

Rising from the Ashes: Remaking Community Around Conflict and Coal

By

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Dedication

To Dad. Because you would have been so proud.

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Chapter 1: Introduction

In satellite images, the Cerrejón coal mine appears as a grey mass between two green mountain ranges. From this perspective, the zones around Cerrejón look like untouched dry tropical forests and uninhabited foothills. The Cerrejón zone is not, however, empty of human life. The mountain valleys of Colombia's La Guajira department have long been important agricultural and hunting grounds. For many centuries, indigenous, peasant, and Afro-descendant peoples have used the pasture, land, and forest resources. Cerrejón's concession is not uninhabited land; the company has displaced thousands of rural people since opening its operations in 1984. Every time the mine expands, it must move people.

This dissertation focuses on those people. This is a story of how an independent rural people became precarious urban dwellers dependent on a coal mining company. Over four decades, large-scale processes of dispossession, political violence, and urbanization shaped how La Guajira's people could and could not organize with each other as they struggled to survive displacement and resettlement. People displaced by an extractivist economy have had to fight to carve out a place within it. Coal mining has spurred multiple protests and resistance movements among the local people. At the same time, many locals came to accept that a coal mine dominated their lives and sought ways to benefit from that relationship. In La Guajira, extractive capitalism worked both by coercing and accommodating the local population.

Research questions and summary

The big question driving this work is: how have people organized with each other to survive displacement and resettlement due to coal mining? This analysis poses several related sub-questions: When and why did local people organize together in solidarity, and when and why were they driven apart? How did they organize to shape their relationship to coal companies? When and why did people decide to draw on their indigenous and Afro-descendant identities in this organizing? In what ways did NGOs, international activists, and state institutions influence communities? How did the presence of guerillas, paramilitaries, and state security forces shape community relationships?

This dissertation tells the story of rural communities struggling to rebuild around a violent capitalist shock that forced them into precarity. Ironically, local peoples' survival became

intimately linked to the presence of Cerrejón, the same corporation that destroyed their rural livelihoods and seized their territories. Before coal mining arrived to La Guajira, local people built their social organizations around their communal land base. Beginning in the 1980s, coal mining companies enclosed their land and displaced them, which fractured their social relations. In the 1990s, some outspoken community members began to organize with each other to challenge coal mining companies' takeover of their lands. Years of community resistance and support of key allies shifted Cerrejón's policies from removal of the local population to resettling them. With these new programs came a new promise that local people could benefit from the coal mining economy. But resettled peoples' lives remained precarious as they struggled to make a living. As a result, residents split over whether the Cerrejón Coal Company was their enemy or their ally. Tensions between groups emerged because all of the solutions offered to them centered on Cerrejón. Peoples' opportunities for work, education, development, and land rights became tied to the corporation. In the words of one of my company informants: "Their world reduces in some ways to Cerrejón."

Key terms

This dissertation builds on anthropological accounts of how people rebuild their lives around violent capitalist shocks (Gill 2016; Kalb 2015; Kasmir and Gill 2018; Krupa 2010; Narotzky and Besnier 2014; Narotzky and Smith 2006). Each chapter asks how people organized with each other to survive. Over time, I show how local people resisted, accepted, and accommodated the dominance of corporate power. I contribute to the literatures on dispossession, extractive capitalism, identity politics, and resettlement. I start here by defining key terms.

Dispossession, enclosure, displacement, and the precariat

This research frames displacement and resettlement due to coal mining as dispossession: the process of converting public goods into private property in order to concentrate wealth and power (Gill 2016; Harvey 2005; Marx 1867). In La Guajira, rural people relied on access to untitled lands – known as *tierras baldías* – for subsistence and small-scale commercial agriculture. Even though many people engaged in wage work when the mine arrived in the late 1970s, families also had access to forests and rivers for hunting, fishing, and gathering. They also used a mix of individually- and collectively-held lands for raising crops and grazing animals. They were poor

by many measures, but they were rural poor who could rely on their hunting, fishing, cultivating, and herding skills to survive hard times. When coal mining companies arrived to La Guajira, with the full support of Colombian state institutions, they seized peoples' lands for mining operations. Corporations and the state cooperated to undermine the land rights of communities, which destroyed the small-scale agricultural sector and forced people to find wage work.

There were two principal ways that coal companies dispossessed people: enclosure and displacement. Karl Marx defined enclosure as the clearing and cordoning off of public lands to establish private property rights (1867). In La Guajira, coal mining companies diverted water sources, cleared forests, and enclosed grazing lands. I define displacement as the forced removal of populations from their land. In the 1990s, coal mining companies filed expropriation orders against local communities, using Colombian military and police to forcibly remove local people who occupied land under the mining concession. Both enclosure and displacement are violent ways of seizing land away from small producers and concentrating resources in the hands of corporations. Removing people from their land infringed on their freedom, autonomy, livelihoods, and social organizations. This work draws on scholars who treat violence as a necessary tool for implementing and maintaining capitalist relations (Ballvé 2012; Gill 2016; Grandin 2010; Narotzky and Smith 2006).

People displaced by coal mining became part of a growing global precariat: underpaid and underemployed workers who struggle to make ends meet in an economy that relies on a small number of skilled laborers (Standing 2011). The coal mining economy made making a living from rural livelihoods much more precarious than before. Borrowing from Ramachandra Guha, Aviva Chomsky calls displaced people in La Guajira "ecological refugees:" formerly self-sufficient people who are now subject to the labor market dominated by the coal industry and the services needed to run a coal mine (Chomsky 2016a; Guha 2002). Coal mining did not absorb this excess labor, yet displaced people experienced their costs of living rapidly rising. As a result, many local people began to rely on debt and credit to survive, one of the ways that marginalized people are incorporated into capitalist relations while continuing to experience dispossession (Bhattacharyya 2018; Harvey 2005; Kalb 2015). Formerly independent people became reliant on finding wage work, development funding, and credit in order to survive. In La Guajira, the precariat became dependent on Cerrejón and the industries that surrounded the mine to survive.

This work builds on scholarship that asks how working people reorganize their lives, relationships, and identities around global capitalism (Gill 2016; Kalb 2015; Kasmir and Gill 2018; Krupa 2010; Narotzky and Besnier 2014; Narotzky and Smith 2006). Lesley Gill writes: “What David Harvey (2003) calls ‘accumulation by dispossession’—the recurrent dispossession of working people under capitalism—has made or reconfigured working classes over and over again, creating new divisions and labor relations, and forcing people to assess what they can, and cannot, do with each other” (Gill 2016, 9). I show that dispossession forced local people to reassess their relationships to each other in order to survive. Over the years, this reorganization of community unfolded in multiple ways: through Community Action Boards that were a subset of the municipal government, through autonomous indigenous and Afro-descendant councils, in larger social movements focused on human rights claims, through informal groups negotiating with the company, and through individual negotiations with the company over compensation. When living in rural settlements, people in La Guajira relied on shared access to forests, rivers, and lands to survive. Once urbanized, they sought alliances and resources both outside and within their communities in order to survive dispossession. They became increasingly reliant on outsiders for help: not just the corporation, but also lawyers, banks, state institutions, international activists, and NGOs. Communities’ alliances and struggles with outsiders shaped their internal relationships, leading to both solidarity and division.

Identity and solidarity

People displaced from their lands and livelihoods do not just acquiesce. Since the 1980s, the global indigenous movement has become a champion for leftist values of social justice and anti-globalization (Brysk 2000; Van Cott 2005). This movement, concentrated in Latin America, led to the International Labor Organization writing the Indigenous and Tribal Peoples Convention in 1989 followed by the United Nations passing the Declaration on the Rights of Indigenous Peoples in 2007. These international laws, and their adoption in the constitutions of many Latin American countries, have provided a new terrain of struggle for indigenous peoples challenging state-driven extraction projects in their territories (Bebbington and Bury 2013). Scholars have examined the struggle of indigenous peoples to claim their rights through lawsuits that challenge transnational corporations (Bebbington and Bury 2013; Kirsch 2014; Sawyer 2006). Legal negotiations over natural resources transform corporate and community identities (Bocarejo 2009;

Golub 2014; Gomez and Sawyer 2012; Hale 2005). This dissertation focuses on when and why indigenous and Afro-descendant identities became politically salient for displaced communities, and the impact that form of organizing had on community solidarity. I show that organizing as Afro-descendant or indigenous peoples offered a way for communities to frame their dispossession and push coal mining corporations to change their policies. In turn, corporations tried to co-opt the terrain of struggle by limiting how people could claim their rights. People organized as ethnic communities to build solidarity, but often found their efforts created more division as coal companies intervened in their efforts. I define solidarity as collective organizing and action based on a shared sense of purpose.

As indigenous and Afro-descendant people struggle to save their territories, they also reshape the meaning of their identity. Jean Jackson's most recent book takes up the definition of identity in Colombia. Jackson points out that identity – “a person's membership in relevant social groups” – has too often been taken as a fixed category (Jackson 2019, 10). Following Jackson, I treat identity as a social construction that shifts within different contexts and times. Identity does not just signify a group's inheritance, it also signifies a group's relationship to other groups. There is no “indigenous” or “Afro-descendant” without the corresponding categories of “white” and “*mestizo*.” In La Guajira, Afro-descendant and indigenous identities took on different meanings depending on the context. At times, people leveraged their identities in an official legal process to demand consultation with the mining company. At other times, they used the cultural and political power of these identities to damage Cerrejón's image. Identities are multi-faceted: a claim about belonging to a certain place, a way to understand and call out inequality, a tool for legal rights, and a way of organizing around shared histories.

In La Guajira, people leveraged their identities to contest their subordination to coal companies. In 1991, Colombia's Constitutional Assembly passed a new constitution that departed from a long history of incorporating and whitening Colombia's indigenous and black populations (Appelbaum 2003; Larson 2004) by focusing on the recognition of cultural difference. The 1991 Constitution considers indigenous, Afro-descendant, and Roma peoples to be distinct ethnic groups with protected rights. It also ratifies Prior Consultation rights as laid out in the ILO Convention 169: recognizing the rights of Afro-Descendant, Indigenous, and Roma peoples to consult with corporations, organizations, and state institutions over the impacts, conditions, and mitigation strategies of potential projects that affect their territories (Asamblea Nacional

Constituyente 1991). These new laws give indigenous and Afro-descendant groups the right to push back against natural resource extraction projects that impact their traditional territories.

In La Guajira, Wayúu people were the first to draw on these new laws in the 1990s, followed by Afro-descendant peoples in the 2000s. These new laws became a resource for communities to claim territorial rights in the face of displacement. In the 1990s, the creation of local indigenous NGOs in the and the arrival of Bogota-based NGOs staffed by human rights lawyers gave communities new ways to frame their demands as having a legal basis. In 2001, the Colombian military carried out an expropriation order on behalf of Cerrejón's shareholding companies, displacing the Afro-descendant community of Tabaco. This displacement catalyzed a fierce resistance movement that drew international attention. Organizing as Afro-descendant and indigenous groups gave local people a legal framework from which to challenge these expropriation processes. It also gave them the support of international activists to challenge Cerrejón and its shareholding companies, which helped put pressure on the mining company. In this dissertation, I show that these ways of organizing became important tools for local people to shape corporate policies. The meaning and power of indigenous and Afro-descendant identities comes out of their struggles with states and corporations (Bebbington and Bury 2013; Hale 2005; Gomez and Sawyer 2012; Sawyer 2006).

Both coal companies and state institutions limited how people could express those identities. Charlie Hale (2005) uses the term "neoliberal multiculturalism" to describe how Latin American governments have adopted indigenous rights legislations that recognize the cultural validity of indigenous identity but do not make reforms that redistribute power and resources. Neoliberal multiculturalism celebrates plural identities while obscuring the ongoing structural discrimination and violence that prevents indigenous peoples from achieving autonomy and self-governance over their lands and lives. Similarly, the Cerrejón Coal Company was willing to adopt an indigenous rights protocol in its policies, but not to alter its course of action in any way that would threaten its economic and political dominance. As communities underwent legal processes to claim their rights, company officials funded parallel community organizations and hired researchers to disprove identity claims. State institutions rarely intervened in communities' struggles with the company, which meant that local communities needed Cerrejón to recognize their rights as indigenous peoples. Cerrejón officials co-opted the terrain of struggle by interfering in how people organized with each other to contest their displacement. Many times, people left

collective movements because coal mining narrowed their options for economic security and they therefore needed an alliance with the corporation to survive.

Resettlement and Corporate Social Responsibility

Community organizations leveraged their rights and alliances to shift Cerrejón's policies from displacement to resettlement in the early 2000s. Before this time, coal mining companies would pay families meager compensation for their land and houses, and then file a court order to evict them if they did not leave. I refer to this process as displacement. In contrast, resettlement involved consulting with communities and individuals to negotiate their relocation. Resettlement is a form of displacement: it is the "carrot" to the "stick" of eviction. In the mid 2000s, Cerrejón's new shareholders – BHP Billiton, Glencore, and Anglo American – adopted international standards for resettling communities living within the 5 km buffer zone around active operations. The company purchased a property for each community, and built houses and community infrastructure as part of compensation and indemnities. The company also funded livelihood replacement projects and other benefits such as university scholarships.

Scholars have criticized international resettlement standards that focus on economic impacts on livelihoods and compensation schemes for economic losses while missing the political and social contexts in which resettlement happens (Agrawal and Redford 2009; Wilmsen, Adjarney, and van Hulst 2018). Cerrejón's resettlement projects mainly acknowledged families' immediate economic losses of displacement, but not the impact of decades of enclosure and displacement. By offering cash compensation for land and/or new land plots, resettlement standards miss how resettled people are not just losing the value of their land, but the entire productive system and social relations built around their land (Wilmsen, Adjarney, and van Hulst 2018).

Resettlement relies on the logic of using capitalism to fix the problems of people disenfranchised by capitalism. Cerrejón provided communities with livelihood replacement projects that encouraged people to become small business owners or workers who could benefit from the coal mining economy. Yet people were always waiting for these benefits to materialize. I demonstrate that resettled peoples' lives became defined by waiting. Marginalized people experience their subordination through waiting for powerful people and institutions to make decisions on their behalf (Auyero 2012; Auyero and Swistun 2009). This perpetual waiting makes

people ambivalent about organizing together because they feel as if they have little power to decide their own futures (Auyero and Swistun 2009). In resettlements, waiting reinforced peoples' subordination to the company and the absence of state institutions to mediate this relationship. This experience created both resistance and acquiescence among local people.

Resettlement allowed communities to negotiate with the company in new ways, but also made them more dependent on Cerrejón for survival. In turn, Cerrejón reframed resettlement as part of its Corporate Social Responsibility (CSR) program, rather than a fulfillment of communities' rights. CSR involves programs, practices, and policies that allow companies to be socially and environmentally accountable to stakeholders including communities impacted by the corporation, employees, shareholders, and the general public. Anthropologists frame CSR practices as grounds through which civil society and corporate officials struggle over the moral and legal responsibilities of mining companies (Kirsch 2014; Shever 2012; Welker 2014). CSR projects become deeply embedded in local social relations as corporate employees intervene in community structures, grassroots development programs, and local politics (Rajak 2011; Welker 2014). I show how resettlement officials intervened in community organizations, which divided community leaders into competing groups.

Political violence

Throughout this dissertation, I explore the impacts of political violence on community organizing. Political violence is any violent act or threat of violence carried out to achieve a political goal. Other scholars of Colombia (Ballvé 2012; Gill 2016; Hylton 2006; Richani 2002; Romero and Martínez 2011) argue that violence is an intrinsic part of accumulating capital through dispossession. Guerillas and paramilitaries have competed to control key industries, grab land, and define the nature of the Colombian economy. In La Guajira, guerillas often threatened Cerrejón, while paramilitaries threatened activists who opposed coal mining. Communities living in the shadow of the coal mine have also had to grapple with the threat of paramilitaries, guerillas, the Colombian military, and the rural police.

Guerilla groups expanded their reach into La Guajira in the late 1980s. The Revolutionary Armed Forces of Colombia (FARC) established the Bloque Caribe in 1993 (Ávila and Torres Tovar 2014; Rutas del Conflicto 2018b). This block grew into the Frente 59, which had a strong presence in Central and Southern Guajira, the Sierra de Perijá, and the Sierra Nevada de Santa

Marta (Ávila and Torres Tovar 2014). The National Liberation Army (ELN) moved into the towns of La Guajira around the same time, establishing the Frente Luciano Ariza in 1993 in Southern Guajira, where they extorted local business owners to fund their political activities (Ávila and Torres Tovar 2014). Both groups were attracted to the region for its remote mountains, well-established smuggling routes, and ineffective state institutions. They smuggled cocaine, gas, weapons, and contraband consumer goods across the Venezuelan border and through ports in northern Guajira. They also periodically attacked the mine's rail lines and operations. The FARC and ELN objected to the foreign ownership of Colombian natural resources and called for nationalization of coal as part of their desire to reform the economy. These groups also threatened local landholders, leading many people in the area around Cerrejón to sell their land below market value or to simply pick up and leave. State security forces began to patrol communities around the mine looking for guerilla collaborators and harassed community members whom they accused of being part of the FARC or ELN. These incursions bred distrust among community members who became increasingly worried that their neighbors were leftist guerilla fighters. These sentiments fractured communities just as they needed to organize to defend their land from the mining companies in the 1990s.

By the late 1990s, paramilitaries began to threaten anyone who stood in the way of large landowners and companies, including anyone who resisted the Cerrejón coal mine's takeover of land. The Northern Block of United Self Defenses of Colombia (AUC) – Colombia's most powerful paramilitary group – first appeared in La Guajira in 1997 (Ávila and Torres Tovar 2014). They established the Bloque Norte and found legions of disenfranchised young people in La Guajira and its neighboring departments to carry out the AUC's dirty work. The Northern Block seized the contraband economy and expelled the FARC and ELN (Romero and Torres 2011). Some of the communities living in Cerrejón's impact zone found themselves in the middle of a turf war between the FARC and AUC because their land lay near smuggling routes in the Sierra de Perijá. The AUC made collective organization more dangerous, as anyone who threatened the accumulation of capital and natural resources could be labeled a guerilla. The AUC began to threaten community and union leaders. The AUC has never been officially associated with Cerrejón and its shareholders, but the group's violent reign actively targeted people resisting the mine's expansion.

In this dissertation, I show that political violence weakened communities' abilities to negotiate with Cerrejón. Anyone who stood up to the Cerrejón Coal Company could become a target of right-wing violence or state persecution. Community leaders faced death threats and persecution. This violence damaged collective organizing.

Demographics of La Guajira

La Guajira has undergone major demographic shifts since the 1970s. Table 1 uses census data to show population growth between 1973 and 2018. Between 1973 and 2005, the population grew by about 50 % each decade and continued to climb by 30 % between 2005 and 2018.¹ Colombia's population grew about 25 % per decade during this same time period; La Guajira was one of the regions with the highest population growth (Departamento Administrativo Nacional de Estadística 2005; Departamento Administrativo Nacional de Estadística) 2018). Of course, not all this population growth was due to the arrival of mineworkers. Health outcomes improved as people moved closer to urban areas and road access improved, which led to lower rates of mortality and infant mortality. However, there was also an economic boom in the department. Cerrejón had about 6000 direct employees in 2019 (Cerrejón Corporation Ltd. 2019). There are several thousand more indirect workers including contractors, food service workers, and cleaning staff. The coal mining industry has also bolstered the service industry including restaurants, hotels, rental properties, clothing stores, pharmacies, and grocery stores. In the 1990s and early 2000s, people displaced by the internal conflict in other parts of the Caribbean also fled to La Guajira. Over the last decade, La Guajira has also seen a boom in tourism. All of these factors encouraged migration into La Guajira.

Table 1: Population of La Guajira 1973-2018 (Departamento Administrativo Nacional de Estadística 2005; 2018)

Census Year	Population	Percentage change
1973	181,771	
1985	299,995	+65%
1993	433,361	+45%
2005	681,575	+57%
2018	880,560	+29%

¹ One reason that population grew at such a high rate was also that census methods improved every decade, so more people in remote rural areas were counted.

Population numbers grew in the three municipalities most impacted by mining during this time, but not at the same rate as the overall departmental growth. In part, the census did not count all Cerrejón workers, because many of them are not considered full time residents. Workers lived in other cities like Santa Marta and Barranquilla and only came to La Guajira during their shift. In Table 2, I included the municipality of Fonseca, because many mineworkers live there. These four municipalities account for about 13 % of La Guajira’s population. I give the 2005 figures here in order to give a general sense of the size of these municipalities, which include the town and surrounding rural areas.

Table 2: Municipal populations 2005 (Departamento Administrativo Nacional de Estadística 2005)

Municipality	2005 Population	Percentage of departmental population
Albania	19,429	3 %
Barrancas	26, 462	4 %
Hatonuevo	14,796	2 %
Fonseca	26, 881	4 %

One of the most important statistics for this work is the racial and ethnic makeup of La Guajira. In the 2005 census, 44.5 % of the population identified as indigenous, which included Wayúu and the four Tairona groups. 7.5 % of people identified as Black or Afro.² 47.6 % identified as *mestizo* or other, which includes several thousand Middle Eastern immigrants (Departamento Administrativo Nacional de Estadística 2005). Together, Afro-descendant and Wayúu people make up over 50 % of the population. La Guajira has the highest percentage of indigenous people among all departments in Colombia (Departamento Administrativo Nacional de Estadística 2005).

The main subject of this dissertation is people displaced by coal mining. I do not have confirmed statistics on exactly how many people have been displaced over the last three decades, but here I will offer an estimate based on census data, numbers from Cerrejón’s resettlement data,

² I used the 2005 statistics for ethnicity because statistics professionals identified flaws with the wording of the ethnicity question in the 2018 census (Departamento Administrativo Nacional de Estadística) 2019). Due to a long history of denying Blackness in Colombia, many people who are Afro-descendant do not identify as such, so the number is probably higher than 7.5 %.

and numbers given to me by my community leaders. The largest communities like Tabaco and Oreganal had somewhere between 250-300 families each. The smallest community, Tamaquito II had 29 families. In Roche, 25 families resettled, but in total about 514 families claimed belonging to the community. I believe this number was so high, because people from Tabaco and Manantial who were displaced moved to Roche. Table 3 shows the approximate number of people who were displaced, estimating 4 people per household. I realize that these numbers are not precise. Cerrejón officials would certainly not agree that the company has displaced almost 5000 people. Table 4 shows the number of families that were actually resettled in seven communities. Although these numbers are estimates, only about 25 % of displaced families resettled.

