within the framework of the principle of SD), their referent remains to be the National Development Plan of the Juan Manuel Santos Administration (2010-2014), which portrays mining as a driving force for development (see Chapter Three). The silence of the President with respect to the debate sends a clear message about his support to large-scale mining.

In the International Mining Fair, which was held in Toronto shortly after the Ministry of the Environment denied the environmental license to Eco Oro (GreyStar), the Colombian Ministry of Mining and Energy clearly stated that the Ministry of Environment denied the environmental license to Eco Oro (GreyStar) because the EIA presented technical weaknesses. Subsequently, the Ministry of Mining and Energy announced further cuts in taxes to attract investment in the sector. In that sense, the Ministry of Mining and Energy did not highlight that large-scale mining is unequivocally forbidden in páramo, but that the problem was the technology that would

facilitate the extractions. This message, together with the invisibility of the Ministry of the Environment in public debates, reinforces the significance of Resolution 1015. In other words, Resolution 1015 does not deny the license to any large-scale mining project in páramo, but only to open-pit Angosturas, especially in the context of massive mobilizations in various cities. The language and discourse of the Resolution 1015 is that of SD, by which I refer to both its official international meaning and its implementation in Colombia. As explained throughout the entire thesis, there is nothing unequivocal within SD that guarantees the protection of páramo from any large-scale mining project.

On one hand, the regional Administration of Santander and the major of Bucaramanga only expressed their opposition to open-pit Angosturas latter on in the debate after the demonstration on 25 February 2011, and in an electoral context. In the public environmental hearing on 4 March 2011, the Administration of Santander even promoted the creation of a conservation area in Santurbán within the same framework of the principle of SD. On the other, the major of California and Vetas openly expressed their support to the project in terms of social benefits for

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their towns, and the major of Suratá expressed concerns about both large-scale mining and the creation of a conservation area\textsuperscript{269}.

These various positions at different speak of a distinctive spatial and historical relation between local people with central state bodies (such as the Regional Administration, and the national Administration) and that partially accounts for the support of some local people to Eco Oro (GreyStar). The reasons for the support can be understood through de Vries’ (2007) concept of ‘desires for development’ in the form of small public works (such as paving a road), and Machado Aráoz’s (2011) ‘winds of modernity and progress,’ despite an ongoing violence and (de-)colonial experience (see Chapter Two). The Major of Suratá’s statement that local people (mainly small framers in Suratá) loose in the case of a large-scale mining project and in the case of a conservation area (see previous sections), illustrates the limitations within SD to allow for other languages, discourses, and representations (e.g. of ‘acculturated populations’) that might enable complementing alternative modernities (i.e. little works such as paving roads), alternative (sustainable) developments (i.e. water and food security and sovereignty), and alternatives to (sustainable) development (i.e. unequivocally sustaining páramo as such) (see Chapter Two).

Similarly, the debate about the creation of a trans-boundary (Santander and Norte de Santander) conservation area in páramo de Santurbán illustrates that the distinctive work of functionaries and the pressure of massive mobilizations in the cities account for the use of mechanisms available

within the framework of the principle of SD to negotiate, contest, and temporarily halt large-scale mining projects. In 2008, CORPONOR declared the Sisavita regional conservation area to protect the páramo de Santurbán in Norte de Santander. The initial plan was to cooperate with CDMB to create a larger conservation area that protected the páramo in both Santander and Norte de Santander. However, CDMB did not continue with this project. The strategy of CORPONOR was efficient, in the sense that it provided more mechanisms to (temporarily and controversially) protect páramo de Santurbán within the boundaries of Norte de Santander. In the context of massive mobilizations in the cities, in February 2011, CDMB charged Eco Oro (GreyStar) with 60 monthly minimum wages. Based on 3 technical visits, i.e. in 2006, 2008, and 2010, the reason for the penalty was the violation of environmental legislation, the instability of slops, the lack of control of erosion, the deviation of the Perezosa River, and the poor treatment of acid liquids. The point is that despite there were three technical visits in 2006, 2008, and 2010, CDMB only penalized Eco Oro’s (GreyStar) mining prospects in the region in February 2011 in the context of massive mobilizations in the cities. Moreover, this penalty did not have any implications on the ownership titles of the company (and other companies) in the area. Certainly, it did not have any impact on the final decision in the Resolution 1015.