Table 3: A rough estimate of the number of people displaced by coal mining in La Guajira

Community	Households	Approximate population
Manantial	30	120
El Descanso	30	120
Tabaco	250	1000
Oreganal	250	1000
Espinal	70	280
Caracoli	40	160
Roche	250 ³	1000
Chancleta	80	320
Patilla	75	300
Las Casitas	50	200
Tamaquito II	29	116
TOTAL	1154	4616

³ I reduced this number in the estimate since the 514 families number is hotly debated and because many people who were part of that 514 were already counted in another community like Manantial, Tabaco, Chancleta, or Patilla.

Table 4: An estimate of the number of people resettled in La Guajira (Cerrejón Corporation Ltd. 2017)

Community	Number of resettled households	Approximate population
Oreganal	85	340
Nuevo Espinal	40	160
Roche	25	100
Chancleta	38 ⁴	152
Patilla	54	216
Las Casitas	31	124
Tamaquito II	29	116
TOTAL	301	1204

Methods

My analysis is based on 20 months of fieldwork in La Guajira conducted over six years between 2013 and 2019. I conducted the majority of my fieldwork in 2016 and 2017, a project made possible by the support of a National Science Foundation Doctoral Dissertation Research Improvement Grant. Dr. Aviva Chomsky and Dr. Steve Striffler introduced me to La Guajira when I joined them for a Witness for Peace solidarity delegation in 2013. Avi and Steve’s long-term relationships with communities living in Cerrejón’s impact zone and with the Cerrejón administration opened many doors for me. I was privileged to have access to both company officials and community leaders from the start of my preliminary fieldwork.

The majority of my research consisted of participant observation. Most days, I visited with community members to engage in participant observation during meetings with Cerrejón officials, community events, workshops, and visits to family homes. I took detailed notes at every occasion and then typed up my notes every night to remember the anecdotes, quotes, major events, and settings. I also conducted participant observation in formal meetings with Cerrejón officials as part of my advocacy work and research. Participant observation gave me a window into the differences between what people say and what they actually do. For example, I observed when community leaders would express a passionate opinion in meetings, but take a more middle-of-the-road approach to making decisions. Participant observation also showed me how my research collaborators behaved in a variety of contexts. For example, Cerrejón officials acted differently

⁴ 47 families were eligible for resettlement in Chancleta, but 9 chose to move to towns instead of the resettlement

in meetings with the community of Tamaquito II than with other communities. They were more deferential to community leadership and more mindful of being guests in Tamaquito's territory than in other communities. My analysis and narrative description in this dissertation come from many months of participant observation and daily fieldwork reflections.

Another major component of my research was semi-structured interviews. I conducted the majority of interviews in the last three months of fieldwork in 2017. I used these interviews to fill in gaps in my research, dive deeper into peoples' personal perspectives on resettlement, and learn more community history. I interviewed community leaders, community members, NGO workers, activists, municipal officials, and Cerrejón officials at various levels of the company. I also interviewed community elders for community and life histories.

Almost all of my research informants permitted me to or requested that I use their real names and affiliations. Although many activists and community leaders are under threat from right-wing paramilitaries in the region, their names are already well known. My writing about them does not expose them in new ways. Furthermore, I found that people wanted someone to listen to and share their stories. They wanted to know that their words would be recorded somewhere. They asked me to present my findings to Cerrejón officials and shareholders. Cerrejón officials generally allowed me to use their names as well, although they made it clear that interviews were their personal opinion, not the company's official position. At the end of my fieldwork, officials stopped allowing me to conduct interviews. I believe there was some sort of memo passed around the office barring the resettlement team from speaking with me "on the record."

In addition to interviews and participant observation, I collected thousands of pages of documents while in the field. Cerrejón officials generously shared reports and documents pertaining to resettlement. I collected copies of lawsuits and Constitutional Court demands from communities. I visited libraries including the Banco de La República library systems in Santa Marta, Bogota, Riohacha, and Valledupar to copy newspaper clippings and out-of-print books. I also received documents from the NGOs Indepaz, Cajar, CINEP, and Censat/Agua Viva. I draw on quotes, data, and findings from these documents throughout the dissertation to contextualize and historicize my ethnographic work. I also relied on e-mails, WhatsApp messages, and phone conversations as part of my solidarity work in these communities.

I had privileged access to information during fieldwork due to my position as a solidarity activist. As anthropologists, our presence makes a difference to people in our fieldwork sites whether we intend to or not. I take the position that I cannot merely witness the grave injustices in my field site which are generated by an economic system that favors people like myself. Following other anthropologists I admire, such as Leigh Binford, Lesley Gill, William Roseberry, Gavin Smith, and Steve Striffler, I used fieldwork as a form of accompaniment. Like these authors, I believe that understanding the historical contexts that have generated contemporary struggles over power is a central concern of anthropology. I hope this dissertation centers the voices of people who have faced terrible injustice who have important proposals for social and political change.

Outline of chapters

This dissertation is organized chronologically. Each chapter considers how people organize with each other to survive. Over time, local people were transformed from rural landholders to the urban precariat. Their lives, and their relationships to each other, were increasingly defined by their relationship to a coal mining company. I ask how people accepted, contested, and shaped their subordination to the company. In each chapter, I consider how shifts in corporate policy, community alliances, national laws, economic opportunities, and political violence influenced how local people could and could not organize with each other.

Chapter two focuses on community life before the arrival of coal mining. In La Guajira, indigenous and Afro-descendant peoples built their communities around communal land, which allowed them to survive during times of economic precarity and remain relatively autonomous from the central government. People had organic authority structures for conflict resolution, land management, and community defense. I describe how people built their social relationships around their shared lands, forests, and water sources. In the third chapter, I show how the arrival of coal mining ruptured these carefully formed social relations. When the mine arrived in 1975, it created a shock in which local people faced enclosure of their lands and then forced displacement. Left-wing guerillas and the Colombian military threatened budding community organizations. Displacement and enclosure divided communities, but also created a solidarity movement against coal mining.

Chapter four opens with the violent expropriation of the community of Tabaco in 2001, which became a catalyst for community organizing and international solidarity. Leaders in Tabaco and its neighboring communities turned to their rights as ethnic communities to demand an alternative to displacement. The Cerrejón Company actively threatened community solidarity by creating parallel organizations and denying the authenticity of community identity. In chapter five, I show how after 2007, the solidarity movement between communities and international activists shifted the company's policies from displacement to resettlement. However, resettlement narrowed local peoples' options for survival and threatened collective organizing. Through resettlement, displaced people were unevenly reincorporated into the extractive capitalism that had dispossessed them.

Chapter six focuses on the experience of communities after they resettled between 2011 and 2013. Cerrejón offered communities livelihood projects to replace their rural occupations, which promised to make local people into urban workers and business owners who could benefit from the coal mining economy. Instead, most resettled people became part of the precariat, reliant on credit and company handouts to survive. As resettled people experienced their subordination to the company, they were both motivated to align themselves with company officials and to protest their subordination. In chapter seven, I argue that resettled peoples' lives became defined by waiting. Resettlement planners and company officials had promised that people would share in the benefits of coal mining, but resettled people found themselves always waiting for those benefits to materialize. They waited for lawyers, state institutions, and company officials to decide their fates, which paralyzed collective action. Community leaders became divided when some demanded structural change and others feared waiting any longer for help to come.

In conclusion, I consider the contributions of this dissertation to understanding how marginalized people rebuild their identities, communities, and relationships around capitalist shocks. I also lay out the applications of my research for resettlement studies. I argue that despite the immense injustice communities face, they are steadfast in finding ways to survive and thrive.

Chapter 2: Community and Land Organizations before Mining

During fieldwork, I often tried to picture what La Guajira was like before mining, but it was hard to picture that the places surrounding the mine were once green and lush. I could not imagine people sustaining themselves from the land there. One day in 2014, I caught a glimpse of what life was like before the mine displaced people from their lands. I accompanied local activists and researchers from the NGO CENSAT/Agua Viva on an exploration of the Arroyo Bruno, one of the main tributary streams in the region, which Cerrejón was preparing to divert. We left Barrancas early, packed like sardines into the back of one of the Toyotas that people used for school transportation. The back of these are lined with benches, where about a dozen of us were perched, trying to hold on. Outside the town of Albania, we turned down a long dirt road. We had to stop to talk to some men from the *cabildos* to receive permission to continue our journey. They let us through the barbed wire fence strung up as a makeshift gate. About a kilometer in, I could not believe we were on a road anymore. It felt more like we were bumping through a forest path. I was convinced we were lost.

To my surprise, we finally reached a small house and a clearing at the end of the path. Our driver parked under a shady tree and we all got out to begin our trek of the Arroyo Bruno. We started by filling up on ripe mangos from the trees on the path; their skin was red and orange, their flesh sweet and fragrant, ripened to perfection by the sun. When we were full of mango, we began our walk into the woods surrounding the river. There was lush vegetation on all sides. The water was crystal clear and flowing in little rapids. As part of the research, we counted the native flora and fauna. We saw howler monkeys, parrots, and iguanas. There were many species of tree, flowering bushes, and vines native to La Guajira's dry tropical forests, some of the most delicate ecosystems on the planet. We came upon two men from the community with a donkey they were using to move crops from their fields to the roads. My local activist friends amused themselves by having me climb on the donkey and take photos posing as the "gringa guajira." As we continued our walk upriver, we came on a swimming hole that marked the headwaters of the Bruno. I promptly jumped in, amazed that the water was deep enough to swim out of my depth. I could see right to the bottom, where little fish swam.

⁵ The name for an indigenous council in Colombia.

That trip to the Bruno was the most magical experience I had during five years of fieldwork. When people told me stories of what their communities were like before Cerrejón arrived, I thought of those forest paths and crystal streams. For just a day I saw a small sliver of how people lived before mass displacement.

Before coal mining companies displaced local people, communities in the Cerrejón zone lived off the land. I argue that people build their communities around freely available land, which gave communities autonomy from the national government and protected them from economic shocks. Local people had access to land and resources that allowed them to survive even when they could not find work. Communities grew up around shared access to water, forest, and grazing lands. People organized organically in order to resolve disputes and make decisions in these communities. They practiced self-governance, rather than rely on the authority of the Spanish Crown or the Colombian government. They formed social organizations in response to needs for conflict resolution, land management, and community defense. Pre-mining La Guajira was a place of limited state presence in which people relied on their kin, community, and local social relations to organize and survive.

This chapter shows how before coal mining, rural people had carefully negotiated social relations built around their territories. Wayúu indigenous people and escaped African slaves settled the valleys of the Central and Southern Guajira. Their social organizations were dominated by kinship and clan lines, which gave families the right to use certain lands. They resolved disputes using internal mediators and conflict-resolution methods. Kinship and community gave people access to land and resources. In the 1960s, some early land conflicts arose as powerful outsiders declared their rights to rural lands occupied by enclave communities, so local people began to treat land as an individual good. The communities I worked with during fieldwork can trace their roots back to the settlements described in this chapter.

The people of the central and southern Guajira

The communities featured in this dissertation can trace their foundations to the 18th, 19th, and in some cases, 20th century. Large sections of the Central and Southern Guajira were settled in the 18th and 19th century by Wayúu clans and descendants of freed slaves. By building enclaves, they maintained a unique cultural and social organization. Today, many of these people identify as either Wayúu or Afro-descendant. The history of those identities is rooted in the settlement of

La Guajira's Central and Southern valleys.⁶ Here, I briefly describe the long history of those two groups that formed enclaves in the southern Guajira where together they developed longstanding economic relationships, shared traditions, and culture. Living off the land was key of their autonomy from state and colonial powers. Communities negotiated the use of collective lands, relying on their internal authorities and decision-making processes rather than powerful outsiders. Their shared reliance on resources and land for survival formed the basis of their relationship.

The Wayúu

When the Spanish arrived to La Guajira in the late fifteenth century, they found a variety of Arawak Indian people inhabiting the region: the group that came to be known as the Wayúu who inhabited the valleys and coasts, and the Kogi and Wiwa people who inhabited the mountainous areas. The group of people today known as the Wayúu was made up of different clans and communities spread throughout La Guajira who shared a common language and customs.

The Wayúu call themselves the “unconquered” indigenous people because they lived at arm's length from the Spanish Empire. Early missionary and military attempts to pacify the Wayúu failed (Barrera Monroy 2000). The Wayúu people rose to power by making alliances with British and Dutch pearl traders in the seventeenth century (Barrera Monroy 2000; Polo Acuña 2005). To this day, the Wayúu use the term “*arijuna*” to refer to any non-Wayúu outsider, making a clear distinction between themselves and everyone else. Powerful Wayúu clans adopted European and creole traders into their families through marriage (Jaramillo 2011; Polo Acuña 2005). By living on the margins of empire, the Wayúu resisted colonial attempts at whitening and reducing their populations. Foreigners did not dominate the process of cultural formation in La Guajira. Rather they often adapted to local systems of social organization and kinship. European traders married the daughters of powerful Wayúu clan leaders as part of business agreements; the traders relied on the trust of clans who controlled the port areas (Villalba Hernández 2008). These arrangements gave Wayúu clans control over international trades such as pearls and wood.

⁶ Before the arrival of coal mining companies and before the passage of the 1991 Constitution, people did not necessarily organize around their identities as ethnic minorities. But their histories and traditions gave them a strong basis for making these claims in the 1990s and 2000s.

By selectively adapting European tools of war, mainly guns and horses, Wayúu and their allies established their own sovereignty and economic power (Barrera Monroy 2000; Polo Acuña 2005). While many indigenous peoples were subject to *mestizaje* – the erasure of indigenous groups through reducing and whitening the population – the Wayúu remained the dominant ethnic group in La Guajira throughout the Spanish reign. Historian Avi Chomsky argues that the relatively small European presence due to the region’s inhospitable geography in La Guajira allowed Wayúu to adapt gradually to processes of *mestizaje*, maintain a dispersed and territorially powerful population, avoid the epidemic disease that wiped out other native groups, and resist concentration and reduction (Chomsky 2016b, 4). The Wayúu adopted goat and sheep herding from the Spanish when the Crown confiscated Wayúu southern agricultural lands as punishment for their resistance (Villalba Hernández 2008, 48). The Wayúu also later fought to reclaim these lands. Goats and sheep - called *chivos* by locals - remain a cornerstone of Wayúu culture and economics to this day. During the 16th to 19th century, Wayúu adapted the tools and ideas of outsiders in order to help them survive in La Guajira.

Afro-descendants

La Guajira’s Afro-descendants have a history of resisting domination and establishing their own territorial enclaves. Dutch and British traders came to La Guajira in the seventeenth century to establish a pearl trade in the northern port of Cabo de la Vela. This trade was considered contraband because they did not pay tribute to the Spanish crown. Pearl diving was dangerous work and the Wayúu soon made it clear that they would not work as pearl divers. European traders began importing slaves to serve as divers. Many of the slaves who arrived during this time period were considered contraband because slave traders brought them to La Guajira without paying taxes to the Spanish Crown. Slaves escaped this highly exploitative industry as well as the Caribbean’s haciendas and mines. Free blacks formed *rochelas*, small communities located along river ways in the interior. *Rochelas* provided refuge for a variety of group including poor peasants escaping marginal conditions in other parts of the Caribbean coasts, contraband traders, fugitives, and indigenous families seeking land (Polo Acuña and Gutiérrez 2011, 30). *Rocheleros* lived at the edges of empire and the nascent state. Spanish authorities documented *Rocheleros* as living in miserable conditions, with their simple houses built of wood and mud and free-roaming animals (Polo Acuña and Gutiérrez 2011, 30). Yet quick and easy to build infrastructure allowed

rocheleros to occupy vast territories and migrate between different lands. Because they could quickly build new houses and corrals, they would manage multiple land plots or move when people or the environment impacted their farming. The Afro-descendant people who make up the communities in this dissertation can trace their history back to these *rochelas* (Munera Monte et al. 2014).

The communities of Roche, Chancleta, Patilla, Tabaco, and Manantial discussed in this dissertation likely originated from a *rochela*. There are two variations of the foundation stories of the communities. Both these accounts state that these communities are descended from the Las Tunas black settlement, near present-day Barrancas (Munera Monte et al. 2014, 41). In one account, the founders of Las Tunas came from Riohacha, where they escaped captivity and followed the Ranchería River south. In another version, a slave boat shipwrecked on its way to Cabo de la Vela, and the slaves took the opportunity to escape, also following the river south. In a more dramatic version of this second account told to me by several Tabaco residents, the slaves did not simply escape, but rather revolted after overhearing a plot to throw some slaves overboard to lighten the ship. People in all five communities agree that a man by the name of Valentín Arrogocés founded Las Tunas with his family (Munera Monte et al. 2014, 45). These escaped slaves also founded the town of Calabacito (the name means little Calabash tree), which today is the town of Albania (Pérez 2007). The availability of land allowed these communities freedom and protection.

Another community Oreganal, was formed in the eighteenth century. Sisters Ida and Ilsa Fuentes told me this story one day during fieldwork. Isabel Montesinos and her husband Juan Jose Azis, ancestors of the Fuentes, founded Oreganal. Montesinos is a Spanish last name and Azis is an Arabic last name, indicating that the people who settled Oreganal were of mixed Arabic, African, and European descent. People from Oreganal do not know their exact history, but speculate that people came from a combination of migration from these towns further south and from slave ships in the Guajira Peninsula. That pattern matches the formation of *rochelas* in La Guajira, which were mixed settlements made up by people from various ethnic backgrounds who wished to live outside the control of the Spanish crown (Polo Acuña and Gutiérrez 2011).

The black communities in Cerrejón's impact zone became known as *bárbaros hoscós* for fighting on the side of Conservatives in the Thousand Days War (1899-1902) (Munera Monte et al. 2014, 49). Although *hoscós* is a derogatory term roughly equivalent to "savage" in colonial

Spanish, since they were “bárbaros” they were known as” strong, brave and defiant peoples” (Munera Monte et al. 2014, 49). They fought alongside *mestizos* and *creoles* less to defend the interests of the nascent institutional Colombian state, and more to defend their own territories. Their participation allowed these communities to maintain their communal hunting and grazing lands and families to keep hold of their land plots, where they raised animals and grew crops. They needed their lands to survive, and they forged relationship to protect that territory. Like the Wayúu, Afro-descendants would collaborate with outsiders when it served them to preserve their territories and resist domination.

Community politics and social organizations

Afro-descendant, Wayúu, and peasant peoples living in La Guajira built unique local social relations and landholding patterns that endured until the arrival of coal mining. The communities surrounding Cerrejón’s mining complex come from a long lineage of groups that resisted colonial domination and lived relatively autonomously from the state until the mid-twentieth century. People living in these settlements lacked official land titles and were often excluded from government decision-making. By forming enclave communities they established their own rules for land use and social control. They relied on clans, kin, community elders, and local authorities to implement norms and resolve disputes. They may have had a distant relationship with national and regional governments, but they had their own form of politics.

Clans and kinship

Kinship relations played an important role in community social organization. The communities mentioned in this dissertation were all founded by a small number of families, who dispersed and intermarried. People had extended family living in various communities, which knit settlements together. Kinship and clan relations granted people the right to access land plots in the absence of registered land titles. Kinship gave each family or clan representation on community councils, as generally each family or clan had one elder who represented them on these councils.

The clan system is fundamental to Wayúu social organization. There are eighteen clans in Wayúu tradition, each of which has a different animal and symbol that represents it (Martínez Urbáñez 2005). Clans are matrilineal, meaning that children are part of their mother’s clan. As

Wayúu people adapted to Spanish naming traditions, they began to use their clan name as their maternal last name, usually taking their father's Spanish last name as their paternal last name. Historically, clans arranged marriages between each other to secure social status, maintain social harmony, and gain land and animal wealth (González 2008). Wayúu communities – called *rancherías* – generally had three to five clans in each settlement. Each clan built their houses in the same sector of the *ranchería* and had access to grazing and agricultural lands through their clan affiliation. In Wayúu tradition, the men of each clan acted as the family authorities. Clans in the same *ranchería* shared access to forests and water sources for hunting, fishing, and gathering. The Wayúu communities I discuss in this dissertation – Tamaquito II, Espinal, and Caracolí – established their communities in the southern Guajira in the 1940s and 1950s. Their families had long held lands in the southern Guajira, and they began to make those settlements permanent. Because entire clans moved into these new territories, they quickly established community organizations that helped them create and grow their new settlements.

The Afro-descendant communities also relied on kinship lines to organize themselves. These familial relationships designated individual land plots as well as access to collective lands for grazing, hunting, and fishing (Losonczy et al. 2002). Until recently, men often had multiple wives in different places, meaning they had multiple land claims in different communities.⁷ In my research, I interviewed men in the resettled communities, now in their seventies or eighties, who had women as far south as Valledupar, as far east as Venezuela, and far Northwest as Dibulla. I remember interviewing Don Isidro, the oldest living man in Roche, in 2016. He kept telling me about how he moved between land plots and that back in the day “men could have multiple women as long as they built them a house.” It took me a moment to realize that he was referring to his own polygamous relationships! Anthropologist Anne-Marie Losonczy describes Afro-Guajiro ideas about land and territory as “multi polar social-spatial organization” because people held multiple kinship claims, engaged in both individual and collective land use, and adapted to changes in economic commerce through these relationships (Losonczy et al. 2002, 239).⁸

⁷ I have multiple friends in La Guajira who come from these types of family arrangements where they have their “siblings” from their mother and also distant siblings from other women and their father. This pattern also exists in Wayúu communities, although due to the clan system, there are stricter norms about men taking multiple wives.

⁸ Scholars have also documented polygamous practices among Wayúu, although their matrilineal clans dominate how they hold land and organize as a family (Aarón 2007).

Rogelio Ustate Arrogocés, a current leader from Tabaco and a national representative of Afro-Colombians displaced by mining, explained how Las Tunas became separate communities, but maintained a common territory and kinship relations:

When one talks about the territory of Tabaco, Manantial, Roche, it's one territory because we have familial and blood relations, because these towns were founded in 1780 by a group of people brought over as slaves who escaped, they were cimarrones, to not be enslaved. When they arrived at the river bend, first the community of Tabaco turned to the left and they founded Tabaco. When they arrived to the Aguas Blancas arroyo, another group went right and founded Manantial, another group kept going and when they arrived at the conflux of the Esenquion Arroyo, they saw land to the left and founded Roche. The other group kept moving, a strategy to hide from their captors and to have a good view of their enemies, and to look for ideal land for crops, close to the Ranchería River and other water bodies. Further on, another group went left by the Cerrejoncito Arroyo, and that's where they founded Patilla and Chancleta (Interview with the author, Jan 7, 2017, translation by the author).

Community names reflected the place and people. Tabaco and Patilla (watermelon) were crops, while Roche is short for *Rochela*, Chancleta is the kind of sandal worn by Guajiros, and Manantial is a spring. Tabaco, Manantial, Roche, Chancleta, and Patilla all had common ancestry, kinship networks, and collective land use. Several families even had land plots and houses in multiple communities, allowing them to rotate crops and pasture between plots, as well as grow a variety of different crops in different altitudes.

The Afro-descendant, peasant, and Wayúu communities in Cerrejón's impact zone all shared overlapping origins. These communities formed from centuries of intermarriage and exchange between African, *mestizo*, and indigenous peoples. Wayúu communities generally maintained a distinct language, dress, and traditions. They referred to themselves as Wayúu. In the Central and Southern Guajira, Wayúu communities intermarried with *campesino* and Afro-descendant populations. These communities were neighbors who shared common hunting and fishing grounds, engaged in commerce together, and had many shared cultural traditions. For example, Tabaco, an Afro-descendant community displaced in 2001, and Tamaquito II, a Wayúu community resettled in 2013, were neighbors. The children of Tamaquito II went to Tabaco for school. Women from Tamaquito II often married men in Tabaco and vice-versa. The two communities celebrated festivals together. They traded agricultural products and animals. They shared access to the Tabaco Stream, the Ranchería River, and the surrounding forests.

Authorities

Before the arrival of Cerrejón, local people had an organic and flexible means of making decisions and deciding land ownership. The majority of organization focused on internal issues rather than interfacing with external actors like the national government. During interviews with elder community members, I always asked what the social organization was like before the 1980s. In both Wayuu and Afro-descendant communities, people described to me how they used internal conflict resolution methods. Ida Fuentes, an octogenarian from the community of Oreganal explained to me during an interview:

There really was nothing. What mattered before was your word. And when there was conflicts, there were designated people who would act as mediators and go and fix conflicts between families the way a judge would, they would decide who was guilty and what the compensation should be, just like the *palabrer*os that the Wayúu have. And then the government established the Police Inspections and they would name a person to be in charge” (Interview with the author April 22, 2016).

The *palabrer*os⁹ Ida referred to were an internal conflict resolution system used by Wayúu throughout La Guajira, and still used in some communities today. The *palabrer*o system was built on three main principals of negotiation: mutual responsibility, symbolic and material compensation for harm done, and restoration of social harmony (Guerra Curvelo 2002). In his 2002 book *La Disputa y La Palabra: La Ley en le Sociedad Wayúu* anthropologist Weilder Guerra Curvelo describes *palabrer*os as arbitrators or mediators between two quarreling families.¹⁰ The *palabrer*o traveled between families to gather information on the dispute, take testimonies from both families, and make initial suggestion for compensation. The *palabrer*o relied on information from the entire community to verify the trustworthiness of each party involves in the dispute. In an agreement, both parties had to take responsibility to restore peace to the community (Guerra Curvelo 2002). Afro-descendant communities adopted a similar mechanism, which is evidence of the intermixing of traditions between these groups.¹¹

⁹ I translate it *palabrer*o as “word man” or “word woman” in the case of a *palebrera*

¹⁰ Guerra is the first Wayúu to do graduate work in anthropology and is very well-regarded public intellectual. His person clan connections and fluency in Wayuunaiki allowed him privileged access to *palabrer*os across La Guajira.

¹¹ This intermixing of Afro-descendants and Wayúu is unique to the central and southern Guajira. Wayúu from the northern peninsula are often referred to as more “authentically” Wayúu because they live in insular settlements, with very few non-Wayúu inhabitants.

Palabrerros or the wise men in Afro-descendant communities would help resolve disputes over land use, animal grazing rights, and even petty crime. The family who has done harm had to make *pago* (payment) to the offended family, which was both a material and symbolic payment. When one family paid another, they took responsibility for the harm done to the wounded party. Payment consisted of precious stone necklaces, or sacrificing goats, sheep, and cattle. Guerra explains, “The giving of economic compensation to the affected part can be considered an essential requirement to recuperate harmony between two indigenous families: peace, according to Wayúu *palabrerros*, is not born just come political willingness of individuals to cease hostilities but also from reestablishing ancestral mechanisms though economic compensation given to the affected group” (2002, 172). Guerra emphasizes that a successful resolution is a win-win for the warring families, and for the entire community.

Rural communities also had organizations linked to the state, although had limited interaction with government institutions. Most of the settlements in La Guajira were considered *corregimientos* (villages) or *veredas* (hamlets). Some Wayúu communities had *cabildos* – indigenous councils – already established. *Cabildos* originated from colonial institutions that gave indigenous settlements a way to interact with the Spanish crown (Jackson 1996; 2019). The name *cabildo* refers both to a council, which in Wayúu communities had one elder from each clan, and to the appointed leader of each community. These councils organized community consultations and made decisions about services such as education and community infrastructure.

Agricultural reforms in the 1920s and then again in the 1950s required increased community interaction with the government in order to build infrastructure such as windmill pumps and to organize schooling. The government appointed “police inspectors” in order to coordinate these services in each community. In Wayúu communities that had an established *cabildo*, the government would work through that council. The police inspectors were usually middle aged or senior men who were well respected in the community. In Afro-descendant communities they were generally from a wealthier family who owned land and had a large herd of animals, as these men were the most respected. In Wayúu communities, the inspectors usually came from the dominant clan. These organizations served their purpose in allowing communities to receive essential services and build infrastructure.

In the Afro-descendant community of Oreganal, the government built a new school in the 1950s after the Police Inspector and other community members organized a petition. The school

became the pride of the community. According to Oreganal native Pacho Tovar, it was one of the best schools in all of La Guajira, and soon people from surrounding communities sent their children there. This school connected the communities of Oreganal, Saraíta, El Descanso, Palmerito, Las Casitas, Campo Alegre, and San Pedro because families all had children in school there. Pacho remembers taking and receiving messages about what was happening in other communities during his classes. The school allowed neighboring communities to pass on important news to each other. The Police Inspectors and *cabildos* played an important role in interfacing with government institutions, but their overall interaction with the national government was infrequent. Until the 1970s, communities lived a fairly autonomous existence, which allowed them to maintain their organic social organizations, and make their own decisions about land use and ownership.

Living off the land

People founded settlements in the southern Guajira that gave them access to agricultural and grazing lands, water sources, and forests. There was ample land available in the southern Guajira, which made it an attractive destination for migrants from the northern Guajira in the twentieth century. Many families, especially the men of the household, were nomadic, holding and working land in different regions. The land in the southern Guajira provided space both for seasonal and permanent homesteads. Through managing land together, people formed dense community and dense kinship networks. These networks created employment, trade, and solidarity. Today, people refer to their communal lands as part of their “territory” – a term that captures the multiple social, spiritual, cultural, and economic uses and meanings of land. Community social relations and networks between communities were built around their shared territories.

Settling the southern Guajira

The southern Guajira has long been a refuge for people seeking land. In the 1920s, land conflict, drought, and poor economic conditions drove *Guajiros* from the northern peninsula to migrate the southern Guajira interior (De la Pedraja 1981; Vásquez and Correa 1986). Several of the Wayúu communities located in Cerrejón’s impact zone can trace their foundation to this period. The resettled Wayúu community of Tamaquito II, where I spent extended time doing fieldwork, was founded in 1945, at the peak of land conflict and environmental degradation. The

communities of Caracolí and Espinal that are also part of this dissertation were founded around the same time. Extended Wayúu families, who were part of the same clan, settled southern lands. In particular, those who belonged to less powerful and poorer clans ventured south to find new opportunities. Despite land conflicts in the northern peninsula, there was ample land available in the valleys of the southern Guajira. Wayúu clans soon became neighbors with *rochelas*. The settlement of Wayúu in the Albania, Hatonuevo, and Barrancas municipalities led to more intermixing with Afro-descendant populations.

Throughout the twentieth century, Afro-descendant and Wayúu families survived both by working on large farms and maintaining their own plots and animals. Families with large individual land plots generated employment. People survived not just by their individual, but through relationships of reciprocity and mutuality. Their ability to secure a good life did not rely on just wage work or their own subsistence, but also on their kin and community relations.

Land gave people freedom and independence by allowing families to sustain themselves. Because a great deal of land was untitled and available, local people could migrate to establish new land-plots in order to thrive during seasonal or long-term droughts. The diverse geography of the region also allowed families to farm different kinds of crops. For example, people could grow vegetables and grains in the flat and hot valley plains, and grow coffee and fruits in the shadier and cooler foothills of the Serranía de Perijá and Sierra Nevada de Santa Marta. Many families had land plots in multiple settlements. Rogelio Ustate described this history as part of the relationship between Tabaco, Manantial, Roche, Chancleta, and Patilla:

So everyone is in a territory, but we have the same blood, because we came from Africa, we had food sovereignty because of the mountains. In the mountains there were people from Tabaco, Patilla, Chancleta, Manantial, and Roche. That mountain territory was a big cold climate territory where we cultivated sugar cane, avocado, *níspero*, lemon, plantain, yuca, coffee, coconut, all the fruit trees. People went to the territory where they had a land plot but also had a territory for shared cultivation. There were boundaries. One would say: from this *puya* plant to this *guáimaro* belongs to “X” person. So people had a land boundary, but the work was collective; you work one day with me and the next day with another person. People had land, but what they did not have was titles. We all had access to water, to land. We all had a clear cosmovision that the land gave us benefits as black communities (Interview with the author, Jan 7, 2017).

It was common for families to build a house in one settlement while maintain plots in other settlements. For example, a man I know from Roche married a woman from Chancleta. His children were born in Chancleta and they built their home there. But as the oldest child of his parents, he also had the right to their land in Roche when they passed, which meant he often

traveled between the neighboring communities. Rogelio's description emphasized that in the five origin communities, families had their own plots, but also worked communally to help plant and harvest. They also had certain areas designated as collective, such that everyone had access to forests, water, and grazing land. This system allowed people to weather difficult times when they had no employment of their own crops failed. Rogelio explained to me that wealthier families with land would employ poorer families, allowing them to keep a share of the crops and also use some of the wealthier families land for their own agriculture through a community share cropping system. People were poor and sometimes went hungry, but the seasonal rotation of crops, fishing, hunting, and gathering meant they survived. People built their community organizations and kin relations around their shared vocation of living off the land.

Communities were all settled in areas where they had easy access to streams and rivers. My visit to the Arroyo Bruno communities showed me what a difference this made compared to the urban areas where communities live today. Living near a body of water meant that people could establish and grow their communities without relying on access to government water services of having to maintain complex water collections systems. The windmills built by the government in the 1920s were popular because local people could maintain the machines themselves without relying on outside technicians or officials. Families' subsistence practices also relied on fishing in these bodies of water. Water irrigated their crops and provided for their animals. People built their settlements in a way that made them largely independent from state institutions to access land or water.

Land ownership

As is the case in most of rural Colombia, most people who worked and lived on land in La Guajira had no formal titles to their plots or homes. Land use rights were established through clan membership and family connections. For the better part of the twentieth century, this gave people freedom to farm land and use communal resources without having to purchase that land. People used but did not formally "own" the lands and resources that allowed them to survive. Historical land records indicate that there was a mixture of *tierras baldías*, *resguardo*, and (potential illegitimate) private landholdings that made up the Cerrejón concession and its impact zone. The name Cerrejón comes from the largest mountain in the landscape, which the communities referred to as El Cerrejón.

Tierras baldías are unclaimed land that by default belong to the state. The term literally means “uncultivated” or “barren.” The state has the right to determine who can use these lands. “Barren” does not describe how people actually used the lands. Rural people worked these lands for agriculture and herding, and relied on them for hunting, fishing, and gathering medicinal plants and wild fruits.

Another way people held land in La Guajira was in *resguardos*.¹² The *resguardo* was a remnant of colonial land management policies; the Crown granted a piece of land to indigenous peoples in order to manage their tribute and labor. Many laws allowed the Crown to sell these lands. In 1890, the government passed Law 89, which strengthened indigenous claims to collectively holding land. This law provided the foundations for indigenous peoples to reclaim lands in 1970s and 1980s (Jackson 1996, 123). In La Guajira, there was a large block of land that crosses the Colombian and Venezuelan border that was titled a Wayúu *resguardo* by the Spanish Crown (Correa and Cardozo 1992). The areas considered “traditional” Wayúu *resguardo* land are mainly in the northern Guajira peninsula.

Following violent land conflicts during La Violencia (1948-1958), the National Front government passed Law 135, the Agrarian Social Reform Law in 1961. While La Guajira was not a central place of land conflict, these agrarian reforms laws did allow individuals to make claims for landholdings. If people could prove they had occupied the land and made improvements to it – such as building houses or other infrastructure – they could file a claim for ownership. People did not receive outright titles to their land, but had “use” rights and therefore could negotiate the sale of the land. Many families I know in La Guajira used this law to prove they were landholders, although only those that could afford to hire a lawyer, pay legal fees to the municipality, and sometimes provide bribes.

The 1961 agrarian reform was never intended to empower small producers, but instead to crush rural leftist organizing as part of Alliance for Progress policies during the Cold War (Barragan Lozano 1989; Tobon 1972; Zamosc 1986). In La Guajira, large landholders were encouraged to invest in export crops like cotton and rice (Bayona Velásquez 2016a). Both these crops are water intense, and put strain on La Guajira’s delicate water sources, which were already impacted by seasonal droughts. At the same time as smallholders in the communities were filing

¹² As anthropologist Jean Jackson (1996) has pointed out, there is no good English translation of this word, because these lands were not the same as reserves or reservations.

claims for their land, they came into conflict with more powerful landholders, a potential threat to communal lands and water sources. These changes made people begin to think of land as a more individual good, because land began to feel scarce. The pressure on land was compounded by the migration of Wayúu from the Northern Peninsula who were fleeing economic degradation caused by the expansion of commercial agriculture and cattle ranching (Chomsky 2016b). People who relied on the land to survive felt pressure to claim and protect their land plots.

Historically, Wayúu people migrated between the coastal and valley regions, but people became more “fixed” to settlements in the southern and Central Guajira during extensive droughts in the 1960s that made them leave the northern Guajira (Chomsky 2016b). Marco Antonio Ipuana, an elder member of the *cabildo* of Nuevo Espinal explained to me in an interview how the Wayúu communities in the area settled land acquired by the Colombian government as part of agrarian reform policies in the 1960s, “The state acquired this territory during the agrarian reform, these plots were purchased at that time: Sincelejo, Palmiras, Cerrito, La Victoria, and Tamaquito, all of these were bought with the idea that they would be for the indigenous people (Interview with the author, March 23, 2016, translation by the author). The government never gave these communities legal collective titles to their lands. Essentially, the communities were given permission by the state to use and farm *tierras baldías*, but were never given as official titles. They had neither collective titles to *resguardos* nor individual land titles from this 1960s reform. Afro-descendant, peasant, and Wayúu communities in La Guajira all had precarious legal claims to their land.

A large part of the territory that communities occupied was also titled under the “Comunidad de Cerrejón” land plot. When the Colombian government initially began exploration of the Cerrejón concession in 1860s, local elites led by a man named Juan Gómez Osío presented titles to this land, claiming it was not part of the state’s *tierras baldías* (Zabaleta Arias and Jaimes Peláez 1997). Historically, people from the communities had found work on the large farms within the Comunidad de Cerrejón. Many of the families who owned these lands did not live on site. They were urban elites who lived in Riohacha, Valledupar, or elsewhere in the Caribbean coast. They employed some local people to live in residence on their farms, which provided opportunities to poorer families who did not have large landholdings to live and work close to their origin communities. These large farms also employed people from the area seasonally during harvest or planting time. Or in the case of livestock projects during the periods during periods when cattle were calving and goats were kidding. Communities like Chancleta and Patilla were established

well before the title for the Comunidad de Cerrejón was formally approved in 1953 (Corte Constitucional de Colombia 2016a). Before the Comunidad de Cerrejón became a concession, people were unaware that the lands their families had occupied for centuries actually belonged to someone else.

When Cerrejón became a concession in the 1970s, there were overlapping and sometimes contradictory ways of holding land. Because people had land plots in more than one area, they often considered themselves as belonging to multiple communities. The way people used and held land depended on negotiation and reciprocity, with very little intervention from state institutions or titled landholders. Kinships and family were essential means through which people got access to land. The ways that people organized to make a living depended on their access to land and work through community networks, family relations, and clans. The “official” owner of this land did not matter much in their everyday lives. Some of their land was *tierra baldía*, some *resguardo*, and some part of the Comunidad de Cerrejón. In practical terms, they were able to use and work the land regardless of its official designation.

Conclusion

Communities built social organization and kinship structures around the land. As they built rural settlements, Afro-descendant and Wayúu people in La Guajira relied on shared access to forests, rivers, and lands to survive. These same lands also gave them autonomy from the Colombian government and sheltered them from external economic shocks. Within and between communities, there was little hierarchy. Instead, people collaborated out of necessity to protect their lands from powerful outsiders. For the people living within the “Comunidad de Cerrejón,” guaranteeing a good life involved a mix of wage labor, subsistence practices, and commercial agricultural. Their shared reliance on resource and land built socially embedded practices of sharing, reciprocity, and internal conflict resolution. At the same time, local people’s tenuous legal claims to land left them at a distinct disadvantage in protecting their livelihoods and resisting displacement.

Chapter 3: Enclosure and Displacement

One hot July afternoon in 2014, I found myself sitting in a beautiful patio behind a small home in the town of Hatonuevo. I did not expect to find this little paradise behind a plain plaster row house in the dusty town with its cracked sidewalks and dry, scrubby brush. Walking into Don Javier's house, I felt as if I had stepped back in time and into the countryside. Don Javier Pérez¹³ invited me to sit down under the beautiful thatched roof of his pergola. He saw me admiring the structure, which was made in a traditional style with dried palm leaves, and told me he and his sons had built in themselves to make this place feel more like home.

I had spent two weeks tracking down Don Javier. Everyone had told me I should speak with him to learn the long history of the community of Caracolí. I had met the dynamic young leader of Caracolí a few weeks prior, a woman named Fermina Campos¹⁴ who introduced me to the community's long history of struggle. Don Javier, dressed in a polo shirt and straw hat and carrying a hand carved cane, recounted this story to me as I sat in the shade under the thatched roof.

A prospecting firm hired by the Carbocol-Intercor consortium first arrived to Caracolí in 1988 to survey the land and minerals. Around that time, contractors began building a fence between Caracolí and the Ranchería River, which cut off people's access to the water and forests they used for hunting, fishing, and agriculture. Caracolí and the neighboring Espinal community began to feel the impacts of contamination from the mine pits that lay less than 5 km from their homes. People were sick with respiratory infections. Children had skin rashes. Women were having miscarriages and some young women developed breast cancer. They saw it in the animals too. Cows and goats miscarried or had babies with deformities.

In 1990, mine officials arrived to begin paying families for their land. Don Javier remembers receiving no more than 400,000 pesos (today this is equivalent to less than \$150 USD). The residents remained in their homes after accepting this money as their understanding was that the mining company did not need this land for some time. They believed they could stay until being resettled on uncontaminated land alongside Espinal and waited for this relocation.

Instead, one day in 1992, under the orders of the municipality of San Juan de Cesar, the police came in to fulfill an expropriation order. They were brutal. They burned down several

¹³ This is a pseudonym to protect privacy.

¹⁴ Also a pseudonym.

houses to force people to leave and to keep them from returning. Don Javier had to take a deep breath as he told me about watching his home go up in flames around him. Don Javier had brought a little bit of the *campo* into town with his patio and garden. But it did not satisfy him. Not only had he fled his old home, he had never been compensated properly for the loss. The people of Caracolí live with this injustice every day.

The pattern of dispossession in Caracolí occurred in many communities in the 1980s and 1990s. First, mining companies enclosed communities by cutting them off from rivers, forests, and grazing lands. Next, the companies would forcibly displace them in order to free the land for mining. To this day, people from these communities refer to themselves as “disappeared,” a reference to the forced disappearance of leftist leaders throughout Latin America under military dictators. Enclosure and displacement made the violence of capitalist relations visible. Economists speak of markets as abstract entities that regulate the world in a rationale and coherent manner. On the other hand, anthropological studies show that corporations and governments use violence to coerce labor and seize land (Ballvé 2012; Gill 2016; Harvey 2005). The violent transformations of capitalism force working people to re-evaluate their relationships to each other as they struggle to survive under these new conditions (Gill 2016). In this chapter, I show how enclosure and displacement devastated pre-existing community organizations, forcing people to re-evaluate their relationships to each other as they struggled to survive.

This chapter covers the period from the prospecting of the mine in 1975 to the first displacements in 1999. I characterize this time as a “shock period” in which families and communities struggled to understand and adapt to a new and violent capitalist reality. Their struggles were intensified by the arrival of left-wing guerrillas and the Colombian military that antagonized budding community organizations and persecuted community leaders. People forced from their lands became part of a growing urban precariat as they moved into nearby towns and became landless workers (Chomsky 2016b; Guha 2002; Standing 2011). I examine how people tried to rebuild their communities using new rights and political tools from the 1991 Constitution. The dual processes of enclosure and displacement badly divided communities, but also created a new political consciousness that laid the groundwork for resistance in later years. At the same time, the growing repression against communities also encouraged many families to sell their lands and leave in order to avoid further violence. Community members struggled to build new organizations at the same time as their communities were being reduced in territory and population.

Buying up coal concessions

In the 1970s, The United States became a key Colombian ally. The US government funded rural development programs and the military in exchange for the Colombian government committing to squash leftist organizations and implement neoliberal economic restructuring that would benefit US corporations (Rudqvist 1983). The government helped concentrate wealth and land in the hands of Colombian elites and multinational corporations. The 1970s brought a flurry of investment to Colombia as the government opened up its natural resource markets to foreign investments. In 1975, the Colombian government decided to open up La Guajira's coal reserves. A century earlier, the government had confirmed the potential of these reserves, but lacked the technology and resources to move coal from La Guajira, which was remote and had no railways. As part of efforts to modernize the national economy, the Alfonso López Michelsen administration began looking for foreign investors for an initial 32,000 hectare concession known as "Cerrejón Zona Norte." The government would retain a 50 % ownership of the operations, and the chosen foreign company would take the other 50 %.