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In December 2010, the General Attorney was the first state body that openly stated its opposition to the project because of the risk that it represented for the water supply ‘of’ Bucaramanga and 22 other municipalities. The delegated Attorney for agrarian issues requested a second environmental public hearing; and in the second public hearing, the delegated Attorney for environmental issues set its opposition to the project. In all cases, the position was against open-pit Angosturas not against any large-scale mining project in páramo.

Unlike other state bodies, in January 2011, Advocacy of People first set his position against large-scale mining in páramos (not just against open-pit Angosturas). The explanation was given in terms of the water supply and observation of the law. In February, Advocacy of People released a notice in support of the calling for demonstrations on 25 February, and it maintained its position in the second environmental hearing on 4 March 2011. It is interesting that Advocacy of People used a resource-based approach to contest large-scale mining in páramo within the existing juridical framework. However, as explained throughout the thesis, there is nothing unequivocal within SD and Resolution 1015 that guarantees sustaining páramo as such. In that sense, SD and Resolution 1015 leave open the possibility of other large-scale mining projects in

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277 SD understood as the official international meaning and ‘unifying language’, and its implementation in Colombia (see Chapter Two and Three).
the area by means of technological innovation (see Chapter One, Chapter Two, and Chapter Three).

**Eco Oro (GreyStar)**

Eco Oro (GreyStar) responded to the critiques by using the same ‘unifying language’ of SD. First, to the concerns of environmentalists, Greystar’s Executive director responded with a bizarre statement, which is that the project would bring biodiversity to the region. The premise is that illegal mining is the only one that destroys biodiversity. This statement resonates with the same development plan (2010-2014), which relegates environmental concerns to a matter of legality.

The existing juridical framework erases differences between scales of mining and its socio-natural impacts. It also reproduces an official representation of small farmers (extended to small miners) in the international meaning of SD and its implementation in Colombia (see Chapter Three). Within the framework of the principle of SD, small farmers (and small miners by extension) are portrayed as the unintended cause of environmental degradation, and therefore they become a subject of management. The assumption is that large-scale mining by means of technological innovation has less socio-natural impacts. It is difficult for small miners to legalize their activities because of the various and indistinctive technical, juridical, and financial requirements. In this way, this framework facilitates the criminalization of small miners in benefit of large-scale transnational companies such as Eco Oro (GreyStar). This view towards small miners is also coherent with an international and national idea of large-scale (sustainable) rural development (see Chapter Three).
Second, to arguments based on the vocation of the land for conservation\textsuperscript{278}, Eco Oro (GreyStar) responded that the social vocation of the land had to be taken into account, and that vocation was mining\textsuperscript{279}. In that way, Eco Oro (GreyStar) takes advantage of the existing juridical framework and a long-term spatial relation between the state, the cities, and small miners and farmers (see Chapter Two and Chapter Three). It is Eco Oro (GreyStar) the one that for its own purposes temporarily addresses desires for development (de Vries, 2007), and brings to small towns ‘winds of modernity and progress’ (Machado Aráoz, 2011) to gain the legitimate support of some local people. In that sense, the enthusiastic support for conservation initiatives to protect the páramo is resisted on the ground by some local people that see in the company the sponsor of development (in the form of small works) and a material-social life unimaginable otherwise.

Third, to the punishment of CDMB, Eco Oro (GreyStar) responded that there were not conclusive proofs for the punishment\textsuperscript{280}. This is despite the fact that based on the Law 1382 of 2010, from a starting point, mining is illegal in páramos. Eco Oro (GreyStar) responded to this critique that this legislation entered into force after the company got mining titles in the area. This illustrates once more the ambiguity of the existing juridical framework and the vulnerable situation of páramos within it.

\textsuperscript{278} For example, those presented on the previous section.
Likewise, with respect to the lack of experience of the company, Eco Oro (GreyStar) responded that its employees had wide experience in other projects in the region, for example in Yanacocha, Peru, one of the main mining countries in South America\(^{281}\). This does not offer any guarantee based on the lived experience of socio-natural impacts documented by the movement ‘Land and Freedom’ (Tierra y Libertad)\(^{282}\).