From early on, Cerrejón's founding was highly political, and caused divisions with the Colombian government. In 1976, Intercor, a subsidiary of Exxon and Carbacol, a state entity, signed an agreement for joint operations of the Cerrejón Zona Norte concession. The Colombian senate debated the details and merits of the contract that same year. Left-wing senators pointed out several irregularities in the contract including provisions that would allow Intercor to take more than a 50 % share of the enterprise, pay lower royalties than the national standard, and a lack of clarity of the actual production numbers (Galán 1982). Additionally, some senators argued that this project would not cover Colombia's own energy needs as the Cerrejón coal would be only for exportation. They feared Colombian coal would meet the same fate as Colombian petroleum; when domestic production is focused on export, it drives up domestic prices (Galán 1982).¹⁵ The original contract for the concession granted a period of exploration (1977-1980), a period of construction (1981-1986), and initial production (1986-2009). By 1983, the two companies had completed the construction of massive infrastructure required to make this project feasible, which included a 150 km rail line, the operations base in the Maicao municipality, and the Bolivar Port

¹⁵ At the time, coal was proposed as one solution for Colombia's growing energy needs. In reality, the majority of Colombian coal was and still is exported. Colombia has mostly invested in hydropower instead of coal plants for domestic energy consumption.

to export coal on the Atlantic Coast. Carbocol-Intercor exported the first shipment of coal in 1984 (Cerrejón Corporation Ltd. 2010).

For the first two decades of its operation, the Cerrejón concessions had multiple and changing owners. In 1981, a consortium of mining companies gained rights to “Cerrejón Zona Central” and “Oreganal” concessions including Prodeco under the name “Carbones de Caribe.” Between 1995-2000, when active exploitation of this concession began, Rio Tinto, Anglo American, and Glencore owned Carbones del Caribe. When Anglo American, BHP Billiton, and Glencore consolidated the concession in 2001 under “Carbonos de Cerrejón,” they gained access to a fourth concession Cerrejón Zone Sur. Together, the four concessions totaled an area of 69,000 hectares (Cerrejón Corporation Ltd. 2010). In the mid 1990s, the government began to pull out of its participation in the mining project, which allowed international mining companies to expand their holdings in Colombian minerals. Glencore acquired Prodeco in 1995, creating Carbones de Cerrejón. Anglo-American became a partner in 1997. In 1999, the Colombia government extended the concession rights of both the North and Central Zones until 2034, likely in preparation to sell the state’s shares to private companies. Under Colombia’s privatization policies of the 1990s and 2000s, the government sold off the majority of its natural resource holdings to encourage foreign direct investment.

Open pit coal mining requires an astounding amount of land, infrastructure, and resources. In order to begin operations in the Cerrejón Zona Norte, Intercor and Carbacol had to deforest the land to be mined, build housing and infrastructure for workers, fence off and secure the perimeter of the mining area, construct a rail line, and build airports and a port. The privatization of the Cerrejón Zona Norte followed by the privatization of the Cerrejón Zona Central and Oreganal Concessions by Prodeco and Carbones de Caribe entailed enclosing tens of thousands of hectares of land. Intercor and Carbacol, with the backing of the government, began to clear the land for mining exploitation in the early 1980s. This clearing involved deforestation, and the damming of rivers and streams. Next, the companies erected fences and posted private security to enforce the privatization of this land. Carbones de Cerrejón followed close behind, preparing the southern portion of the concession lands for mining. These preparations involved the first step in removing people from lands enclosure. I use the term enclosure in the Marxist sense, fencing and clearing to convert public lands to private property (Marx 1867). Enclosure facilitated the displacement of communities in the 1990s by pressuring families to leave before the companies had to

expropriate them. Throughout this work, I show how enclosure is part of a larger process of displacement.

Enclosure

Mining companies enclosed communities in two different ways. First, they cut off access to collective lands and resources through fencing in their concession lands and securing these zones with guards.¹⁶ Communities lost access to hunting and grazing lands, and water sources. Second, they approached families with large land plots with cash offers to buy them out. Enclosure cut off freedom of movement in territories, and forced many families to urbanize. There was little negotiation of this process, and at the time, the companies did not incorporate the growing landless precariat as workers. Local people did not have the technical training to operate mining equipment nor the university education to work in administration. Enclosure physically reduced the size of communal territories and the number of people who lived there.

The concession contracts between the Colombian government and mining companies did not mention what to do with the people who already occupied and used the land in question. One of the first major projects completed by the Carbacol-Intercor project was the construction of a rail line between the mine's headquarters in Albania and the Bolivar Port in the Northern Guajira. This zone had long been occupied by Wayúu people living in small *rancherías* who favored the central and northern Guajira as it gave them access both to coastal lands and the southern Guajira for agriculture. For centuries, Wayúu families and other herders herded goats and sheep, moving between land plots in the north and south. The 150-km rail line went right through this Wayúu land, cutting off migration routes between the northern Guajira peninsula and the central and south valleys. In some cases, the tracks literally cut communities in half by running right through the middle of their lands. The trains ran all hours of the night, interrupting people's sleep. Farmers lost goats and sheep to the roaring trains, forcing them to erect fences for the first time. Coal dust spewed from the uncovered train cars.

South of the rail line, Carbacol and Intercor began deforesting land, erecting fences around the areas destined to become coal pits, and damming up water sources. The first communities to

¹⁶ The mining companies hired an extensive private security force. In high conflict areas, particularly those that were prone to guerilla attacks, the Colombian government provided soldiers and built military posts.

feel these impacts were located closest to the Cerrejón Zona Norte and Oreganal concessions. Don Javier's memories of Caracolí described in the introduction demonstrate how people began to lose access to key resources with little notice or consultation. In 1988, contractors built a fence around a section of the Ranchería River, cutting off Caracolí and Espinal from this key resource. They could no longer use the river for fishing, watering their animals, bathing, or washing clothes. For family consumption, they were now entirely reliant on the windmill pumps, which sometimes dried up during La Guajira's dry season; in contrast, there was always water in the Ranchería River. Families also lost access to the forest around the river, where they hunted for small mammals and iguanas, and grazed their *chivos* and cattle. Some families had lands in the surrounding foothills of the Serranía de Perijá where they grew fruit crops and coffee. The fence stood between them and these lands. With the fence, Carbocol and Intercor also installed security posts, giving outsiders the rights to patrol community land and prevent people from crossing the fence to access the river and forests. Enclosure was a violent shock to people's way of life that arrived without warning.

When active mining pits opened up near these communities, people began to feel health and environmental impacts. In February 1991, the Minister of Health, Camilo González Posso, that declared a 1000 meter buffer zone around the mine uninhabitable for humans and the zone 1000-4500 meter from the mine a high risk area for animal, plant, and human health (El Tiempo 1992a). Caracolí and Espinal lay well within this buffer zone, and residents noted that people were falling ill with respiratory infections and skin rashes. Their animals began miscarrying. Several people I interviewed in Oreganal told me a similar story about the arrival of the mine. When Carbones del Caribe began exploiting the Oreganal Pit, they barely knew it was there. For the first five years, the mine had no visible impact on the people of Oreganal. Sixta Martinez, who was a teenager at the time, told me in an interview that she remembers people falling in in the early 1990s. The combination of losing communal resources and growing health concerns forced families to leave. Those who stayed become more vulnerable to companies offering low prices to purchase their lands.

The other way the mining companies “cleared” the land was buying up land plots. Carbacol and Carbones del Caribe¹⁷ began to approach families who had titles or those who could file “use claims” under the agrarian reform laws of 1961 with individual offers to buy their lands. Francisco “Pacho” Tovar told me the story of Oreganal. Now in his 60s, Pacho has almond colored skin and close cropped gray hair. He always has a big smile on his face, and knows how to tease people to make them laugh but also roll their eyes. He signs all his correspondence to me “un abrazo big” and he gives big hugs as greetings and goodbyes in person. Pacho was the first person from his community to receive a formal university education. He studied dentistry in Bogotá and Mexico City the 1970s. At the time, it was an incredibly impressive feat for a campesino boy from La Guajira to study at all, let alone something as prestigious as dentistry.¹⁸

When Pacho was a young man in the late 1970s, outsiders began to arrive to Oreganal to buy up land, saying they wanted room for goats or cattle. They never indicated that they were associated with mining companies, but former residents realized many years after selling their lands that these buyers arrived during the exploration and prospecting stages of the mine. The men who purchased land never returned to use it for goat herding, but when the time came to negotiate with Carbones de Caribe in the 1990s, it turned out the company already owned some of these lands. Carbones del Caribe began to buy properties directly from Oreganal residents in the early 1990s. ¹⁹ Company officials would approach landholders individually, offering them compensation for the land and the “improvements,” such as houses and animal corrals. Oreganal was a large community of over 200 families at the time. Some families occupied large tracts of land, ten, twenty, even fifty hectares, which they used to graze herds of goats and cattle, reaching as many as 500 animals. As the mining complex’s southern pit expanded, it needed the land people from Oreganal occupied. According to just about everyone I spoke with, landholders were

¹⁷ My informants told me these two companies mainly carried out the negotiations for land because they were the “Colombian face” of the operations. In some cases, people reported they did not know they were selling their land to the mining company, because the officials who approached them presented themselves as individual buyers.

¹⁸ He is proof that families were thinking of their children becoming urban professionals before coal mining forced them to urbanize.

¹⁹ Pacho told me people were naïve at this time. Carbone de Caribe seemed like a small, Colombian-owned company. Oreganal residents thought it was based in Barranquilla and that is how community representatives presented themselves. Little did residents know that the shareholders of Carbones de Caribe were all large foreign mining companies.

unclear if and when they would have to move after selling their lands. As people sold their lands, the company would use the properties for dumping the earth removed from the Southern Pit, creating a wall around the community (Chomsky 2003). Carbones del Caribe was literally enclosing the community, cutting them off from collective lands and neighboring communities.

I heard a similar story repeatedly from people in Roche, Chancleta, and Patilla who realized only after selling their lands how this enclosure cut off communication between the three communities. The Carbacol-Intercor consortium operating under “Cerrejón Zona Norte” began buying plots of land from families in these communities in 1980s and 1990s. The Ramirez family, which held extensive lands both in Roche and in the surrounding foothills, sold much of their property at this time. Don Roberto Ramirez, was a well-respected man and at the time Roche’s Police Inspector. He sold over 50 hectares of land in 1980s,²⁰ but stayed on as a *comodato*, allowed to “rent” the land from the company.

When I interviewed Eder Arregocés, a native of Roche, he described how divisions in the community grew as people sold their lands:

The difficulties began in the mid 80s. Because the people who had farms on the perimeter were given labor opportunities [with the mining company]. They were selling their lands to the company, so then we were surrounded by the mine and that turned us into economically vulnerable families. We were not rich before, but at least we had enough to eat and a place to produce, which allowed us a better quality of life than what we have today (Interview with the author March 1, 2017, translation by the author).

Eder’s description captures how people stopped thinking of land collectively, and instead began to sell their lands as individual plots. People were happy to have wage work in return, but those jobs ended up being temporary contracts. As the companies encroached on forests and water sources, people stopped hunting and fishing to supplement their incomes. Buying up the peripheral lands in Roche enclosed the community, and cut many people off from the forest and river land. Enclosure reduced the size of Roche’s territory, and began to break up the communities and its families as people moved to nearby towns. As Eder described, as people became economically vulnerable, they turned inward to help their families survive rather than turning outward to their neighbors for help.

When Rocheros sold their lands in the 1980s and 1990s, they did not realize that this would forever reduce the size of their community, both in term of hectares of land and the number of

²⁰ From my understanding, the Ramirez family registered this land with use laws in the 1970s.

families living there. Eder explained how the buying of plots created new expectations and tensions among residents:

In 1985, 1986, there was an agreement that the company was going to buy the town and then many people came back to Roche. Because Roche was never the 25 families that today have a title.²¹ Roche had a population dispersed throughout the country and in neighboring Venezuela. Rocheros migrated, some before the mine's arrival and others after. But a Rochero always came and went, which gave one a kind of stability. I am telling you they were nomadic, but always aware of their community. Now it's easy because there are only twenty-five houses in the new Roche. The change has been very hard. But anyway the mine was going to buy the land and the town filled up again with its natives. People came from the places where they went to look for work or education for their children. But we were always a strong community, a thoughtful community, a community that desired something different (Interview with the author March 1, 2017, translation by the author).

As Eder described, it was common for people to maintain multiple homesteads and migrate between them. Parents who wanted their kids to go to school after the fifth grade lived at least part time in the surrounding towns, coming back on weekends and holidays in order to tend their animals and crops. Others lived even further away where they could find work or additional lands for agriculture. By the 1980s, some children from Roche were also away studying in universities – the first generation to achieve a post-secondary education. Family relations connected people to Roche, even if many people did not live there full time. As Eder tells it, the community was an extended family, made up of several kinships lines, the Ustates, the Arregocés, the Ramirez, and the Diaz. People had claims to their lands and a connection to their collective territory through these ties. People came back to prove they had land in Roche in the late 1980s and early 1990s, because they anticipated they could negotiate a good price from Carbacol. However, the company refused to negotiate with many of these families, since they could not prove they were actively occupying the lands nor that they held titles. Many families received little or no compensation for their homes since the company did not consider them landowners or members of Roche.²² The families were disappointed when the mining company did not buy everyone out nor offer high prices. Some people refused to sell their lands at this time, after seeing their friends and family

²¹ Eder is referring here to the 25 families who received resettlement in 2011.

²² In chapter five, I show how these families were left out of resettlement negotiations, which reduced the size of the community.

being taken advantage of during the sale. They knew their lands were what allowed them to feed their families and send their kids to school, and did not want to give that up.

The prices Carbocol offered for land plots did not reflect their market value let alone the value of land as a family economy base and a social good. Eder explained:

Unfortunately, the negotiations with Cerrejón started at the end of the 1990s, when it was run by Intercor, a negotiation which was detrimental to the community. [They paid] 300, 000 pesos for a house. Maybe a million pesos or a million and a half pesos. But that wasn't the real value because it didn't have a value. This weakened the town (*el pueblo*) even more, because the people who sold then didn't have the same interests as before (Interview with the author March 1, 2017. Translation by the author).

Initially, many families accepted relatively low prices for their lands. Company officials calculated the value of their lands not on the price per hectare, but on the “improvements” made to the land such as fencing, houses, animals, and crops. The vast majority were legally considered land users and residents, but not owners because they had no title. Communities' lands were either *tierras baldías* or part of the privately held Comunidad de Cerrejón plot held by mostly urban elites who inherited the lands from family.

Carbacol and Carbones del Caribe effectively forced families who had held their lands for generations to leave. The compensation they received was not enough to purchase new lands elsewhere to continue their rural lifestyles. The arrival of the mining companies had made farmland harder to come by and more expensive than before. The privatization of tens of thousands of hectares began to make it much harder to find new unclaimed land to farm. The organic and internally negotiated means of using land without owning it was coming to an end. As communities were reduced in size and population, the kinship and communal bonds that held them together began to erode. In each community, families resisted selling their lands. In Roche, a total of 25 households refused to sell. These families knew that they would never replace the security provided by farming if they left. Those who stayed began to form organizing committees to fight displacement. Their connection to their farms, forests, and rivers gave them a basis for organizing. Their extended kin relations tied them together.

Some landholders did do well in their negotiations with the mining companies: the elites who had titles to the Comunidad de Cerrejón land. As I described in the previous chapter, elites led by Juan Gómez Osío acquired titles to tens of thousands of hectares of land, including the subsoil resources in the 1860s. The legality of their titles was contested for almost a century, but

approved in 1952 by a court hearing. The people who actually occupied these lands, communities like Roche, often had no idea that someone else held a title for it. Their ancestors had lived and worked those lands before Gómez Osío made those claims. Nonetheless, the descendants of those elites, not of the actual land users, found themselves in a privileged position from which to sell their land because they had rights not just to the soil but the coal underneath it.²³ People with little or no personal connection to those lands ended up profiting from the sale while the people who used and formed communities around those lands lost out.

Enclosure ruptured people's economic base, making families' subsistence and survival precarious. Many became landless workers, forced to live in urban areas where their cost of living went up without finding stable employment. This process also weakened community bonds built around shared access to collective resources. Families began to split up as some urbanized and others stayed in rural areas. The physical reduction of community territory weakened community relations. Those who resisted enclosure focused on finding new ways to organize. They drew on their kinship relations and connection to shared territory, along with new political tools from the 1991 Constitution. As enclosure split communities apart, families scrambled to put them back together.

Community reorganization under the 1991 Constitution

As communities living in Cerrejón's impact zone began to feel the pressure to sell their lands and leave, they also gained new legal tools to fight back. In 1991, Colombia's Constitutional Assembly enacted a new constitution that focused on decentralizing political power in order to restore citizen trust in government institutions. The Constitution was in part an agreement with the FARC that would allow grassroots organizations to participate in formal politics by opening up space for new parties and endowing local and department governments with greater autonomy (Fox, Gallon-Giraldo, and Stetson 2010; Jackson 2019). The 1991 Constitution

²³ The Comunidad de Cerrejón case is apparently unique in giving landholders the rights to subsoil, because the state actually owns all subsoil resources. Nonetheless, mining companies did come to an agreement that compensated these landowners for the subsoil. The details of the agreement reached between Intercor/Carbacol and the Comunidad de Cerrejón landholders is not public. My understanding, based on my informants as well as a 2016 Constitutional Court ruling, is that landholders received a small share in the concession as well as payment for the value of their lands. For more information on this, see chapters five and six as well as the original court sentence from 2016 (Corte Constitucional de Colombia 2016b)

empowered local and micro-local government structures, recognized indigenous peoples' autonomy, and limited state interventions in the market. The new constitution also allowed the government to co-opt radical and alternative politics to make these movements compatible with neoliberalism (Asher and Ojeda 2009; Jackson 2019). In regions like La Guajira, the national government endowed rural and indigenous councils with formal political recognition, while it simultaneously implemented neoliberal reforms that deepened Colombia's staggering inequality.

Constitutional reforms encouraged participatory democracy by strengthening departmental, municipal, and community-based political organizations. In La Guajira, these changes gave the new community organizations, Community Action Boards and *cabildos*, greater authority and participation in local government. Both of these organizations existed before the 1991 Constitution, but new laws strengthened their power within municipal governments. As community organizations formed in the wake of people's eviction from their lands, some leaders hoped to take on a corporation. They found themselves on an upward battle as their powers granted by the state actually often absolved the national government from intervening and did little to correct the massive power imbalance between multibillion dollar multinational companies backed by the most powerful wings of the national government and community residents.

Wayúu had few options to defend their political and territorial power other than through state-granted rights as indigenous peoples. Local and regional Wayúu politics became a way to regain this power as leaders hurried to register themselves as *cabildos* and register their communities as *resguardos*. The 1991 Constitution laid the groundwork for recognizing *cabildos* as indigenous authorities, which entailed autonomous control over their political affairs and political representation at the municipal and departmental state organizations (Jackson 1996). While many communities already had some form of *cabildo*, the Constitution granted them the authority to govern their territory and apply legal norms according to their customs.²⁴

In Wayúu communities, people expanded their local political power through *cabildos*. The *cabildo* is a rural council model, a remnant from Spanish colonialism. As part of decentralization reforms in the 1980s, and the adoption of indigenous rights frameworks in the 1990s, indigenous

²⁴ The Law of Black Communities passed in 1993 offered a similar mechanism for Afro-descendant communities to organize as *Consejos Comunitarios* (Community Councils). I discuss this organization more in the following chapters as communities in La Guajira did not begin to use this form of organization until the 2000s.

cabildos were given special recognition and powers. Decree 2001 of 1988, which updated 1961 legislation, named cabildos as “special public entities whose members are elected and recognized indigenous people who occupy part of a determined territory, responsible for legal representation of their group and carrying out functions in accordance with law and their customs” (Barco, Gaviria Trujillo, and Rosas Vega 1988). This measure gave indigenous communities the right to control their own schools, public services, and development within their territories. These rights were further explained and enshrined in the 1991 Constitution and the following laws that gave the amendments substance. The *cabildo* became a way for Wayúu communities to form official organizations and gain political power. It also provided a way for indigenous peoples to assert governance over their own territory, especially by registering their collectively held lands as official *resguardos*. The *cabildo* became a strategy both to fight off displacement from mining and to gain control over territories during increasing political violence in the 1990s (Jaramillo 2011; 2014).

Indigenous peoples also founded their own NGOs. The first Wayúu organization of this kind in La Guajira was Yanama, founded in 1975 and incorporated as an official NGO in 1985 (Yanama 2015). Yanama began with a focus on bicultural and bilingual education (Chomsky 2003). The organization also began responding to human rights threats against the Wayuu including guerillas and the Cerrejón mining consortium. European governments began making grants to indigenous rights NGOs as part of their support for Colombian social movements involved in human rights and peace organizing. With the new resources, Yanama strengthened its work in communities in the mining zone like Tamaquito II, Espinal, and Caracolí.

When I interviewed Jairo Fuentes Epieyu, the leader of the Wayúu community Tamaquito II, he described how his community began reforming their leadership structure in the 1990s through working with Yanama. Tamaquito II became part of a growing movement of Wayúu communities working with NGOs to protect their territories, implement ethnoeducation programs, and create autonomous development projects. According to Jairo, the community formed a council as they witnessed mining companies enclosing and displacing other communities:

We can say that our work as an organization began in 1996. The mine was still farther away in those days, the active mining was 20 km away. Never did we think that this would affect our territory, that it would affect the circulation of our productive activities, the air, the water and all of the life elements that we use from nature. Little by little, the corporation was carrying out many activities and started to appropriate properties with tricks, buying at low prices, tricking the people and

kicking out certain communities that existed on the banks of the Ranchería River. Saraíta, El Descanso, these communities were kicked out with tricks and with force, [by cutting off] access to the road. We were victims of all of this and could see the impacts.” (Interview with the author, Jan. 20, 2017.).

Tamaquito II strengthened their *cabildo* in response to the process of enclosure. The residents realized that the mine would move closer to their territory, and by the time it got there, it might be too late to do anything. They created a *cabildo* with an internal voting structure that gave all adults the right to participate in decision-making. This organization became key for Tamaquito II in later years. The communities more directly impacted in the 1990s were unfortunately forming their *cabildos* at the same time as being enclosed and displaced by mining companies. Espinal and Caracolí formed *cabildos* as they were facing permanent displacement, which meant they had no territory left to defend. The physical destruction of their community weakened the *cabildo* organization.