Finally, in March 2010, Eco Oro (GreyStar) gave up the request of an environmental license. However, Eco Oro (GreyStar) clarified that it will present a new project of underground mining in the area of *sub-páramo*\(^{283}\). In June 2011, Eco Oro (GreyStar) changed its executive board members, and in August 2011, changed its name to Eco Gold (Eco Oro). The studies of pre-feasibility are expected by the end of 2012\(^{284}\). The shifts responded to an attempt of green-washing the reputation of the company, which also has implications in terms of available funding and the perception of the company among people (see Chapter Three). In other words, the shifts aimed to generate a perception of rupture among investors and the general population. The official web site has also systematically changed in an effort to erase any connection with GreyStar. Angosturas is still the name of the project, but now it is presented as a completely


different one. The first project was open-pit mining in páramo, the second one is underground mining in sub-páramo.

In any case, Angosturas would affect the integrity of the ecosystem (see Footnote Two) by modifying the soil, and the quality and quantity of water available (which is the common ground of the mobilizations in the cities). The denotation Eco Oro (GreyStar) throughout the thesis is a reminder of continuity.

**Conclusion**

In this chapter, I drew on on (open-pit in páramo and underground in sub-páramo) Angosturas project in Santurbán area. In particular, I discussed Eco Oro’s (GreyStar’s) request of a global environmental license to the Ministry of the Environment in order to start with the first large-scale gold mining extractions in Colombia. I also elaborated on Resolution 1015 of 2011, the legal mechanisms through which the Ministry of the Environment denied the license within the framework of the principle of SD\textsuperscript{285}. Finally, I explored the various languages and discourses displayed by various players (e.g. local people, the Comitê in defense of the Water of Bucaramanga, RECLAME, various state bodies, and Eco Oro) in different venues (notices, newspaper articles, demonstrations, and environmental public hearings) in the period mid-2010 to August 2012. The chapter illustrated and elaborated on the main argument of the thesis: there is

\textsuperscript{285} By SD, I mean the official international meaning and ‘unifying language’, and its implementation in Colombia.
nothing unequivocal within SD and the Resolution 1015 that guarantees sustaining páramo as such.

In this chapter, I sought to explain why and how SD was appropriated, negotiated, and contested by the players mentioned above. It also made visible existing languages and discourses of ‘acculturated’ peoples that directly challenge the identity between large-scale mining and ‘common-good’, and enable to see and imagine potential complementary projects of alternative modernities (i.e. desires for development in the form of little works such as paving roads); alternative (sustainable) development (i.e. water and food security and sovereignty); and alternatives to (sustainable) development (i.e. the unequivocal sustain of páramo as such).
Chapter 5

Conclusion

There is nothing within the principle of SD\textsuperscript{286} that unequivocally sustains the \textit{páramo} as such. The commodification of nature within SD makes \textit{páramo} vulnerable to the volatility of specialized markets. The fact that mining is internationally and nationally portrayed as a ‘common good’ activity contributes to leave open the possibility of large-scale mining in very sensitive ecosystems by means of technological innovation. Second, despite the fact that the legitimized mechanisms of participation and expression (e.g. demonstrations and public environmental hearings) available for ‘acculturated populations’ (e.g. small framers, small miners, the cities) served to pressure the position of various state bodies, the Resolution 1015 was framed in terms of the dominant ‘unifying language’ of SD. This language and discourse is limited to translate all the multiple languages and discourses (e.g. communication with \textit{páramo}, water and food security and sovereignty, home and dignity, and sacredness, among others) and concerns of ‘acculturated populations’ about (open-pit in \textit{páramo} and underground in \textit{sub-páramo}) Angosturas project. Precisely in what was not translated into the Resolution 1015, there is potential for sustaining \textit{páramo} as such.

The fact that the reasons for the support of some local people to the company speak of small works (such as paving roads), opens up a debate about violence, ongoing (de-) colonial experiences, and a long-term relation between local populations with the state and the cities. The

\textsuperscript{286} By which I mean that there is nothing intrinsic either to the foundations of SD or to its implementation in Colombia that unequivocally forbids large-scale mining in \textit{páramo}.
enthusiastic use of the legal mechanisms available to protect the páramo (e.g. conservation areas) by the opposition to Eco Oro (GreyStar) without considering the local inhabitants perpetuates violence and colonialism. Paying attention to local (i.e. small miners and small farmers) desires for development might enable alternative modernities that are compatible with sustaining páramo as such. The question that remains open from a post-development perspective is what to do with the individual and collective subjects who desire sustainable development and not just ‘obritas’ (see Chapter Two and Four).

Moreover, some communities of small farmers and environmentalist NGOs are promoting alternative (sustainable) developments (e.g. water and security and sovereignty, recovery of seeds, agro-ecology, and local markets). Furthermore, some of these initiatives directly disrupt rural (sustainable) development because they challenge the official representation of small farmers and reclaim the right to stay in the land. Small farmers from el Almorzadero reclaim sacredness of territories as integral to religious-based communities. This complicates the idea that ethnic minorities are the only subjects that can claim sacredness of territories in struggles surrounding large-scale mining. Languages and discourses that state that water and life are not negotiable challenge the commodification of water as an ‘environmental service’. The moral consideration towards the other-than human and the idea that páramo can speak allow for no anthropocentric debates on ‘common good’, development, and mining. References to the ‘only one home’ add an affective component that reinforces the statement that páramo is not negotiable. In these various ways, ‘acculturated populations’ (i.e. small miners, small farmers, the cities) appropriate other languages and discourses (different from the ‘unifying language’ of SD)
to speak of their concerns about large-scale mining project and conservation areas in páramo (see Chapter Two and Chapter Four).

From this analysis, it is clear that in the Colombian context, the existing legislation offers opportunities that can be strategically used to temporarily halt large-scale mining (e.g. public environmental hearings, prior consultation with ethnic minorities, and special considerations with regards to conservation areas) (see Chapter Three). Likewise, the legitimized mechanisms of participation and the massive demonstrations (in the main cities) help to pressure policy makers (see Chapter Four). Nonetheless, the ‘unifying language’ of state institutions remains to be that of SD. I am skeptical that a reform (e.g. to introduce special considerations regarding ‘peasant reserves’ see Fierro 2012, Chapter Three) in the existing mining legislation might challenge the multi-scale power relations that reflect on the legal framing. From my perspective, although the legislation is the mechanism at hand to temporarily halt large-scale extractions, a simultaneous effort should be directed to open up languages and discourses that enable to see, imagine and live in other socio-natural organizations, where conflicts and disagreements (e.g. on land use, territorial organization, and self-determination) do not lead us to the suppression of difference (see Zuleta 2007, Chapter Two). At the same time that I recognize the spatial-historical particularities of Colombia, I understand that the struggles surrounding large-scale mining cannot be contained within national borders (see Chapter Three).

Further research that can and should be done to extend this research should address trans-boundary impacts of large-scale mining. Most of the existing maps (e.g. of watersheds) and analyses are contained within national borders, policies, and legislations. Consequently, the
existing analyses to my knowledge make invisible extensive impacts on territories and life in places. Alternative theories and methodologies that allow for alternative analyses will complicate questions and arguments regarding territorial organization and decision making. For example, as it regards to Angosturas, an study of this case based on the analysis of extensive impacts on the trans-boundary (Colombia-Venezuela) Catatumbo watershed might enable further nuances about representation, SD implemented in different national contexts, and on the ground contestations to large-scale mining.

Another direction for further research can and should look at comparative studies that disrupt analyses based on rigid understandings of ‘First World’ and ‘Third World’. From my experience in debates and public hearings in Colombia, one frequent assumption is that large-scale mining is promoted by international institutions and national governments as a driven force for development only in ‘Third World’ countries. Likewise, a common assumption is that for example, the Canadian government would be better off in protecting the well-being of people in the so-called Canadian territory. Although there are unbalanced relations of power between the countries that cannot be dismissed and erased, comparative analyses might allow for more complex understandings of contemporary neoliberalism as negotiated and contested on the ground. Likewise, these studies might enable to see similarities in the experiences of peoples in places and their relation to Law. Potentially, comparative studies would also facilitate collaborations among peoples.
APPENDICES