Like the Wayúu *cabildos*, Afro-descendant communities in the region established or reformed their Juntas de Acción Comunal (Community Action Boards). Some communities did have a Community Action Board before the arrival of Cerrejón, but they strengthened these organizations in response to the pressures of enclosure. The Community Action Board model is rooted in radical peasant politics. The National Front established Community Action Boards in 1958 with Law 19-1958, following the bloody decade known as La Violencia (1948-1958).²⁵ The National Front, the power sharing agreement between the Liberal and Conservative Party that lasted until 1974, was established to end violent conflict between supporters of the two parties. The National Front created Community Action Boards in order to appease peasant self-defense forces in the areas where La Violencia had been the most brutal, mainly in Antioquia and Cundinamarca. These self-defense forces had staged hostile land takeovers that threatened elite power in these regions; the boards were a kind of power sharing agreement as part of demobilizing these armed groups (Botero 1997; Valencia 2010). The National Front channeled funding for community infrastructure and development projects through them (Valencia 2010). The boards were responsible for enforcing health codes, managing water infrastructure and services, improving community agricultural practices, constructing homes, and organizing community work

²⁵ Of course, there is a great deal of debate on when La Violencia ended, since Colombia has had an ongoing internal conflict since 1948. Other historians cite 1964 as the end of La Violencia, as this is the year the FARC formed.

days. They also brought schools and teachers to far-flung rural communities, which accounted for the improvements in rural education during the 1960s and 1970s (Valencia 2010).²⁶ Community Action Boards promised communities direct participation in municipal governments. Political reforms in the 1990s gave Boards the right to manage funding for education and health services in their communities, control and manage infrastructure, and participate in municipal government decisions that impacted their settlements.

I interviewed Eder Arregocés, an active community leader in the neighboring communities of Roche, Chancleta, and Patilla about the founding of the Community Action Board in his native community Roche. He said:

[We formed the board] In 1985. Back then, I was residing in Roche. There I had my first daughter, my oldest daughter in the community of Roche with a woman from Roche. Even though I had been in Maicao, I came and had my first relationship, my first daughter with a Rochera. At that time, as a Community Action Board, we improved the water system that Roche had in conjunction with the municipality. We managed to hire a teacher because back then because there had been some conflicts in the community and there was no teacher and our young people had no type of education. But since then Roche has always had consistent teachers, we never lost the line of education and we've improved that issue a bit. In Roche, life was dignified, a healthy life where we were all one big family. There were the Arregocés, which is my family, the Ustates, the Guerras and the Ramirezes, among others who were part of the community. (Interview with the author March 1, 2017. Translation by the author).

Eder helped establish the Board in Roche. He described how in the early years of the Community Action Board, they focused on basic service provisions and resolving internal conflicts in the community. The people of Roche found themselves in a precarious position vis-à-vis Carbocol and Intercor, they began to use their Community Actions Board to make demands on the company. Eder Arregocés helped organize and strengthen the Community Action Board in Roche, as well as

²⁶ According to a study in 2010, these boards carried out 30 % of public works projects since 1958 in all of Colombia (Valencia 2010). These organizations spread throughout rural Colombia in the mid and late twentieth century. Following national patterns, people in La Guajira formed boards in response to decentralization measures. National data shows the number of boards jumped in 1982 with decentralization reforms and then again in 1993 following greater decentralization in the 1991 Constitution (Valencia 2010). Today, there are over 50, 000 of these boards in Colombia (Valencia 2010).

in his new home of Chancleta and Patilla.²⁷ Chancleta and Patilla learned from their family and friends in Roche about the problem of enclosure and buying off lands. They strengthened their Community Action Board to negotiate better land prices with the companies and potentially a relocation. In the early 1990s, the Boards were still in their nascent stages.

Communities formed *cabildos* and Community Action Boards as a means of defending their lands and collective territories as the coal mine enclosed their lands and surrounded their homes. Enclosure threatened family bonds by forcing many residents to move to urban areas. Yet, it was these same family bonds that helped solidify Community Actions Boards and *cabildos*. Community residents also shared an interest in protecting their forest, water, and land resources, which gave them a reason to resist and organize. These nascent organizations scrambled to confront different threats to community territory and solidarity: coal mining companies, guerilla groups, and state security forces, and became a way to prevent communities from being completely destroyed by the violence of extractive capitalism.

Organizing under pressure

Nascent community organizations of the 1990s faced rising political violence from both leftist guerillas and state security forces. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) arrived to La Guajira in the mid 1980s. Despite their political stance of defending rural workers and farmers, the FARC and ELN often displaced local people in order to seize lands that were in key areas for their smuggling operations. Some community leaders might have shared the FARC's critiques of coal mining, but there was rarely collaboration between guerrillas and communities. However, mining companies and the local government often painted any community leader who resisted mining and displacement as being left-wing radicals and therefore part of the guerilla, which gave state security forces license to repress community organizations and movements. This backlash intensified community divisions and got in the way of community organizing against the mine. As the government and mining companies portrayed themselves as victims of guerilla violence, they distracted from the violence they supported and enacted against local people to implement coal mining.

²⁷ Chancleta and Patilla were distinct settlements that neighbored each other. Since many families had members in both places, they shared a Community Action Board, and ended up negotiating with the company together.

Leftist guerilla groups began expanding their reach into La Guajira as they were being displaced by the military and early paramilitary groups from the central and southern regions of Colombia. They were attracted to La Guajira, for the remote mountains and low state presence, which made it possible to smuggle cocaine, gas, weapons, and other contraband. In 1993, The FARC established the Bloque Caribe (Ávila and Torres Tovar 2014; Rutas del Conflicto 2018b). This block grew into the Frente 59, which had a strong presence in the Central and Southern Guajira, the Sierra de Perijá, and the Sierra Nevada de Santa Marta (Ávila and Torres Tovar 2014). The National Liberation Army (ELN) moved into the towns of the southern Guajira and established the Frente Luciano Ariza in 1993, which they used to extort local business owners and fund their political activities (Ávila and Torres Tovar 2014). They established the Frente Gustavo Palmezano Ojeda in 2000, named after a member of the Sintracarbon mineworkers union who was assassinated in 1996 (Vidas Silenciadas 2017).

I remember sitting with my friend Angélica Ortiz, a well-known Wayúu activist, in her kitchen in Barrancas one day. She was reminiscing about growing up living in the countryside, near her *ranchería* on a large farm owned by her father. They had fruit trees all over the property. When the fruit was in season, Angélica and her siblings would get up early to help pick bananas, plantains, oranges, and mangos. Her father would sell these fruit to middle men who came by the farm and took the produce to markets. They also grew yuca, corn, malanga, and squash, which they sold at local markets. They kept sheep, goats, and cattle. Angélica and her siblings contributed to that income through their labor. The FARC began to threaten Angelica's father, calling him a wealthy landowner. FARC members also threatened Angelica's uncle, who had large farm. One day in the mid 1990s, they came to the farm, murdered her uncle and kidnapped her cousin. Angélica's father then sold his farm. The Frente 59's smuggling and extortion operations in La Guajira helped fund the FARC's political activities in other regions.

The FARC's growing presence in La Guajira led to increased military presence. As Chancleta and Patilla were building their Community Action Boards in the 1990s, state security forces persecuted their leaders for being FARC collaborators. The state focused on the Palmezano family, longtime leaders of these two communities, connecting them to a murder case. On December 10, 1996, the FARC attacked the Cerrejón Coal Complex in order to kidnap some US citizens who were working there. They took Frank Tomas Pescatore Jr, a geologist, hostage and

held him for ransom (Sparrow v. Chiquita Brands International, Inc. et al 2011). The FARC killed Pescatore when he tried to escape in early 1997.

On December 12, 1997, armed police barged into the Palmezano home in Chancleta, and took Tomas Palmezano Arregocés, a brother of leaders Wilman and Adolfo Palmezano, into custody, taping his mouth shut and telling him he was under arrest for the kidnapping. They did not have a warrant. After beating and threatening him, they let him go (Comisión Intereclesial de Justicia y Paz 2005). Adolfo and Tomas were considered suspects because they had worked with Pescatore for the company GEOMAX, which was prospecting for natural gas in the Cerrejón concession. Adolfo Palmezano was secretary of the Community Action Board and his brother Wilman also held leadership positions.²⁸ Police falsely accused several members of the Arregocés and Palmezano family, including Eder Arrégoces who helped found the Community Action Board, of being part of the FARC and participating in the murder of Frank Pescatore. A subsequent investigation by the Interecclesiastical Commission of Justice and Peace suggested that the police manipulated witnesses from the communities of Roche, Chancleta, and Patilla to say that the men had bragged about being members of the FARC (Comisión Intereclesial de Justicia y Paz 2005).

The accused men were all active leaders at the time. The Palmezano family had refused to sell its land in the 1990s and was active in encouraging other families to hold off and negotiate a better deal.²⁹ Although all charges against the brothers were dropped, rumors about guerilla affiliations continued to circulate with communities. The ongoing violence in La Guajira threatened relationships of mutual trust and impeded collective organizing. People became suspicious of their neighbors and feared that leaders were working with the FARC or ELN. People also feared speaking out against the mine or refusing to sell their lands because of the increased presence of state security forces, which enforced the power of mining companies right to seize land. Incidents like the persecution of the Palmezano family demonstrated the price paid for resistance and made more people sell their lands out of fear. Because the Colombian state

²⁸ In 2004, Adolfo Palmezano, who was elected leaders of the Community Action Boards of Chancleta in 2001 and had served as secretary on the community of Roche's board in 1992 was falsely imprisoned in connection with the murder (Comisión Intereclesial de Justicia y Paz 2005) I go into more detail of this story in the next chapter.

²⁹ There is no way to prove that Carbocol played any role in the persecution of these leaders, but breaking up community resistance did serve the company's interests in seizing land as quickly and cost effectively as possible.

aggravated the fear caused by the coal mine's expansion, many local people feared that their nascent community organizations would not be able to confront a project backed by the state.

The Colombian military repressed organized labor at the same time as it expropriated communities in La Guajira. Cerrejón's workers first formed a union in 1983 under Sindicato Intercor (Sintercor), which was controlled by Intercor until 1985 when workers made the union independent (Chomsky 2008; Zinn 1995). The 1980s was a dangerous time to be a union leader. The government treated anyone with leftist values as a guerilla threat.³⁰ Sintercor, which later became Sintracarbon, became an important political player in drawing attention to the inequalities produced by resource extraction in Colombia. It joined forces with the workers of the Union Sindicato Obrero (USO), one of the oldest and most radical unions in Colombia, to oppose foreign intervention in Colombia's natural resources (Chomsky 2008). Like the USO, Sintracarbon maintained a stance that resource extraction must benefit La Guajira and Colombia as a whole, fighting not just for workers' rights but also for using the profits from coal mining to generate social benefits.

The union and community organizations experienced repression both by the state and mining companies. Coal mining required 70,000 hectares of land and a docile labor force. The state backed coal companies' need to seize land from smallholders and prevent workers from resisting. As people struggled to survive, they also had to find new ways to organize with each other. Community Action Boards, *cabildos*, and organized labor provided a basis. Another tool they began to use was legal actions.

Organizing with new rights

Besides forming organizations, communities also fought enclosure and displacement against mining through legal actions. In 1992, two communities facing enclosure by the expanding coal mine drew on the 1991 constitution to file a civil lawsuit, called a *tutela*,³¹ against

³⁰ During contract negotiations in 1986 and 1988 the Colombian military entered the mine to force the union to accept agreements (Chomsky 2008; Zinn 1995). The union later joined forces with US labor activists through the United Mine Workers (UMWA), which offered them international protection by drawing international attention to the repression of workers (Zinn 1995).

³¹ A *tutela* is basically a legal petition for protection. Magistrates select *tutelas* for revision based on their merit or urgency. If the magistrates decide to be in favor of the plaintiffs, that *tutela* not only becomes a mandate for a specific case, but also informs future *tutela* actions and legislation.

Carbocol. This lawsuit was one of the first to use the “fundamental rights to health and physical integrity” guaranteed in the 1991 Constitution. The Constitution guaranteed these rights as part of political reforms aimed at adopting international human rights standards set by the United Nations. This *tutela* was also the first major legal action against the company. Remedios Fajardo, the founder of Yanama, was married to Armando Pérez Araújo, a lawyer. In 1992, they worked together to file this lawsuit on behalf of two Wayúu communities against Carbocol for the environmental and health impacts of open pit coal mining. On behalf of Espinal and Caracolí,³² which both occupied lands near the South Pit of the Cerrejón complex, Pérez first filed the complaint in the Superior Court of Riohacha in February 1992, claiming that the South Pit created a level of contamination unfit for human life due to coal dust, noise, vibrations, and waste pits (Corte Constitucional de Colombia 1992). This lawsuit used the February 1991 Ministry of Health resolution to prove that the two communities lay well within the zone considered unfit for human, plant, and animal health. Pérez’s petition claimed that the resolution “put the lives of poor families at risk if they continue exercising their rights to live in their houses” and that the “state is supposed to uphold their rights to life” (Corte Constitucional de Colombia 1992). The Constitutional Court heard the case and decided in favor of the plaintiffs (El Tiempo 1992a). The Constitutional Court found the Colombian State responsible for the contamination in the zone, and for not having protected Caracolí and Espinal. On September 18, 1992, the Court ordered the Ministry of Mines and Energy and the Ministry of Health to act to protect the “constitutional rights to life and physical integrity of the effected people and families” in these communities within 30 days after the decision. The court magistrates used the Ministry of Health’s resolution to prove that Caracolí and Espinal lived close enough to the mine (1000 m) for their lands to be considered “uninhabitable” (Corte Constitucional de Colombia 1992). The lawsuit was the first to hold mining companies accountable for the process of enclosure that threatened community survival.

³² *Tutelas* have to meet additional criteria to be considered a collective rather than an individual petition for constitutional rights. First, the Constitutional Court evaluates whether the denial of these rights have had or will have severe consequences for multiple people. Secondly, the violation of the collective right has to be connected to the violation of a fundamental right, for example the right to a healthy environment. Lastly, the individual who files the petition on behalf of the collective has to be able to prove individual damages or threats to themselves and/or their family based on the violation of the collective right. Through jurisprudence, the Constitutional Court has come to consider Prior Consultation itself a fundamental right.

The problem then became how the plaintiffs and their lawyers could enforce this decision given that most state institutions supported Carbacol's expansion.

The *El Tiempo* newspaper had covered this case closely because it was a landmark legal battle. Shortly after the paper published an article about the Ministry of Health's report, Carbacol submitted a response to *El Tiempo* in order for its readers to hear the company's side of the story. On November 6, 1992, *El Tiempo* "Carbacol has not caused environmental damage in La Guajira" (El Tiempo 1992b), a letter from the Director of Communications and Public Relations for Carbacol/Intercor Manuel Dangond Uribe. In the letter, Uribe claimed that the accusations against the mining consortium had been resolved. After the 1991 resolution from the Ministry of Health, Carbacol/Intercor created a committee to work on coal and the environment in order to monitor the zones in question. This committee included community members, local health workers, and the Barrancas secretary of health. According to Uribe, a study conducted by the committee found that the "principal causes of mortality are caused by diverse factors such as socio-economic conditions, health deficiencies, bad hygiene habits, and promiscuity" (El Tiempo 1992b). He portrayed Caracolí and Espinal as backward and indigenous peoples with poor hygiene and criminal tendencies. Yet, the people of Caracolí and Espinal had the foresight and understanding that they needed to take legal action in order to secure a better future for their children. They were defending their rights to occupy territories promised to them under the agrarian reforms of the 1960s.

Uribe claimed the company was working with the Indigenous Issues governing body and Wayúu representatives to inspect lands where some people would have to be removed because of mining contamination. The mining consortium was prepared to resettle if necessary. The Ministry of Health confirmed the plan to relocate communities in a press release in September 1992 (El Tiempo 1992c). At the time of the letter, Carbacol was negotiating a resettlement with Caracolí and Espinal. The company had promised to give the communities new lands to rebuild as part of a compensation package. Representatives from the communities went to Riohacha on November 7 and took over the Plaza Almirante Padilla in protest of the original offer. Carbacol had offered only 500,000 pesos per hectare of land (which equates to less than \$200 per hectare today) and a "bonus" of 20,000 pesos per family. The communities wanted 1 million pesos per hectare (\$400) and a bigger bonus. On November 10, the community representatives accepted 375,000 pesos per hectare and 125,000 pesos bonus per family because Carbacol also agreed to relocate the

communities to a farm called Rio de Janeiro, where they could rebuild (El Tiempo 1992c). This all sounded fine on paper, but what happened to Caracoli and Espinal in reality was very different.

The 1992 *tutela* exposed the violence of enclosure caused by coal mining. Despite the Constitutional Court's ruling, government entities and the coal companies cooperated to discredit communities and justify the continued exploitation of Wayúu land. Following the 1991 *tutela*, Carbacol and Intercor, aided by state security forces, began enacting more direct violence against these communities through forced displacement. The constant repression of community organizations made forming a united front against the coal mining companies dangerous.

Displacement

Enclosure weakened communities and reduced their territory; displacement removed them all together from their lands and livelihoods. I refer to displacement here as the forced removal of people from their land. Enclosure is a form of indirect displacement, and a precursor to this forced displacement. With displacement, mining companies came to dominate people's lives. The companies narrowed where they could live, how they could make a living, and how they could organize with each other as communities. The mining companies had no plans to help rural people continue their agricultural livelihoods nor to absorb people as laborers in the mining economy. Instead, they turned these communities into ecological refugees (Chomsky 2016a; Guha 2002) that found themselves forced to become urban laborers in an economy that had little need for their labor. It seemed increasingly impossible that communities and the mine could both survive in the same place. Displacement forced people into new relationships with each other. In the 1990s, they struggled to maintain and rebuild organizations that could confront these new threats.

In 1992, Colombian military and police violently expropriated Caracoli.³³ In 1993, they came for Nuevo Espinal, forcing the residents into trucks to take them to the land plot set aside for them: a farm known as Rio de Janeiro (Chomsky 2003). In 1996, Carbones de Caribe built the

³³ Under Colombian law, companies or persons possessing use or concession rights to any *tierra baldía* first offer to buy properties and homes of anyone living or using the land on a voluntary basis (U.S. Department of State 2013). Concession rights even outrank titled private landholdings. If the landholders do not wish to sell their land under those circumstances, the company or person holding concession rights can file an expropriation order with the municipality. After 30 days of written notice, if those occupying the land have still not moved, municipal judges can order a forced expropriation. The company then pays the person the value of the land.

first resettlement for the Afro-descendant community Oreganal. These three cases were different scales of displacement. Caracolí was removed entirely from its territory, and residents had to find new places to live. Espinal was relocated to a new land plot, but the company did not provide support to build new houses or infrastructure. Carbones del Caribe resettled the people of Oreganal; the company moved community residents and built new houses and infrastructure for them. In all three places, people found themselves questioning their kin and community relations as they confronted powerful private companies backed by the government. Displacement was a rupture point that forced community residents to reassess how they to organize with each other under this complex of dispossession.

Caracolí

In the introduction of this chapter, I told the story of Caracolí's displacement through Don Javier's experience. The person who introduced me to this history was Fermina Campos who spearheaded an effort organize the displaced people of Caracolí to demand resettlement and reparations for their 1992 displacement. In 2014, we met up at a bakery in Barrancas where we sat down to chat over ice cold Coca-Colas. I had already heard some traumatic stories from displaced people but I was not prepared for what happened to Fermina and her family after their displacement.

Fermina survived a series of traumas, beginning with her displacement from Caracolí. She was only 14 during the expropriation but remembered it well. When the police arrived, people were not prepared to leave. They had not packed up their possessions, found transportation for their animals, or arranged housing. They knew there was an expropriation order, but had also been promised resettlement, so had not left their homes yet. The municipal officials had the signed expropriation order, so the military began physically forcing people to leave their homes. People grabbed what they could carry and left their houses as the destruction began. Soldiers tore down and even burned some houses to ensure people would not return and rebuild. Fermina and her family watched as these men destroyed their home and their small farm. Their goats and cattle ran loose as the men pulled up the corrals fence posts. In a matter of hours, the whole community was left with nothing but the clothes on their backs and the possessions they had grabbed from their homes.

After the displacement, Fermina and her family moved in with relatives in the town of Hatonuevo. Many families from Caracolí already rented houses in Hatonuevo or had family members there. They looked for in the growing service industry, construction, and other odd jobs. Some enterprising families scraped up the money to buy houses, which they could rent to the expanding group of mineworkers. Before displacement, people moved between urban and rural areas. After displacement, they were forced to urbanize, leaving behind the lands that gave them economic independence and autonomy. Their cost of living became more expensive. Their nascent *cabildo* split apart as people moved away from each other and focused on the everyday needs to feed their families, clothe their children, and pay for urban services.

Nuevo Espinal

Espinal was the first community in the Cerrejón zone to be relocated to new lands instead of just displaced.³⁴ I use the terms “relocation” because the government moved the community to an empty plot where residents had to build their own housing and infrastructure. Relocation is distinct from “resettlement,” which involves rebuilding housing, infrastructure, and livelihood projects in the new site. According to people I interviewed in Nuevo Espinal, one day in 1993, men arrived with trucks to take them to the Rio de Janeiro land plot, which had been purchased by the government during agrarian reform as land to turn over to indigenous peoples.³⁵ Carbocol-Intercor did this all in the name of protecting the communities from contamination as part of the orders following the 1992 lawsuit.

Marco Antonio Ipuana, an elder council member of Nuevo Espinal’s *cabildo* was kind enough to take the time to tell me the story of the community one day. We sat on his patio while his wife poured me cup and after cup of very sweet *tinto* (coffee) kept hot in a thermos. I admired their herd of goats and flock of chickens roaming in the parcel of land next to us. Marco Antonio sighed and told me that although this new place seemed nice, it was nothing like the old Espinal. He remembered the relocation day in 1993 well:

They [Carbocol officials] arrived with machines and the police at their side, that’s what happened in this community. The state had acquired these lands, 904 hectares all together, some of which were occupied and others not, but not everyone could

³⁴ I have never been able to clarify why Espinal was relocated and Caracolí was not. Both were plaintiffs in the 1992 *tutela* that ended in a settlement with Carbocol.

³⁵ Many families did not move to the new site, and instead ended up in the neighboring towns and eventually formed a new *resguardo* called 4 de Noviembre in the Maicao municipality.

get here, because they did not have the resources. It was difficult to eat, there was hardly any water here (Interview with the author, March 24 2016, translation by the author).