Appendix 1

Images of rallies in the cities


Accessed on: April 2012
Appendix 2

Structure of the Colombian State

Accessed on: March 2012
Appendix 3

Images of Santurbán

Appendix 4

Geographical location of Angosturas
Appendix 5

Metal Consumption by End-Use, 2000

Source: IED 2002: 90
## Appendix 6

### Estimated Gold Reserves and Resources 2000

<table>
<thead>
<tr>
<th>Country</th>
<th>Gold Reserves (tonnes)</th>
<th>Gold Resources (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Africa</td>
<td>19,000</td>
<td>40,000</td>
</tr>
<tr>
<td>United States</td>
<td>5,600</td>
<td>6,000</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>5,300</td>
<td>6,300</td>
</tr>
<tr>
<td>Australia</td>
<td>4,000</td>
<td>4,700</td>
</tr>
<tr>
<td>Russia</td>
<td>3,000</td>
<td>3,500</td>
</tr>
<tr>
<td>Canada</td>
<td>1,500</td>
<td>3,500</td>
</tr>
<tr>
<td>Brazil</td>
<td>800</td>
<td>1,200</td>
</tr>
<tr>
<td>Other Countries</td>
<td>9,300</td>
<td>11,800</td>
</tr>
<tr>
<td><strong>World Total</strong></td>
<td><strong>49,000</strong></td>
<td><strong>77,000</strong></td>
</tr>
</tbody>
</table>

*May be rounded.

Source: IIED 2002: 105
Appendix 7

Decrease in the quality of gold reserves 1840-2005

Figura 1.

Disminución de la calidad de los yacimientos y el consiguiente aumento en la generación de “estériles” o descapotes potencialmente contaminantes.

Source: Fierro 2012: 29
Appendix 8

Global mining investment flows (1990–2001), aggregate trend versus gold

![Graph showing investment flows for aggregate and gold](image)

**Figure 1** Global mining investment flows (1990–2001), aggregate trend versus gold.

Source: Bridge 2004: 410
Appendix 9

Global investment flows by world region 1990-2000

Figure 3  Global investment flows by world region.

Source: Bridge 2004: 412
Appendix 10

Global mining investments by country, 1990–2001

Source: Bridge 2004: 414

**Figure 4** Global mining investments by country, 1990–2001.
Appendix 11

Drilling and exploration activities across the world 2012

Source: Trade Retrieval and Aggregation System (TRAGS) Available at:

Appendix 12


Source: IIED 2002: 104
Appendix 13.

Gold Price in USD, 1990-2012

Spot gold price in USD, GBP

Currencies: USD GBP
Weight: oz
Start date: Sun Dec 24 1989
End date: Sun Apr 15 2012
invest@gold.org

Accessed on: March 2012
Appendix 14

Country base of the top mining companies

Table 5–1. Output of Top 15 Gold-Producing Companies, 1999 and 2000

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 AngloGold</td>
<td>South Africa</td>
<td>215.2</td>
<td>225.3</td>
<td>77,600</td>
</tr>
<tr>
<td>2 Newmont</td>
<td>US</td>
<td>130.0</td>
<td>153.7</td>
<td>10,800</td>
</tr>
<tr>
<td>3 Gold Fields Ltd</td>
<td>South Africa</td>
<td>118.7</td>
<td>121.2</td>
<td>55,000</td>
</tr>
<tr>
<td>4 Barrick</td>
<td>Canada</td>
<td>113.8</td>
<td>116.4</td>
<td>5,500</td>
</tr>
<tr>
<td>5 Placer Dome</td>
<td>Canada</td>
<td>97.9</td>
<td>92.8</td>
<td>12,000</td>
</tr>
<tr>
<td>6 Rio Tinto</td>
<td>UK</td>
<td>92.9</td>
<td>84.9</td>
<td>5,100</td>
</tr>
<tr>
<td>7 Homestake</td>
<td>US</td>
<td>74.3</td>
<td>68.6</td>
<td>na</td>
</tr>
<tr>
<td>8 Harmony</td>
<td>South Africa</td>
<td>41.4</td>
<td>66.8</td>
<td>42,600</td>
</tr>
<tr>
<td>9 Normandy</td>
<td>Australia</td>
<td>58.8</td>
<td>64.5</td>
<td>na</td>
</tr>
<tr>
<td>10 Freeport Moran</td>
<td>US</td>
<td>74.0</td>
<td>59.1</td>
<td>7,800</td>
</tr>
<tr>
<td>11 Ashanti Goldfields</td>
<td>Ghana</td>
<td>48.6</td>
<td>54.0</td>
<td>10,400</td>
</tr>
<tr>
<td>12 Durban Roodepoort</td>
<td>South Africa</td>
<td>27.7</td>
<td>35.7</td>
<td>19,111</td>
</tr>
<tr>
<td>13 Kinross</td>
<td>Canada</td>
<td>31.3</td>
<td>29.4</td>
<td>1,600</td>
</tr>
<tr>
<td>14 Buenaventura</td>
<td>Peru</td>
<td>23.6</td>
<td>28.5</td>
<td>1,800</td>
</tr>
<tr>
<td>15 Novocrest</td>
<td>Australia</td>
<td>26.3</td>
<td>27.9</td>
<td>na</td>
</tr>
</tbody>
</table>

Footnotes:
- *Number of employees in Rio Tinto’s gold mining interests in Kambanire Mines (Zimbabwe) and Rio Tinto (Zimbabwe).
- Includes copper production.
- *Includes employees from the company’s silver and other precious metals production.

Source: IIED 2002: 101
Appendix 15

Top 10 market capitalisation (US$ billion), 2009-2010

Source: Capital IQ.

Source: PWC 2011: 25
## Appendix 16

**Inter-governmental Initiatives Relevant to the Minerals Sector**

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global Compact</td>
<td>Launched in 1999 by the Secretary-General of the UN, a commitment by a network of organizations from business, labour, and civil society to support a global set of principles for corporate social responsibility. Mechanisms for more specific sector-by-sector agreements are being explored.</td>
</tr>
<tr>
<td>Global Reporting Initiative (GRI)</td>
<td>Established in 1997 by the Coalition for Environmentally Responsible Economies (CERES) in partnership with UNEP to develop globally applicable guidelines through a multistakeholder process for reporting on economic, environmental, and social performance. The GRI is now developing specific guidelines for the mining sector.</td>
</tr>
<tr>
<td>ISO 14001</td>
<td>ISO 14001 is an internationally recognized environmental management system (EMS) standard developed by the International Organization for Standardization (ISO) in response to the 1992 Earth Summit. Approximately 30,000 companies in over 40 countries have received ISO 14001 certification and many as 300,000 companies have based their EMSs on the standard, without seeking certification.</td>
</tr>
<tr>
<td>OECD Guidelines for Multinational Enterprises</td>
<td>Adopted in 1976 with the objective of strengthening the basis of mutual confidence between enterprises and government authorities and promoting the economic, social, and environmental benefits of foreign direct investment and trade while minimizing the problems. A thorough review process was undertaken in 2000.</td>
</tr>
<tr>
<td>OECD Principles of Corporate Governance</td>
<td>Adopted in June 1999, the first multilateral effort to produce a common language of corporate governance. The principles are intended to assist both OECD and non-OECD governments evaluate and improve their own framework for corporate governance and to provide guidance and suggestions for stock exchanges, investors, corporations, and other parties that have a role in developing good corporate governance.</td>
</tr>
<tr>
<td>UNEP Declaration</td>
<td>The UNEP Declaration is a voluntary commitment to adopt improved sustainable production practices involving the continuous application of an integrated preventative strategy applied to processes, products, and services. In October 2000, the International Council on Metals and the Environment became a signatory to the UNEP Declaration. The Declaration is a set of high-level commitments that will need to be advanced with and through members of the International Council on Mining &amp; Metals over time.</td>
</tr>
</tbody>
</table>

Appendix 17

Map of Registered Environmental Conflicts associated with large-scale mining, OCMAL