Marco Antonio described how the state cooperated in displacing the community. Company officials and the rural police literally removed people from their homes. Some families moved to the Rio de Janeiro farm, but others who did not have the means to reconstruct their homes did not. This initial displacement already fractured the community. Marco Antonio and others who had family in Barrancas were better off as they could stay with them while they worked on setting up the new site.³⁶

In our interview, Marco Antonio described how relocation changed family and community relationships as people scattered between the resettlement and neighboring urban areas:

There, we were are living together with the families intact. Now it's not like that. Some have left. Some went here, others there. Some are in Hatonuevo, Barrancas, in Barranquilla. All of us are in this because of the mining exploitation that there was there [in the old site], because there was not a collective movement of the community, it was more a displacement, they just told us this was our new land (Interview with the author, March 24 2016. Translation by the author).

Marco Antonio did not describe Nuevo Espinal as a resettlement, but instead called it a displacement. He emphasized how his family had dispersed, which strained relationships. He told me this was a problem on the communal level; when people do not see each other daily, they lose the feeling of being part of something collective. Young people begin to “urbanize” when they live in Barrancas or Maicao. They are more interested in finding a service or mining job than learning to farm.

When the people of Nuevo Espinal arrived to their new settlement in 1992, they had no idea that they had arrived in a conflict zone. The Rio de Janeiro farm butts up against the Sierra de Perijá, a key smuggling route for drugs and contraband between Colombia and Venezuela. The families of Nuevo Espinal soon discovered that they had moved into a guerilla hotbed, occupied by the Frente 59 Bloque Caribe arm of the FARC (Prada Pardo 2015). The community felt the impacts almost immediately after moving. The Frente 59 stole 30 goats and a Toyota jeep from

³⁶ The road that runs to Nuevo Espinal goes to Barrancas and to Maicao. The route to Barrancas is much shorter. It takes about three hours to reach Maicao. At the time the community was relocated in 1993, few people had motorcycles or trucks, making it very hard to commute between the community and towns. Barrancas was more accessible also because there were more communities, such as Las Casitas, between Nuevo Espinal and the town, where people could find a ride.

Marco Antonio on November 4, 1993 (Prada Pardo 2015). The Frente 59 continued to threaten and intimidate people in the community. In 1997, members of the FARC murdered Fernando Antonio Ipuana whose family lives on a plot of land the Frente 59 needed for their smuggling operations. Fourteen families living in that zone fled to Barrancas, Albania, and the Gacho community to escape the FARC (Prada Pardo 2015).

In Nuevo Espinal, people suffered two waves of violence back-to-back: displacement at the hands of the mining company and displacement at the hands of the guerilla. By 1997, the number of families living in Nuevo Espinal was less than half the number of the original Espinal. State human rights institutions did not initially investigate the presence of the FARC in Nuevo Espinal's territory. Instead, the District Attorney's office attributed the violence to "clan warfare." Just as the Ministry of Health cooperated with the company to frame Espinal's problems as internal, the District Attorney denied that the community had been victimized. Carbocol-Intercor did not have to respond to the damage it did to residents' livelihoods nor to the danger the companies had placed the community in by relocating Espinal to a *guerilla* hotbed. As the people of Espinal struggled to survive this violence, they found themselves made invisible by the state and coal companies.

Oreganal

Oreganal was a large settlement, practically a town, before being destroyed by the mine in the 1990s. Rather than displace the community, the Carbones del Caribe consortium decided to build a resettlement for its residents after many of them refused to sell or leave their lands. By the mid 1990s, the community was already reduced in size after the company enclosed its forest and stream, and bought up the largest lands. Today, those lands are under the Oreganal Pit, which is named after the after the community.³⁷ Since 1997, the people of Oreganal have lived in a peri-urban community lying between the towns of Barrancas and Papayal. Oreganal was the first experiment in resettlement. Their experience was distinct from Espinal's experience. Carbones de Caribe (operated at the time by Rio Tinto, Glencore, and Anglo American), actually built a new settlement for the community. Unlike Espinal's location, which was a large rural land plot, the company moved Oreganal to a site on the regional road, where the community became a peri-

³⁷ Cerrejón has named many of its pits after the communities who used to live there to demarcate the locations.

urban neighborhood of the town of Papayal. Before moving, Oreganal was a central point for other communities; residents could visit communities nearer the Sierra de Perijá such as Saraíta, El Descanso, Palmerito, Casitas, Campo Alegre, and San Pedro.³⁸ Many families from Oreganal had lands in those mountain ranges where they grew coffee and fruit trees, so they passed through these areas often. Because so many people sent their children to the school in Oreganal, children passed on information about comings and goings. After seeing Saraíta, El Descanso, and Palmerito be displaced by the company, the people of Oreganal resisted selling their lands or moving in order to demand an alternative. The Carbones del Caribe consortium wanted to remove Oreganal, because it would cut off remaining communities like Campo Alegre and San Pedro from the school and health post there. While a resettlement for Oreganal would be expensive, it would encourage residents of the neighboring communities to level through enclosure.

The people of Oreganal did not know what a resettlement entailed because they had never seen one before. Carbones de Caribe needed the land and realized people in Oreganal were catching on to their strategies and did not want to leave. The company could not pretend to be simply moving the community for its own protection, as Carbacol had in Caracoli and Espinal, because there was a coal seam underneath Oreganal's lands. When people in Oreganal began to refuse to sell their lands, the company offered them a resettlement if they would leave. Resettlement involved finding a new land plot, assigning each qualifying family a home there, building replacement infrastructure, and providing families with a small stipend to cover costs. The company chose a site near the town of Papayal that would allow Oreganal to grow into an urban satellite community.

When negotiations began in 1994, coal companies had already displaced Manantial, Caracolí, and El Descanso, as well as relocated Espinal. According to Pachos's mother Ida Fuentes, when the company arrived to buy houses, she was in her 60's and her sister Ilsa was in her 50s. There were very few educated people living in Oreganal at the time. For example, although Pacho was still in contact with his family, he was working in Maicao. People of Ida and Isa's generation often only had a primary school education, making it almost impossible for them to read and understand the legal documents. They often signed agreements that they could not

³⁸ Except San Pedro and Campo Alegre, these communities have also all been displaced or resettled. When I last went to Campo Alegre in 2018, they were preparing for resettlement.

read. According to several people I interviewed, there was no consolidated community organization at the time to negotiate with officials.

Carbones de Caribe suggested the community form a committee for resettlement. The first relocation committee was led by two community members. The resettlement committee did not know any other resettled communities and had no model from which to work. Carbones de Caribe only allowed them to make limited inputs such as selecting between two housing styles.³⁹ According to Pacho, they at first made amazing promises to the community: employment, education, and modern houses. Carbones del Caribe hired a consulting firm to come up with a resettlement design. Several state agencies accompanied the planning including the mayor's office of Barrancas, the governor's office, and the district attorney's office. However, the families who had already sold their lands in the 1970s and 1980s, could participate in the process. The divide and conquer strategy used by the mine had already eliminated some of the community's most powerful landholders who could have used their weight to force better negotiations. Pacho told me that these problems remained in the community after resettlement. The community had formed a temporary committee at the request of the mining company, but never underwent an internal process to strengthen their Community Action Board. As a result, the community had little representation after resettlement to continue negotiating with the company or coordinating their needs with the municipality.

By 1996, the compensation scheme was in place. With very little consultation, they build a new peri-urban site on the road between the towns of Barrancas and Papayal. Families initially received 8 million COP (about \$2500 USD) from the company as compensation to move. While for many, this sum was the most they had ever held in their hands at one time, they also ended up spending it within the first year or two from moving, since life in an urban area was much more expensive than in their previous location. People did not want to leave even after selling their homes and signing agreements. The resettlement was ready in 1996, but families were not moving. Rumor has it that Carbones de Caribe officials selected a handful of families and offered to pay

³⁹ Pacho remembers how he tried to intervene several times in the negotiation. He knew the houses would be too small and too close together. As he put it, people lived in a "big space" in the countryside. "The concept of a home isn't the house. For us it's a large area where a sector is the house. The house is really more like a bedroom, where we go in to sleep at night. But as you know, we do all our activities and receive visitors outside in our patios or under the trees" (Interview with the author January 16, 2019, translation by the author).

for their Christmas festivities if they moved to the new site. They provided food, a sound system, and decorations. That is how they got the first families to move. Some families followed behind the first group, while others resisted. The company destroyed the community's church, school, and community center in order to force residents to leave (Chomsky 2003). This destruction not only impacted Oreganal residents, but also neighboring communities who went to church and school in the community. The people of Oreganal described this as a deliberate move to force families who did not want to sell their land to pack up and leave. According to two different informants, five families refused this sum and later settled for 56 million COP (about \$175 000 USD) in 2001, 7 times as much as the majority of families. This difference created divisions that deterred Oreganal residents from wanting to work together to come up with an alternative plan. Families moved to the new resettlement having already created divisions and conflicts within the community that had not existed before the negotiations with Carbones del Caribe.

Ida and Ilsa Fuentes, the sisters who helped me understand Oreganal's history are Pacho Tovar's mother and aunt. When we did our interview, they recounted fond memories of how families in Oreganal grew corn, plantains, corn, and other easily tradable crops. They raised animals for meat. Families would sell a goat or cow when they needed income. Some families also grew coffee in higher altitude plots in the Sierra de Perijá, which fetched a good market price from buyers who came to La Guajira. Oreganal was also famous for its cock fights during festivals, and most families had at least one prize rooster that they trained and fattened up in between fights. Ida and Ilsa remembered festival days fondly. The community had a festival area with seating and a ring for cock fights that lay in the shade of the foothills. When Oreganal held a festival, such as during Easter, people would come from the surrounding towns to camp out. During the day, there would be dances and cock fights. Women from Oreganal would cook and sell food to visitors. At night, people would settle in to sleep under the stars. As Ida told me of these days, she smiled. Then she began to tear up, telling me she missed that life so very much. Ilsa patted her shoulders and held her hand to comfort her as she told me how she feels trapped in "New Oreganal." When she had composed herself a bit, I asked her to tell me more about the original Oreganal. She described to me that she felt like a stranger here because the mine built the houses. People were suffering from ill health. Her father and his siblings had lived to be almost one hundred years old; here, people got cancer in their 60s. In the original Oreganal, families went into town periodically

to buy things, but not every day, because they produced so much of what they needed. Ida described:

Where you lived you had some chickens, so if you needed breakfast, you had eggs, and you had goats, you could milk your cows in the morning too, so you had cheese and *suero*. For us, that's how life was, we had a bit of land there and we could plant things like plantain, yuca, *guineo*. We had everything and here we have nothing and we don't have the mentality any more. We don't know what we are going to make for lunch anymore because we don't have any of those things. (Interview with the author April 22, 2016).

Oreganal, Caracolí, and Espinal were all displaced in the 1990s. The people of Caracolí were forced to move to urban areas. The people of Espinal were given new land, but over half of them ended up in urban areas due to poverty and violence. The people of Oreganal moved into a peri-urban settlement. In all three, their nascent Community Action Boards and *cabildos* were badly damaged by displacement. Negotiations with the mine in Oreganal created jealousy and division over differential compensation packages. The people of Caracolí scattered throughout urban areas without a new settlement to rebuild the community together. In Espinal, people were broken up twice in a period of only four years, first by Caracol and then by the FARC. The looming presence of the military and police made people afraid to resist displacement. The mining companies had little interest in negotiating the conditions of the move beyond monetary compensation for land and housing. These companies did not provide funding for people to restart their farms nor employment for people in the mine. People were left to fend for themselves, and their fates were increasingly tied to the mine. Despite these challenges, the family bonds that held people together before displacement remained an important source of economic survival. People's feelings about being from the same place even after displacement also gave them a sense of purpose and political consciousness. Displacement made organizing as a community dangerous and difficult, but it did not all together suppress people's efforts to look for a better life.

Conclusion

The dual processes of enclosure and displacement removed local people from their territories and threatened their capacity for survival. They experienced the violence of extractive capitalism relations as they were forced from their land, transforming from autonomous people who lived off the land to precarious landless workers. The encroachment of a coal mine eroded old relationships of solidarity and internal conflict resolution mechanisms, but did not destroy these relations all together. The arrival of guerillas, especially the FARC, amplified this tension

as it also threatened local landowners. The government and coal mining companies militarized the coal mining zone, further enclosing the territory and persecuting any community leader who could be seen as a “leftist threat.”

It was under these pressures that communities tried to rebuild themselves as Community Action Boards and *cabildos*. They also drew on human rights protections under the 1991 Constitution to hold mining companies and the state accountable for enclosure. Communities and NGOs who made the violence of enclosure visible became targets. The companies began expropriating communities, sending a message that those who resisted the mine’s takeover of their lands would be forced out. This violence set a precedent that made many local people afraid to speak out against the mining company, and thereby more likely to quietly sell their lands and move away. At the same time, these actions also began to foment a fierce resistance among local people who refused to accept the takeover of their lands and erasure of their lives by coal mining companies. In the chapters that follow, I show how these processes of enclosure and displacement in the 1990s both divided communities and created space for a united resistance movement.

Chapter 4: Before and After Tabaco

We grew up in Tabaco: a thriving community with a healthy environment where we enjoyed our childhood and adolescence, our Patron Saint Festival on the 3rd of November, the river, fishing, agriculture, ranching, diverse flora and fauna, and hunting. ... I can say there is no community like Tabaco. Until one day Intercor and Carbocol – currently El Cerrejón – came to take away our land, to destroy our houses, to act against us. They came with the riot police, with the support of the army and with the collusion of Marta Peñalosa – the companies’ lawyer. That day, they beat us and totally destroyed Tabaco with heavy machinery and with backhoes. I, Tulia Pereira, almost died between Martha Peñalosa and the riot police... The 10th of August, we saw Tabaco destroyed... We still have hope of seeing Tabaco again, a reconstructed Tabaco so we can be united, like before. We dream of the day we can go back to our dear Tabaco.

-Tulia Pereira Daza, excerpt from “We dream of returning to Tabaco” in (Sánchez Gómez et al. 2015, 69)

On the morning of August 9, 2001, the Colombian military entered the community of Tabaco to complete an expropriation order on behalf of the Carbocol-Intercor consortium. Officers forced people from their homes, bulldozed their houses, tore down the community’s church and school, destroyed animal corrals, and tore up recently planted yuca and corn fields. Within a matter of hours, the Colombian military left the community of several hundred families in ruins. By the time the sun rose on August 10, Tabaco was gone.

Tabaco’s violent expropriation forever changed the relationship between mining companies and communities. Tabaco’s neighboring communities felt the need to organize in order to protect themselves from the same fate. Leaders in Tabaco and its neighboring communities began mobilizing their rights as indigenous and Afro-descendant communities to counter coal mining’s takeover of their lands and livelihoods. As previous research has demonstrated, marginalized people mobilize identity politics as a way to understand relationships to other groups; there is no “indigenous” or “Afro-descendant” without the corresponding categories of “white” and “*mestizo*” (Golub 2014; Jackson 2019; Sawyer 2004). I argue that black and indigenous identities became a way for communities to question their subordination to the company. Racially and ethnically marginalized people mobilize their identities not just as symbolic struggles but to contest their dispossession (Bebbington and Bebbington 2013; Bebbington and Bury 2013; Wade 1999). Scholars have observed how governments and corporations constrain the meaning and power of indigenous identities by limiting their legal and practical applications, such as not allowing communities to veto natural resource extraction projects on their lands (Golub 2014; Gomez and Sawyer 2012; Hale 2006). Similarly, in La Guajira, communities’ identities were

increasingly defined by and limited by their ability to influence Cerrejón's policies. People relied on the company recognizing their identities in order to achieve collective demands. As people contested their subordination to the company through collective movements, they also experienced how deeply their fates were tied to company decisions. However, community solidarity was an uphill battle. The Cerrejón Company undermined collective organizing by creating parallel organizations and denying communities' claims about their identities. For some people, the assault on their lands and lives made them more resilient and committed to collective organizing. For others, the collective path became so dangerous and unlikely to succeed that accepting compensation from the company made the most sense.

The expropriation of Tabaco marked a seminal change in the politics used to confront enclosure and displacement. Tabaco's expropriation occurred during major shifts in Cerrejón's shareholders and the role of the Colombian state in natural resource extraction. This multitude of factors combined aligned to create a change in both community solidarity and the politics of community organizing. Organizing around indigenous and Afro-descendant identities became a way to challenge corporate power and garner state attention. But community organizing was difficult, and at times, dangerous. Tabaco's expropriation occurred during major shifts in Cerrejón's shareholders and the role of the Colombian state in natural resource extraction. As people impacted by the mine most needed a mediator, state institutions were largely absent or repressive. This panorama made Cerrejón take on both state-like power and state-like responsibilities over local people, further complicating communities' relationship to the company. Tabaco's expropriation was the climax of this moment, as its residents struggled to find justice. Instead of relying solely on negligent state institutions, leaders in Tabaco and elsewhere began to work with international activists and Colombian NGOs to influence corporate policy. As the movement spread to Tabaco's neighbors, leaders focused on demanding the company resettle their communities to avoid another Tabaco. However, a series of factors undermined the ability of community members to forge solidarity. For example, the Cerrejón Company intervened in communities' politics, creating parallel organizations and undermining communities' attempt to organize along ethnic lines. In addition, right-wing paramilitaries threatened leader. Cerrejón's tactics to undermine community organizing as well as paramilitary violence coalesced to redefine how communities sought respect for their rights and the challenges they faced while doing so.

The neoliberalization of Colombian coal

Neoliberal policies in Colombia created more room for identity-based politics as the government implemented the 1991 Constitution. At the same time, neoliberal economic policies marginalized peasant, indigenous, and Afro-descendant communities. Tabaco's expropriation occurred as the Colombian government fully privatized the Cerrejón concession. Carbocol displaced Tabaco at the same time it was negotiating the transfer of its half of the Cerrejón Zona Norte operations to BHP Billiton, Glencore/Xstrata, and Anglo American. Between 2000 and 2002, BHP Billion, Xstrata, and Anglo American consolidated all three Cerrejón concessions under the "Carbones de Cerrejón LTD" company. In 2002, BHP Billiton, Glencore/Xstrata, and Anglo American completed their purchase of the Cerrejón mine by buying out Intercor (Exxon). These three shareholders still own and operate Cerrejón today. The total concession area held by the companies is 69, 000 hectares. Because of this privatization, after 2002, the Colombian government still collected royalties from coal mining, but had no say in its operations.

The privatization of Carbacol's holdings was part of neoliberal reforms in Colombia. The administration of Colombian President Andrés Pastrana Arango privatized the majority of state-operated natural resource extraction in Colombia and created incentives for multinational corporations to invest in Colombia's natural resources. The Pastrana administration portrayed privatization as a means to end poverty, corruption, and clientelism that plagued regions like La Guajira by replacing inefficient and corrupt state institutions with private companies. In addition to the privatization of businesses, the Colombian government also privatized and decentralized social welfare across Colombia, which made poor people like those in La Guajira more vulnerable than ever (Asher 2009; Gow 2008; Jackson 2019; Richani 2002).

As local people most needed the government to mediate their relationship to the company, they experienced the absence of state institutions that were supposed to guarantee their rights. State security forces were also complicit in their displacement, aiding the company to remove them from the land. The Colombian government restructured royalty laws, allowing municipalities and departments to manage the royalties from mining projects in their districts. The national government left municipalities to manage their own budgets for education, public works, and health services. Previously, the central government played managed royalties and oversaw departmental budgets. In La Guajira, this made municipal governments even more dependent on the royalty money from Cerrejón in order to fund public works and services. Local government officials were likely to favor the mining company in any disputes with communities, since coal

royalties funded their salaries and offices. Royalty money also provided the opportunity for officials to line their own pockets. This was evidenced by the fact that though there was more royalty money going directly to mining municipalities in La Guajira, local people did not see substantial improvements in schools, health clinics, water provision, or roads. Instead, local people became more reliant on the same company that had displaced them and ruined their livelihoods to provide or subsidize those services.

In addition to altering communities' relationship to the company, the privatization of Colombia's mineral wealth also changed communities' relationship to the state. Early activism against mining had focused on Carbocol – a state company that should have been receptive to citizen demands.⁴⁰ The profits generated by Carbocol in theory went back to the nation, which gave the company a closer relationship to Colombian citizens. Yet, by 2002, the entire mining operation was owned by three of the world's largest natural resource extraction companies. The majority of profits generated by coal now left the country. Unlike the past, when local people could petition the state to fulfill their needs, they now began to look to the corporation. Local people had to negotiate with Colombian representatives of these multibillion dollar foreign companies in order to adapt and survive the economic, cultural, and environmental shocks of coal mining. The people of Tabaco felt this most acutely as after displacement they found themselves dependent on the same company that had expropriated them for survival. This dependency caused divisions in the community, as some people held out to demand the company resettle them and others signed individual agreements for compensation. The company intervened in how the people of Tabaco claimed their rights to resettlement, reparations, and recognition.

Mobilizing identity and allies in Tabaco

At the same time as some neoliberal reforms in Colombia were causing displacement, others also provided opportunities for Wayúu and Afro-descendant communities in La Guajira to declare their political autonomy and rights to territory. Informed by the ILO Indigenous and Tribal People's Convention 169, the 1991 Constitution endowed indigenous and Afro-descendant communities with the right to form their own decentralized political organizations and govern their resources. As a result many of the communities' legal claims centered on the right to Prior Consultation outlined in the 91 constitution, which Carbocol-Intercor and the state had violated by

⁴⁰ As I showed in the previous chapter, Carbocol was not receptive to local people's demands.

expropriating Tabaco. Residents began to mobilize their rights as Afro-descendant peoples, a protected ethnic minority names in the 1991 Constitution and the 1993 Law 70: Law of Black Communities. Organizing as Afro-descendant people gave the people of Tabaco a way to understand and challenge their unjust expropriation. Tabaco residents also confronted the limits of claiming their Afro-descendant rights. Conflicts over territory between communities and corporations often became a contest over the power of indigenous identities (Golub 2014; Gomez and Sawyer 2012; Hale 2006). Cerrejón officials recognized that Tabaco should get to resettle, but never admitted the 2001 expropriation was a violation of the community's rights.

The first step in revitalizing their identity was remembering the history of Tabaco and embracing their Afro-descendant heritage. José Julio Pérez gave a testimony for the book *The People behind Colombian Coal*:

Before the mine arrived, we had our culture, even though it was violated by the Catholic Church, which imposed the Catholic Religion on us. Many of our customs have disappeared, because the mine has wanted to obliterate our culture. One of the things the mining company wants to prove to the world - and it works hand in hand with the Colombian government in this - is that there are no indigenous or black communities in the area where they are mining coal. But we still preserve some of our traditions, like our foods, our culture, and our relationship to the natural world. We have been able to survive a little bit in this way (Pérez 2007, 190).

José Julio compared Cerrejón's destruction of Tabaco's Afro-descendant culture to the historical erasure of black culture by the church and the state. People in *rochelas* lived at the margins of empire; their access to land allowed them to form a unique Guajiro culture that combined Wayúu, *mestizo*, and African traditions with only marginal interference from the church and state. Colombia has a long history of whitening its indigenous and black populations through *mestizaje*. In the early nineteenth century, Liberal reformers framed indigenous and black people as an impediment to economic progress, believing that these groups needed to whiten themselves through education and marriage in order to evolve (Appelbaum 2003; Larson 2004; Wade 1995). They blamed the poverty of black and indigenous on these groups' inherit backwardness as inferior races (Larson 2004). Under the guise of progress, the state turned indigenous *resguardos* into private landholdings and forced once self-sufficient rural people to become peasant workers and sharecroppers (Larson 2004). The creole elites portrayed black people on the Caribbean coast as irrational and primal, and thus not capable of making their land productive (Larson 2004; Wade 1995; Whitten 1986).

Part of Tabaco in Resistance's political work involved revitalizing their history to show their rightful use and ownership of the lands they occupied. In La Guajira, liberal reforms encountered people accustomed to living at arm's length from the church and state that fiercely resisted missionaries and elite land owners. José Julio described how Afro-descendant communities had long defended themselves from outsider violence, particularly during the 1000 Days War (1899-1902):

Our families had to prepare to defend their land, where they had settled, where they lived. There were walls that the blacks build to defend themselves from the whites. Monuments, cemeteries, everything that the family kept from their ancestors. All of this was stolen, destroyed by the mining company. It's been a very calculated campaign on their part.

The outsiders called our people the *bárboros hoscos* [black barbarians] because they defended our territory. One of the attackers was General Albán, who tried to pacify the region. He waged several battles there, and lost many men, but he couldn't defeat our ancestors, our family. So he decided to try intelligence, and instead of continuing the struggle, he offered a truce, and he respected the pact, and he dubbed them "black barbarians" because they were brave and daring during battle. The indigenous people did the same when their time came, they also defended their territory, and they were consider to be very...maybe not dangerous, but they defended themselves. Later on we lost so much of our culture and our history, because of the desire to escape from the prejudice that the outsiders viewed us with and the way they saw us as "barbarians." But bit by bit people are coming to understand better what discrimination is, people became more conscious, and now they understand better that those "black barbarians" used to be respected (Pérez 2007, 190–91).

José Julio emphasized that the people of Tabaco had forgotten their roots as *bárboros hoscos*, (black barbarians). He described how being a hosco was a source of pride for their ancestors: a reminder that during the 1000 Days War, they forced a powerful general to make a pact with them rather than conquer their land. Over time, being a hosco lost its sense of pride as historical processes of mestizaje erased black identity in La Guajira. The shock of expropriation rekindled people's connections to their territory and their history. In much of Latin America, the revitalization of indigenous and Afro-descendant identities is linked to the expansion of commercial agriculture and natural resource extraction that threatens rural livelihoods (Brysk 2000; Hale 2005; Sawyer 2004). In these cases, identities politics are not just symbolic struggles but also a means to contest dispossession (Bebbington and Bury 2013; Bebbington et al. 2013; Wade 1999). People of Tabaco revitalized their identity in response to the destruction of their lands and livelihoods.

Expropriation was not Tabaco's first encounter with the mine; Tabaco underwent a process of enclosure well before 2001. Tabaco residents learned from the experiences of other communities. After watching Carbones del Caribe resettle Oreganal, families formed the Tabaco Relocation Committee in 1997. They saw resettlement as a means to preserve their access to land and resources that would help them survive under the coal mining economy and stay united as a community. Carbocol officials and the departmental government administration met with the people of Tabaco several times between 1997 and 2001, promising a resettlement (Chomsky 2002; interview with Samuel Arregocés 2017). But the Tabaco Relocation Committee also feared Carbocol would not follow through with this promise. The company had already paid the local pastor for the church building, reportedly giving him 38 million pesos (\$16,550) (Chomsky 2002). Then Carbocol-Intercor filed an expropriation order against the community in June of 2001, without having made any concrete plans for a resettlement. On August 9, 2001, the Escuadrón Móvil Antidisturbios (ESMAD), Colombia riot police violently expropriated the community.

After expropriation, a group of families formed a group called Tabaco in Resistance to look for political and legal support for their resettlement, led by a man named José Julio Pérez. Working with NGOs and lawyers, Tabaco in Resistance found ways to frame their demands in legal terms. Human rights activist Remedios Fajardo Gómez and lawyer Armando Pérez equipped the community with legal tools; the 1991 Constitution and the 1993 Law of Black Communities (Law 70) guaranteed rural Afro-descendant peoples the rights to occupy and govern their traditional territories. Tabaco in Resistance members showed that their 2001 expropriation was a violation of their constitutional rights because as Afro-descendant people that land belonged to the community. They drew on their history to show that their ancestors, who were free blacks, had defended and used that land for centuries. In 2002, José Julio Pérez and Armando Pérez to filed a civil lawsuit to demand resettlement on behalf of the 100 or so people who made up Tabaco in Resistance. The Constitutional Court took the case and decided in favor of the plaintiffs.

Despite their victory, Tabaco in Resistance struggled to make the state or Cerejón follow through on this ruling. The Constitutional Court only ordered the municipality of Hatonuevo to carry out the resettlement since Intercor and Carbocol had already paid the municipality for the public infrastructure in the original Tabaco site (Interview with Samuel Arregocés, June 23, 2014). The amount Cerejón had given the municipality was much less than the funding necessary

to rebuild the community in a new location. Cerrejón, under its new shareholders, donated two plots of land near the town of Hatonuevo. Tabaco in Resistance wanted a rural resettlement, and had chosen a farm known as “La Cruz” in the Hatonuevo municipality on which they hoped to reconstruct their community.

Tabaco in Resistance continued to find political tools to negotiate with the state and the corporation. Led by José Julio, a group of families registered themselves as an official Black Community on March 8, 2003. The 1991 Constitution formally recognized Black Communities and then Law 70 of 1993 gave substance to this recognition (Ministerio del Interior 1998). To comply with Law 70, Tabaco held an election on March 8, 2003 to elect leaders and then filed the documents to declare themselves a Community Council with the Hatonuevo municipality. The municipality recognized the community on September 15, 2004 (Pérez and Residents of Tabaco 2007). The Counsel elected José Julio as their legal representative, which gave him power to negotiate Tabaco’s resettlement with Cerrejón.

Tabaco residents also confronted the limits of multicultural legal tools. Charlie Hale (2005) uses the term “neoliberal multiculturalism” to describe how Latin American governments have celebrate the plural identities while obscuring the ongoing structural discrimination that prevents indigenous peoples from achieving autonomy and self-governance over their lands and lives. In Tabaco’s case, the community was promised financial reparations and compensation but their lawsuit did not restore their access to territory and resources. These limitations arose from their dependency on Cerrejón and the absence of state mediators in communities’ negotiations with the company. Rather than rely on the state to recognize them as Afro-descendants with protected rights, Tabaco in Resistance members found themselves having to convince corporate officials to recognize them. Conflicts over natural resources often become conflicts over the cultural and legal meanings of indigenous identities (Golub 2014; Gomez and Sawyer 2012; Hale 2005). Cerrejón made limited concessions that recognized that Tabaco wanted resettlement, but did not admit culpability in having displaced the community. Officials agreed to provide land and a community center, but not fund the entire cost of resettlement.

International allies

At the same time local identities were being made and re-made, Tabaco’s story also brought the struggles of communities impacted by Cerrejón to international audiences. International

solidarity became a key part of local resistance and also redefined the scope of the struggle. Tabaco was the most public expropriation to date, a video filmed by a resident circulated in the media in the days after. Through international connections, La Guajira leaders found a means of speaking directly to Cerrejón's three shareholders in Europe and coal buying companies in North America. International activists brought Tabaco's claims directly to the Global North countries profiting from the coal trade, which gave communities leverage to demand policy changes from the shareholding companies.

Activists in the United Kingdom, part of MineWatch Collective, were the first to align with the people of Tabaco. They travelled to La Guajira in September 2000. When Anglo-American, BHP Billiton, and Xstrata became the principal shareholders, activists Richard Solly and Richard Moody began a shareholder activism campaign because all three companies traded on the London Stock Exchange. In a May 2001, The MineWatch Collective invited communities impacted by UK-based companies from all over the world to London, where they formed the "Mine and Communities Network." Solly and other UK-based activists purchased one share each of Anglo American and BHP Billion stock, so they could go to annual shareholders meetings to speak about Cerrejón's mistreatment of people in La Guajira. In 2002, they brought up the case of Tabaco during the meetings. Solly and his colleagues shared insider information with Colombians to create campaigns that targeted the shareholding companies' public images.

Then in 2002, activists from La Guajira forged connections with coal buying communities on the east coasts of Canada and the United States. The group Pressure Point brought Armando Pérez and Remedios Fajardo Gómez to Salem, MA, a city that burned Cerrejón coal in its power plants and where professor and activist Avi Chomsky organized an event. Solly flew to the US to accompany the tour, which connected activists in the US and UK. Chomsky formed the North Shore Colombia Solidarity Committee, which hosted Francisco Ramírez, president of the National Mineworkers Union, that year. Ramírez narrowly escaped an assassination attempt by paramilitaries in 2001. His story connected coal mining to political violence, which drew in more activists who worked on US-Colombia solidarity campaigns to end US support for the Colombian military and impunity for human rights violations. Gary Leech, a journalist and a colleague of Chomsky's, became interested in La Guajira because of the connections between coal-fired plants on North American's Atlantic Coast and political violence in Colombia. He traveled to La Guajira in 2002, meeting with José Julio Perez as well as people from the communities of Chancleta and

Patilla who were facing possible displacement. Leech promptly published articles to draw attention to the situation. His 2002 article “Generating Power and Poverty in Colombia” (Leech 2002) told the story of Tabaco, linking the violent destruction of the community to economic globalization. This piece was one of the first publications to name Tabaco as an Afro-Colombian community. International media and speakers tours helped Tabaco and other communities in their campaign to be recognized as protected ethnic minorities by making their experience visible on the international level.

Activist Rogelio Ustate described how allies provided support to this community that made their experience visible around the world:

After 2001, the black communities here in the territory of La Guajira, we suffered an indiscriminate wave of displacement. From there, we became interested in defending economic, political, social, and environmental rights, and with the support of many national and international NGOs, it opened the door for defense of our territory. Through national and international writing and through my poetry, that’s how we began denouncing the violations of the rights of ethnic communities (Interview with the author, January 7, 2017, translation by the author).

International allies helped communities reach faraway places: the boardrooms where foreign companies make decisions and the first world neighborhoods that get energy at home from Colombian coal. Through speaker’s tours and delegations, these connections became more tangible. International allies provided an alternative to simply working with state institutions, which often sided with the company instead of taking responsibility for communities’ suffering. Allies gave them a direct line to foreign shareholding companies, which brought them into international spaces that could put pressure on Cerrejón and the Colombian government. As they received support from the international community, community leaders gained aspirations for a new kind of relationship with the mining company. With the support of allies, they pushed the company to recognize their rights to resettlement. Their struggle was not just local, but part of a global struggle over the impacts of natural resource extraction.

Tabaco’s expropriation became a catalyst for the growing resistance movement in La Guajira. Wayúu and Afro-descendant peoples began to mobilize to challenge the dominance of a coal mining company encroaching on their lands and ruining their livelihoods. Local people began to demand a future in which they could once again be autonomous rural peoples instead of part of the growing urban precariat. Identity politics and international solidarity became key in pressuring the Cerrejón Company and its shareholders to resettle communities. Using the terms

“Afro-descendant” or “indigenous” to describe themselves gave the people of Tabaco and their neighbors a way to speak about their relationships to the mine and the state: entities controlled by rich, white and *mestizo* people bent on removing indigenous and Afro-descendant peoples from their traditional territories. As *rocheleros*, people descended from the escaped slaves who formed *rochela* settlements in the eighteenth and nineteenth centuries, the people of Tabaco, Roche, Chancleta, and Patilla had survived from their own land and own labor for centuries. The people of Tamaquito II, Caracolí, and Espinal migrated in the 1950s and 1960s to settle land and escape the Northern Guajira – a right they had as Wayúu people who saw all of La Guajira as their territory. Drawing on their history of living autonomously from the land, communities used new laws and political tools to challenge the dominance of the coal mine over their lives.

The neighbors mobilize

Tabaco’s expropriation catalyzed political action in its neighboring communities. Neighboring communities began to organize for resettlement in order to avoid expropriation. Emphasizing that they were indigenous and Afro-descendant communities who had the rights to a collective territory helped them conceptualize this demand in legal terms. Identity gave communities a common frame from which to confront the violence of coal mining. They mobilized not just community by community as a reaction to displacement, but as a collective of communities being forced from their shared territory. The support of international allies gave communities leverage against Cerrejón and its shareholding companies by shaming the companies in the countries that bought coal and shares. As they interfaced with Colombian NGOs, they grew more aware of their constitutional rights as ethnic communities to autonomy and territory. If they could prove that they were ethnic communities, they could demonstrate that the mine had unjustly destroyed their rightful territories and they were thus entitled to replacement ones. However, building solidarity was challenging, especially in communities where the company had already purchased lands. The mine was closing in on Tabaco’s neighbors, which created a climate of fear and uncertainty. Many people accepted individual negotiations with the company rather than risk joining these collective movements.

Tabaco’s displacement intensified the enclosure of its neighboring communities: Roche, Chancleta, Patilla, and Tamaquito II. Residents of Tamaquito II felt the most severe impacts because they sent their children to school in Tabaco and relied on Tabaco’s health post for medical

services. After Tabaco's displacement, the people of Tamaquito II were left isolated. Jairo Fuentes Epieyu, Tamaquito II's current *cabildo*, described:

In 2001, when the displacement of the community of Tabaco happened, that was one of biggest impacts on the community. We sold things to the town, we exchanged products, and there was a lot of commerce and an abundance of food. At that time we were rich, rich in pure water and had lots of things (Interview with the author, Jan. 20, 2017).

People from Tamaquito relied on Tabaco for access to public works: the school, the health post, and the post office. Tamaquito had no school or health post of its own, and without Tabaco, families there were left cut off from these essential services. For a time after the expropriation, the Colombian military guarded the Ranchería River where it flowed near Tabaco, detaining people for up to three days who passed their blockade. Tamaquito community members feared using the river to water their animals, gather water for household use, and fishing. This loss prompted the community to strengthen the *cabildo*. Jairo described:

Everything was gone, and so we had to build our own school, to submit a petition to the government asking to guarantee us as an ethnic community. But everything about our community was insincere [falso] and we started to look at our weaknesses as a community and we started to look as how we were going to confront the corporation and the government (Interview with the author, January 20, 2017).

Without Tabaco, Tamaquito II became isolated and left without access to services. Tamaquito II had begun to strengthen their *cabildo* and learn about their constitutional rights in the 1990s during workshops with the NGO Yanama. The loss of Tabaco made defending their territory more urgent than ever before. Jairo continued to explain why the community began to consider resettling:

We saw two ways ahead, but really there was only one for us. For us, La Guajira is one territory. All these impacts desensitized the territory for us. As a Wayúu community we were free to circulate from the west, east, south, and north without a problem. We could be in different places....this was all ending (Interview with the author, January 20, 2017).

The founders of Tamaquito II migrated to the Southern Guajira during environmental degradation and prolonged drought in the 1950s and 1960s, establishing the community on available lands. As Wayúu people, they believed that this territory was their ancestral right. The people of Tamaquito II now faced another choice: whether they should move to a new territory.

Before demanding resettlement, the people of Tamaquito II tried to make life bearable in their original location, but were confronted by the apathy and negligence of state institutions. The *cabildo* filed a petition with the Ministry of Education to build a new school in the community. The Ministry rejected this demand, meaning the families of Tamaquito II had to travel

to the towns of Barrancas or Hatonuevo to send their children to school; these urban centers were almost an hour away and the municipalities did not provide transportation. The leaders also petitioned for protection of their territory, wanting to register their land as a protected *resguardo* to prevent further encroachment. Anthropologist Wielder Guerra, who did an assessment of the community in 2000 for the Ministry of the Interior, also found that the state was violating the community's rights to basic services and infrastructure. He wrote: "The absence of national, departmental, and municipal levels of government is evident in the rural settlement of Tamaquito. The inhabitants do not have access to schools, electricity, health programs of social services such as childcare" (Guerra Curvelo 2007, 69). In his report, Guerra noted that the community lived in far greater poverty and isolation than *mestizo* communities in the surrounding towns. This lack of government provision amounted to a violation of the collective rights guaranteed to citizens in the 1991 Constitution. The people of Tamaquito eventually drew on this report in order to demand resettlement.

Tabaco's violent displacement also badly shook the communities of Roche, Chancleta, and Patilla. Tabaco, Manantial, Roche, Chancleta, and Patilla residents were all descendants of escaped slaves who founded Las Tunas, and then split into the five *rochelas*. People often were born in one community and went to live in another for marriage, work, or land. In interviews, people from these communities often told me they thought of themselves as "one big family." Several displaced families from Tabaco moved to Roche, Chancleta, and Patilla after the expropriation because they had kinship ties and land claims in those communities. However, Tabaco residents were not safe as those three communities lay in the center of Cerrejón's expansion plan. To the northeast, lay the Tabaco pit, where the town had once stood. To the northwest, was the expanding Patilla Pit. The roads to move mining equipment went through the three communities, meaning heavy machinery passed through them day and night, kicking up dust and polluting the air, and generally intruding on community life. To the south, lay one of the mine's sterile materials dumps, a man-made mountain which towered over the communities.

International allies began supporting Tamaquito II, Chancleta, Patilla, and Roche during their delegations to La Guajira. Professor Steve Striffler, who at the time worked at the University of Arkansas, became interested in La Guajira after reading some press articles about Tabaco, paramilitary violence, and labor repression in La Guajira. He got in touch with Chomsky and Leech, and arranged a 6-week visit to La Guajira in 2005. Remedios Fajardo Gómez and Armando

Pérez acted as his local guides, and he was able to collect information about the precarious situation of the four communities facing displacement. Chomsky, Striffler, and Leech worked with José Julio Pérez and other leaders to organize an international conference on coal mining in La Guajira in August 9, 2006 to commemorate the expropriation of Tabaco. This commemoration was part of an international solidarity trip in 2006. These alliances helped put pressure on the company to resettle communities and avoid the same mistake it made with Tabaco.

The expropriation of Tabaco catalyzed action in neighboring communities as residents realized they could not sit around and wait for Cerrejón to negotiate with them: they had to take action if they wanted resettlement. The demands for resettlement in Tamaquito II, Roche, Chancleta, and Patilla built on the lawsuits filed by the people of Tabaco demanding relocation. Carbocol and Intercor's strategies in the 1990s had driven communities apart through displacement and bad land deals. But this experience also brought people together to demand that they be recognized and compensated for the trauma, violence, and loss they had suffered. A group of people from Tabaco, Roche, Patilla, Chancleta, and Tamaquito II banded together to stage protests in 2004 and 2005. They blockaded roads around the mining complex's entrance, demanding that the company and municipalities negotiate with them. Eder Arregocés of Roche and Chancleta described:

We started to fight because NGOs from other sectors and other countries came and they guided us a bit, and we had more ideas. Pay attention to something: the first time the state even noticed us, that is the governor's office of La Guajira, is because we had a strike. We went on strike and blockaded roads and had a confrontation with ESMAD which allowed us to have a meeting with the governor José Gonzales and the mayor Yandra Brito came to the communities and made many promises but promises they didn't keep...that was in 2004 or 2005. That's how the state became present, under pressure. Because they never cared about the communities (Interview with the author March 1, 2017).

By organizing protests, communities began to garner some state attention. By mobilizing their rights to territory and autonomy, community leaders hoped to bring the state back in to mediate their relationship to Cerrejón. As Eder described, state institutions often made empty promises. Community leaders recognized that they could not rely on the state alone. The support of allies and NGOs allowed them to connect their struggles to international norms and national laws, which gave them a basis for demanding protection of their territory.

Marginalized people experience their subordination through waiting for powerful outsiders to decide their fates (Auyero 2012; Auyero and Swistun 2009). Increasingly, these communities

found themselves dependent on outsiders for help, be it the state, NGOs, or international allies. Local people realized they were losing their independence every day as their lands disappeared. They saw their communities becoming divided as people moved out. Resettlement gave them hope for regaining some of their autonomy and rebuilding their communities. People experienced their subordination to the company in complex ways, for some, it made them want to resist. For others, acquiescing to the company became their best survival strategy. People in Tabaco, Roche, Chancleta, and Patilla became divided over which path to take.

Division

Building solidarity was an uphill battle as multiple forces pulled local people apart. During the years following Tabaco's expropriation, company officials, state institutions, and paramilitary groups all repressed communities' efforts to organize against the company. The mine was so economically and politically dominant by the early 2000s, that resisting Cerrejón seemed futile to many. Even though the collective resistance organized against the company, their proposals still hinged on receiving compensation from Cerrejón. Many local people doubted that a resettlement would work because the mine had all but destroyed rural livelihoods. Organizing as an ethnic community and demanding resettlement meant waiting for the government to intervene and guarantee their rights; local people had little trust in a government that had backed their enclosure and expropriation. The company also created an alternative organization to Tabaco in Resistance, which contributing to undermining the movement for collective relocation. The arrival of paramilitaries who targeted community leaders also made organizing dangerous. All of these factors undermined community solidarity.

The Red Tabaco

Cerrejón officials and shareholders developed a sophisticated plan to respond to critics. In the wake of the Tabaco scandal, Glencore, Anglo American, and BHP invested heavily in public relations and Corporate Social Responsibility (CSR) teams in Cerrejón's Bogotá and La Guajira offices. Beginning in 2004, Cerrejón's administration rebranded the company as "responsible mining." One of the first tasks of the remade CSR team was to deal with the fallout over Tabaco.