<table>
<thead>
<tr>
<th>Spanish word</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>País</td>
<td>Country</td>
</tr>
<tr>
<td>Conflicto</td>
<td>Conflict</td>
</tr>
<tr>
<td>Proyecto</td>
<td>Project</td>
</tr>
<tr>
<td>Empresa</td>
<td>Company</td>
</tr>
<tr>
<td>Comunidades</td>
<td>Communities</td>
</tr>
<tr>
<td>Conflictos registrados</td>
<td>Registered conflicts</td>
</tr>
<tr>
<td>Proyectos implicados</td>
<td>Implicated projects</td>
</tr>
<tr>
<td>Conflictos transfronterizos</td>
<td>Transboundary conflicts</td>
</tr>
</tbody>
</table>
## Appendix 18

**Criminalization of protest: registered and verified cases by OCMAL, 2005-2011**

<table>
<thead>
<tr>
<th>Year</th>
<th>Country (Month)</th>
<th>Type</th>
<th>Activist(s)</th>
<th>Mineral Mining Company-base</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Ecuador (December)</td>
<td>J</td>
<td>Some Shuar indigenous people</td>
<td>Copper EcuaCorriente S.A.-na</td>
</tr>
<tr>
<td></td>
<td>Ecuador (December)</td>
<td>J</td>
<td>Esther Landeta from the committee pro-defense of ‘Nuestros ríos’ (Our rivers)</td>
<td>Gold Paz Borja-corporate group</td>
</tr>
<tr>
<td></td>
<td>Brazil (November)</td>
<td>T</td>
<td>Group of activists from the movement ‘Justiça nos Trilhos’ (Friends of the Earth International, Brazil)</td>
<td>Steel TKCSA-na and Vale-Canada</td>
</tr>
<tr>
<td></td>
<td>Peru (September)</td>
<td>T</td>
<td>Priest Marco Arana from the ‘Tierra y Libertad’ (Land and Freedom) movement and OCMAL</td>
<td>Gold Newmont-the U.S.A. Minas Buenaventura-Peru International Finance Corporation-World Bank</td>
</tr>
<tr>
<td></td>
<td>Colombia (September)</td>
<td>M</td>
<td>José Reinel Restrepo (priest of Marmato)</td>
<td>Gold Meodoro</td>
</tr>
<tr>
<td>Country/Region</td>
<td>Event Date</td>
<td>Action</td>
<td>Person/Group</td>
<td>Company/Proponent</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>--------</td>
<td>--------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Ecuador</td>
<td>(August)</td>
<td>J</td>
<td>From the defense of the páramo Shincata, and author of the book ‘Water or Gold: Kimsakocha, the resistance pro water’</td>
<td>Resources-Canada Gold Explosur-na Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Honduras</td>
<td>(June)</td>
<td>J</td>
<td>Carlos Amador</td>
<td>Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Guatemala</td>
<td>(July)</td>
<td>T</td>
<td>Teodora Hernández Cinto</td>
<td>Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Salvador</td>
<td>(December)</td>
<td>M</td>
<td>Dora Alicia Recino Sorto (who was in her 8th month of pregnancy), Ramiro Rivera Gómez, and Felicita Echeverría</td>
<td>Gold Pacific Rim-Canada</td>
</tr>
<tr>
<td>Peru</td>
<td>(December)</td>
<td>M, P</td>
<td>Vicente Romero Ramírez and Cástulo Correa (in a demonstration against an NGO funded by the company)</td>
<td>Copper Zijin Rio Blanco Gold Blackfire Exploration-Canada Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Mexico</td>
<td>(November)</td>
<td>M</td>
<td>Mariano Abarca Robledo from the National Network of people affected by mining</td>
<td>Nickel Guatemala</td>
</tr>
<tr>
<td>Guatemala</td>
<td>(September)</td>
<td>M</td>
<td>Adolfo Ich Chamán (indigenous activist)</td>
<td>Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Peru</td>
<td>(July)</td>
<td>J</td>
<td>Magdiel Carrión from the National Confederation of people affected by mining</td>
<td>Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Guatemala</td>
<td>(June)</td>
<td>J</td>
<td>8 women and 1 man (peasant and indigenous peoples) who participated</td>
<td>Gold GoldCorp-Canada</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Event</td>
<td>Description</td>
<td>Company</td>
</tr>
<tr>
<td>-------</td>
<td>------------</td>
<td>---------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>2005</td>
<td>Peru (July)</td>
<td>M, P</td>
<td>29 people including women and a journalist were kidnapped for three days. During that period, people were tortured, women were sexually harassed, and Mealanio García González died. The affected people denounced the collaboration between the company and the police.</td>
<td>Copper Zijin Rio Blanco</td>
</tr>
<tr>
<td>Peru (March)</td>
<td>Ecuador (March)</td>
<td>J</td>
<td>Leaders of environmentalist movements in a documentary against the mining project. 8 participants in a demonstration in defense of the páramo Shincata.</td>
<td>Gold Explosur-na</td>
</tr>
</tbody>
</table>

**Conventions:** T: threat, M: murder, J: juridical measures against activist(s); and P: cases involving use of force by the police.

**Source:** data from OCMAL 2012 Accessed on: May 2012
Appendix 19

Map of watersheds 2002, IGAC - Instituto Geográfico Agustín Codazzi

Appendix 20

Indigenous territories recognized by the Colombian-state, RECLAME 2012

Convention: yellow represents indigenous lands.

Appendix 21

Territories of Afro-descendent communities, RECLAME 2012

Appendix 22

Map of FARC’s location intersected with Bacrim’s and ELN’s, 2012

Conventions: green represents FARC; brown represents Bacrim; and pink represents ELN

Appendix 23

Subregional urban centers of Colombia 2002, IGAC - Instituto Geográfico Agustin Codazzi

Appendix 24

Use of land for agriculture 2002, IGAC - Instituto Geográfico Agustín Codazzi

Appendix 25

Historical-spatial evolution of requests of mining titles 1990-2010,

RECLAME


Juan Manuel Santos (2010-2014), Titles by October 2010

December 2010

Appendix 26

Map of conservation areas intersected with requests of mining titles

Source: GEOPS Observatory 2012
Appendix 27

Map of the main mining projects and associated minerals and companies

Appendix 28

*Páramos* in risk because of large-scale mining projects in Colombia

<table>
<thead>
<tr>
<th>PÁRAMO</th>
<th>TÍTULOS</th>
<th>ÁREA (HA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SANTURBÁN (NORTE DE SANTANDER – SANTANDER)</td>
<td>44</td>
<td>23.380</td>
</tr>
<tr>
<td>PISBA (BOYACÁ)</td>
<td>88</td>
<td>13.508</td>
</tr>
<tr>
<td>GUERRERO (CUNDINAMARCA)</td>
<td>61</td>
<td>12.072</td>
</tr>
<tr>
<td>GUANACAS-PURACÉ-COCONUCOS (CAUCA – HUILA)</td>
<td>6</td>
<td>11.642</td>
</tr>
<tr>
<td>TOTA-BIJAGUAL-MAMAPACHA (BOYACÁ – CASANARE)</td>
<td>79</td>
<td>9.354</td>
</tr>
<tr>
<td>RABANAL Y RÍO BOGOTÁ (BOYACÁ – CUNDINAMARCA)</td>
<td>17</td>
<td>8.395</td>
</tr>
<tr>
<td>ALMORZADERO (NORTE DE SANTANDER – SANTANDER)</td>
<td>19</td>
<td>6.715</td>
</tr>
<tr>
<td>GUANTIVA-RUSIA (BOYACÁ – SANTANDER)</td>
<td>17</td>
<td>5.937</td>
</tr>
<tr>
<td>NEVADO DEL HUILA-MORAS (CAUCA – HUILA – TOLIMA)</td>
<td>9</td>
<td>5.619</td>
</tr>
<tr>
<td>NEVADOS (CALDAS - QUINDIO – RISARALDA – TOLIMA)</td>
<td>22</td>
<td>5.351</td>
</tr>
<tr>
<td>CHILÍ-BARRAGÁN (QUINDIO – TOLIMA – VALLE DEL CAUCA)</td>
<td>3</td>
<td>2.797</td>
</tr>
<tr>
<td>COCUY (BOYACÁ)</td>
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<td><strong>TOTAL</strong></td>
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Sullivan, Sian (2010) ‘*Ecosystem Service Commodities*: A New Imperial Ecology? Implications for Animist Immanent Ecologies, with Deleuze and Guattari’ In *New Formations*, vol.69 iss.1 pg.111 -128


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