Between 2002 and 2005, as Tabaco in Resistance fought for resettlement, many other families signed individual agreements for compensation with the Cerrejón Company. Cerrejón

paid them for indemnities related to expropriation, moving expenses, and compensation packages for the sum of the value of their homes, animals, land plots, and possessions. The company made minimal payments that were certainly not enough for families to buy new farms or houses (Bleechmore 2007). However, families were skeptical that they would ever be resettled. Most families were mainly living in Albania and Hatonuevo, and needed cash to pay cover their basic expenses: housing, food, utilities, and school fees. The violent and abrupt expropriation convinced them that they had little power to negotiate or resist the government and mining companies. Some believed it was better to get some more of economic benefit than to keep waiting for a resettlement that might never materialize.

As part of their defense strategy, in 2005, the company hired a development consultant named Gustavo Wilches-Chaux who proposed creating the Red Endógena de Tabaco (The Endogenous Tabaco Network). Cerrejón gave a lump sum to start the Red, and families who were part of the organization could distribute the money to finance small businesses, scholarships, and other “life projects.” The first project funded by the Red Tabaco was a scholarship for Enis Yoana Gil Carrillo to study medicine in Ecuador. By the end of 2008, there were 30 family projects underway and 15 additional students were studying in technical schools or universities using funding from the Red (Wilches-Chaux et al. 2011, 37). Some families bought taxis and others rental properties. One women opened a fabric and sewing supply shop store. Another opened a small grocery store. Soon, the Red Tabaco became an alternative to membership in Tabaco in Resistance. The company created and funding a parallel organization that encouraged people to drop their hopes for resettlement in order to gain immediate benefits.

The Red Tabaco also helped Cerrejón officials erase their company’s responsibility for Tabaco’s expropriation. A 2011 book published by Cerrejón celebrating the Red Tabaco never mentioned the physical expropriation of August 9, 2001. Instead, Wilches-Chaux and his co-authors focused on how Red Tabaco members found new opportunities. They celebrate that the Red Tabaco revived their patron saint festival starting in 2007. The patron saint of Tabaco is San Martin de Porres: a mixed race Dominican saint from Lima, Peru (Encyclopedia of World Biographies 2010). Known for his work for social justice and his commitment to a humble lifestyle, he is the patron saint of many Afro-descendant and *mulatto* populations. Samuel Arregocés described this connection in an interview:

With the loss of Tabaco, we lost our culture, our traditions with which our ancestors sheltered us, protected us. We've lost those under the bulldozers and Cerrejón's machinery. But that's what territory means: culture. So for us, it's been very difficult. And I say us, because I spoke a lot with my grandparents, my grandmother was a niece of the great grandchild of the founders of Tabaco, so I come from one of the most ancestral families. She told me what the territory was like and why they stayed in that territory. It's like we've pretty much lost our identity that was created so many years ago, and our history. So for ethnic communities, for us and for me, the territory is especially fundamental for us to live and recreate culture, even faith has been lost, because the religious faith was in San Martin de Porres (Interview with the author, January 1, 2017, translation by the author).

Carbocol negotiated the demolition of the church with the Archdiocese rather than with the community before the 2001 expropriation. The destruction of Tabaco's San Martin de Porres during expropriation became a symbol for the destruction of Afro-descendant culture.

It was ironic then, that Cerrejón funded the revival of this festival, since company officials also denied the community was legally Afro-descendant. On November 3, 2007, members of Red Tabaco, the Hatonuevo municipal government, the Hatonuevo Catholic congregation, the company, and the departmental government gathered in Hatonuevo's plaza across from the church. A brass band from Dibulla accompanied the procession, paid for by La Guajira's Office of Culture and Youth Programs. Members of Tabaco hoisted a newly purchased statue of San Martin, shipped from Bogota, on their shoulders. The statue "sweated" in the heat, a sign that the spirit of the saint was with them. According to observers from the company, members of Red Tabaco reported that this festival helped heal the wounds of displacement (Wilches-Chaux et al. 2011, 150).

The Red Tabaco encouraged families to abandon a collective struggle for resettlement in order to receive immediate benefits. The Red Tabaco provided a way for community members to adapt to their displacement into the urban periphery through scholarships and small business funding. Cerrejón used the Red Tabaco to promote individual solutions with a nod to Tabaco's cultural traditions. In doing so, the company was willing to acknowledge Tabaco's Afro-descendant culture, but not its legal rights as a protected ethnic community. Cerrejón used the Red Tabaco to co-opt the terrain of struggle, using limited definitions of Afro-descendant identity to push back against Tabaco in Resistance and divide communities.

Undermining identity claims

At the same time as selling an image of responsible mining, the administration actively undermined and denied communities' claims about their indigenous and Afro-descendant identity. When indigenous territories lie in natural resource or commercial agricultural zones, governments and corporations often take action to recognize the cultural validity of indigenous identities, but limit their meaning and power (Golub 2014; Gomez and Sawyer 2012; Hale 2006). In La Guajira, people relied on the company recognizing their rights as ethnic minorities and on the state to enforce their rights. Cerrejón officials hoped to save the company's reputation and money by showing that the company had not violated communities' constitutional rights. They wanted to avoid or keep the costs of a potential resettlement as low as possible by avoiding legal battles and resettling the smallest number of families possible. The shareholding companies invested in hiring social scientists and lawyers to help with this project.

Juan Carlos Forero, a native of Fonseca and an anthropologist, began working for Cerrejón in 2002. One of Forero's first tasks as a company anthropologist was to evaluate Roche's ethnicity. He produced a report, calling it a "*campesino* community with black roots" but not an Afro-descendant community. (Quoted from interview with Yoe Arregocés, January 20, 2017). In doing so, Forero helped the company discredit Roche's claims for a collective resettlement, by showing that the residents were not "authentically" Afro-descendant because they did not fit the description of a "Black Community" under Law 70. According to Forero, the people of Roche were mixed race and shared traditions with Wayúu people. Forero's report not only delegitimized Roche's legal claims for recognition as a Black Community, but also the claims made by Tabaco, Chancleta, Patilla, and Manantial, because these five communities shared common ancestry. Cerrejón's administration echoed the stance of a creole elites crafting the *mestizo* nation in Colombia: black people had been bred out by intermarriage and integration into mainstream society. Just as José Julio pointed out in his testimony, the government and the company denied the existence of ethnic communities in La Guajira. Cerrejón officials hoped to avoid costly legal battles by downplaying Afro-descendants' claims about their rights to consultation, reparations, and land. They did not want Roche, Chancleta, Tabaco, and Patilla to gain state recognition as Afro-descendant communities entitled to a long and costly prior consultation. Cerrejón officials used also Forero's study to question the authority of Community Councils, by arguing that these political organizations were not part of Afro-Guajiro tradition. Overall, Cerrejón was using its

CSR department to undermine communities' political organizing. Denying the existence of "real" Afro-descendant communities La Guajira was easier than grappling with the legal consequences of displacing recognized Afro-descendant communities. State institutions did little to intervene on behalf of communities, which empowered the corporation to influence the legal and practical applications of mobilizing identities. People in these communities began to doubt the efficacy of mobilizing their rights as Afro-descendants, because they felt that the state and corporation would just deny them.

State institutions also blocked communities in Cerrejón's impact zone from claiming their constitutional rights as ethnic minorities. In 2000, the Ministry of the Interior's Department of Indigenous Affairs contracted Wayúu anthropologist Weidler Guerra to carry out a study of Tamaquito to determine if the community was "authentically indigenous." Using the Ministry's own guidelines under Decree 2164 of 1995, which expanded on the 1991 Constitution to determine the qualifications for becoming an indigenous *resguardo*, he determined that the community met the ministry's criteria. Guerra, evaluated the economic activities, kinship structures, and cultural practices of Tamaquito. He concluded that because the group maintained clan structures, spoke *Wayuunaiki*, maintained Wayúu cultural practices, and self-identified as Wayúu, they met the criteria of Decree 2164. He wrote: "As indigenous Wayúu they understand that they share a common historical origin and they perceive themselves to be persons different from the rest of Colombian society whom they identify with the term *arijuna* or 'non-indigenous persons.' Therefore there exists a self-recognition and clear consciousness of their indigenous identity" (Guerra Curvelo 2007, 72). He continued to explain that the Wayúu of the Southern Guajira are more intermixed with other populations, but that they are just as Wayúu as the more isolated communities in the North:

Unlike Wayúu in the Central and Upper Guajira, who to this day remain much more isolated from external influence, the Wayúu of the Southern Guajira find themselves in a relationship of political and democratic asymmetry with respect to the creole population of those municipalities. Relegated in some cases to the most arid regions of those municipalities, the indigenous settlements of Barrancas, Hato Nuevo, Fonseca, and Distracción now constitute cultural enclave, [which are] subject to intense pressure from colonists, mining projects, and large landowners. This has impinged upon the cultural autonomy of the indigenous group, and in some cases, it can be considered that they are immersed in a process that is progressively transforming them into non-ethnically defined peasantry. The inhabitants of these communities have found it necessary to responded to these social circumstances by looking to non-traditional organizations models, as in the

case of the indigenous councils established within Law 89 of 1890. Although these councils are foreign to the communities' own socio-historic processes, they have provided an effective legal tool and means of community mobilization for interlocution with the government entities and defense of their collective rights (Guerra Curvelo 2007, 70–71).

Guerra mentioned that the community adopted a *cabildo*, which although not part of Wayúu tradition, helped the people of Tamaquito II achieve legal recognition. Scholars have made similar arguments about the formations of Afro-descendant Community Councils in the Caribbean region that allow people to recuperate and reimagine their own histories and identities (Villa and Villa 2010). As Guerra explained, communities founded these councils in response to their marginalization. Naming themselves Afro-descendant or indigenous captured their relationship to the absentee state and a repressive corporation. Adopting councils gave these communities a legal representation and a way to demand protections guaranteed under the 1991 Constitution. The Ministry of the Interior did not agree with Guerra's conclusions and refused to pay him for the report. The Ministry never published it or made the results public.

As soon as communities began organizing as Wayúu and Afro-descendants, the company and the Colombian government hired teams of "experts" to contest these identities. These experts sowed the seeds of doubt in people's minds about their abilities to make claims based on that identity. Cerrejón's CSR team employed a strategy to deny community identity claims and offer a solution through CSR rather than through legal battles. The company influenced how local people exercised their rights and experienced their identities. This demonstration of corporate power encouraged many people to turn away from collective organizing. The rise of right-wing violence in the same time period also compromised community solidarity.

Violence and polarization

When communities most needed to work together to defend their territories, right-wing paramilitaries in La Guajira diminished local people's ability to forge solidarity through violence and intimidation. While the paramilitaries were not always in direct alliance with Cerrejón, they shared the same political goals: the privatization and concentration of land and resources in the hands of elites and corporations. Indigenous and Afro-descendant movements threatened capitalist projects by claiming the right to control land and natural resources. Their movements shared common cause with historical peasant land demands and the FARC's proposals for agrarian reform. The majority of leaders in La Guajira were never part of the FARC, but that did not stop

right-wing militias and state security forces from treating them as if they were. People displaced by Cerrejón also became vulnerable to secondary displacements by paramilitaries.

The early 2000s saw a spike in violence in La Guajira. The Northern Block of United Self Defenses of Colombia (AUC) first appeared in La Guajira in 1997 (Ávila and Torres Tovar 2014). Jorge 40, the alias of Rodrigo Tovar Pupo who was a native of Villanueva, La Guajira, became the head of the AUC Northern Block, which moved into the La Guajira to take control of the smuggling routes and force the FARC out of the Sierra de Perijá. The AUC staged its first massacre in the Guajira in 1998, targeting the town of Villanueva. On Dec 8, 1998, the Northern Block demonstrated their strength by murdering 11 people who Jorge 40 claimed were ELN supporters (Rutas del Conflicto 2018a). The AUC began actively recruiting young people in urban areas, including some from the families displaced by the coal mine, to join their militia. Jorge 40 focused on attacking FARC and ELN guerillas who in the Sierra de Perijá and Sierra Nevada de Santa Marta in order to control contraband routes (Ávila and Torres Tovar 2014).

Then in 2002 the AUC formed the Wayúu Counterinsurgency wing. The majority of the soldiers were not actually Wayúu; rather, the AUC used the group to seize Wayúu territory and industries (Rutas del Conflicto 2018b). The Wayúu Counterinsurgency wing targeted Wayúu communities, particularly clans who denounced the group. Human rights groups estimate that there were 29 massacres in La Guajira between 1998 and 2004 and that the AUC carried out the majority of these attacks (Rutas del Conflicto 2018b). State investigators estimated that 14,000 Wayúu people were displaced by paramilitary and guerillas conflicts between 2000 and 2008 (Prada Pardo 2015).

In the Central and Southern Guajira, communities enclosed and displaced by Cerrejón were also the victims of paramilitary violence. Wayúu communities whose lands lay near smuggling routes in the Sierra de Perijá faced intense violence because the AUC was at war with the FARC for control of the contraband trade (Rutas del Conflicto 2018b). Nuevo Espinal found itself “in the way” because the community’s new settlement lay in a strategic zone near the Sierra de Perijá. Nuevo Espinal’s territory became the site of a turf war as the AUC fought to take over this land from the FARC. In the previous chapter, I described how FARC violence led to one murder and 14 families leaving the community. In 2003, the AUC killed two brothers, after which more than half of the remaining families fled. The state Victims Unit confirmed these findings in 2016 when they began to work with the community to file for reparations under the 2010 Victims

Law. As leader Alvaro Ipuana told me once, “We are victims not just of the conflict. First, we are victims of mining displacement.” This violence began with their displacement by mining companies and the state. These entities were responsible for moving the community to a conflict zone. Neither the new shareholders nor the state wanted to take responsibility for the community’s fate. The people of Nuevo Espinal struggled to form and maintain a *cabildo* or indigenous movement to reclaim their territorial rights as more than half the community was living in fear after two waves of intense violence.

The AUC actively supported Cerrejón’s economic and political dominance in La Guajira. The group began to target community leaders who spoke out against Cerrejón, labeling them as part of the guerilla that the AUC had vowed to exterminate. Fermina Campos and her family took up residence in the town of Hatonuevo after being displaced from Caracolí in 1992. Fermina married her childhood sweetheart Javier Fuentes, also from Caracolí, and they started a family together. The couple was politically active, working to unite the displaced families of Caracolí. The Northern Block of the AUC began to threaten Fermina and Javier because they were organizing displaced people from Caracolí to push for relocation. Fearing for their safety and that of their children, they moved to the city of Valledupar in the Cesar department in 1999. Although Valledupar was a center of paramilitary organizing, they felt more anonymous there. They also stopped doing their activist work, which meant they were no longer targets. They dedicated themselves to seeking educational opportunities and finding better employment options.

In 2004, the couple decided to return to their activism and their efforts to reclaim their lands in Caracolí. They decided to move back to the old Caracolí and build a home as a form of protest. Although it had been more than a decade since their displacement, Cerrejón was not actively mining that zone and there were few barriers to keep them from physically returning. In short order, a group of Bloque Norte commanders ordered their soldiers to assassinate Javier. They surprised him one night, shot him, and left his body. Fermina was devastated by this loss. She now had five children to care for on her own. By murdering Javier, the AUC sent a message to leaders that they were risking their lives and the safety of the families if they resisted the takeover of their territories by the paramilitaries or Cerrejón.

In fact, the AUC’s largest massacre in La Guajira was connected to Cerrejón’s operations. In 2004, the AUC began threatening clans living in the Wayúu community of Bahía Portete, across from Cerrejón’s private port Puerto Bolívar. While there is no proven link between

the Bloque Norte members who carried out the massacre and Cerrejón officials, the message the massacre sent was clear: people who resist the takeover of their territory put themselves in danger (Grupo de Memoria Histórica 2010). The Wayúu Counterinsurgency Bloc had been threatening the Fince-Epiayú clan in the community. Those families denounced these threats to the local police and asked for protection, which they never received. Then on April 16, 2004, the Wayúu Counterinsurgency Bloc, acting under Jorge 40's orders, attacked the community, killing 16 people, mostly women (Grupo de Memoria Histórica 2010). 600 people from Bahía Portete and neighboring communities fled to Venezuela in the days following the violence. Initial investigations by the state attributed the violence to a "war between clans," but Wayúu have strict rules about clan conflict, including not killing women or children. A later investigation by the Center for Historical Memory revealed the AUC had carried out this massacre to secure control of ports on the Guajira coast for their smuggling operations (Grupo de Memoria Histórica 2010). Many residents of Bahía Portete and local human rights activists believed that Cerrejón officials played a role in this attack. The community's port was a strategic location for Cerrejón, as it lay just across the bay from the mine's port. The company was facing pressure from Wayúu communities in the port area who were complaining of contamination in their traditional territories. The Portete massacre made them afraid to speak out. The AUC targeted women in order to instill fear in Bahía Portete and the surrounding communities by violating Wayúu norms that forbid the killing of women and children (Grupo de Memoria Histórica 2010).

International activist groups began pressuring shareholding companies as they saw a connection between political violence in Colombia and foreign capital. In Switzerland, Stephan Suhner began working for the NGO Arbeitsgruppe Schweiz-Kolumbien (Colombian-Swiss Working Group or ASK!) in 2001. He was interested in Cerrejón because Glencore is headquartered in Switzerland. In 2005, his NGO ASK! hosted Debora Barros Fince, a survivor of a paramilitary massacre in Bahía Portete, near Cerrejón's port. The group sent a Swiss journalist to film a documentary about the case called "Fiscal Paradise-Social Hell," which linked the massacre to capital sitting in Swiss banks via Glencore. In Canada, Gary Leech started a campaign linking human rights violations to Colombian coal. Soon major Canadian press publications began to cover this story and people in Atlantic Canada became more aware and outraged about the origins of their energy. When José Julio visited for a speakers' tour, people packed auditoriums and libraries to hear him speak (Beaumont et al. 2007). Local activists and their allies linked

Colombia's internal conflict and coal mining in La Guajira; both were violent forms of dispossession that concentrated wealth, land, and power in the hands of powerful people. This framework threatened the image of Cerrejón and its shareholders, while calling on the complicity of the state.

Human rights institutions have never investigated the link between the AUC and Cerrejón officials. Several members of the Bloque Norte have testified that they helped “watch over” Cerrejón's operations, and one has claimed he once met with company officials about organizing a death squad to assassinate Sintracarbon union leaders (McKenzie and Cohen 2018). Over the years, many local activists and human rights lawyers have told me that there is a link between the company and the AUC. Even if there was no proof, the AUC often worked in favor of the mine by squashing resistance movements. Paramilitaries helped create a repressive social order that made collective action against Cerrejón dangerous.

The military and police also targeted leaders who resisted Cerrejón, creating a climate of fear and distrust within these communities. In June 2001, two Wayúu journalists, Tabaco leader José Julio Pérez, and a local teacher were detained by Cerrejón's police force when they were documenting how the company was planning to destroy Tabaco. The officers destroyed the film from their cameras saying it “the film must be for the guerrillas,” and beat and arrested them (Chomsky 2002). State police also continued their persecution of the Palmezano Arregocés family in Patilla and Chancleta. The Palmezano Arregocés family was part of Community Action Board in Chancleta and Patilla, which banded together to demand social works such as aqueducts and school improvements from the municipality. In February 2003, the communities held a road blockade when the mayor of Barrancas, José Domingo Alfonso refused to complete construction of an aqueduct because the communities' land had been designated a mining zone, and therefore outside of municipal responsibility. A company lawyer filed legal complaints against the Palmezano Arregocés family who led the process. Shortly after, Adolfo was arrested on April 3, supposedly in connection with the murder of Frank Pescatore, but the timing was highly suspicious. There was only one witness, who may have had a vendetta against the men, who testified on April 1 (more than 7 years after Pescatore was kidnapped) that Adolfo and Tomás were responsible. There was no new evidence in the Pescatore case that connected Adolfo. The police and military had a motive against Adolfo and the Palmezano Arregocés family. While there was

no direct connection back to Cerrejón, rumors circulated among community members that this arrest was to punish the men for their protest.

State security forces continued to harass the family throughout 2004 and 2005. On August 7, 2004, Colombian soldiers stormed the Palmezano home, and without a warrant, arrested Tomas Alfonso Arregocés, nephew of Adolfo Arregocés. They held Tomás Alfonso and his sons overnight. On September 15, members of the Departmental Security Administration (DAS) stormed the farm of Marcos Aurelio Arregocés and detained him and his son Eder Arregocés forcing them to sit on hot rocks as punishment. Eder had just organized a series of protests and road blockades; the police likely retaliated against him for his activism. Armed men returned to Patilla on December 18 looking for Tomás Arregocés, who they believed to be part of the guerilla. One officer held Leonardo Duarte Palmezano's head to the ground using his pistol, telling him "have you forgotten what they taught you in the guerrilla?" The men confiscated food, cash, a cellphone, and a letter Adolfo wrote from jail. The men then took four Palmezano men in the car with them. They roughed up the men, dropping Wilman and Luis Alfonso Palmezano at different points on the road, forcing them to walk home in the dark. They took Tomas Alfonso and Leonardo to the police station in Riohacha without a warrant. In May of 2005, the police once again came looking for the family, this time threatening Adolfo's blind Aunt Eulalia Díaz in her home that they would harm her if she did not tell them where Tomas Palmezano was hiding.

According to an investigation by The Interecclesiastical Commission of Justice and Peace, in 2004, people in Chancleta and Patilla were circulating rumors that all the Palmezano brothers were involved with the FARC. But other community members testified in favor of Adolfo, saying he had been consistently harassed by the Barrancas municipality's DAS. Adolfo's lawyer was harassed by the Barrancas District Attorney, which violated protocol for a fair legal hearing. Eventually, the state released Adolfo from jail after more than 15 months of detention because there was not enough evidence to convict him. At the time of his arrest, Adolfo was the president of the Community Action Board in Chancleta. Adolfo and Tomas moved out of the communities and left their political activism behind. Their brother Wilman took over leadership. This event unseated militant community leaders and made many residents distrustful of collective organizing. The experience of the Palmezano family was an extreme example of the persecution

of community and union leaders by state forces. This persecution went on for years as various family members took on leadership roles.⁴¹

While some became distrustful of local collective organizing, others formed their own coalitions in response to ongoing violence and human rights violations. A group of Wayúu women in the Southern and Central Guajira began to organize to defend their territories and their families from paramilitary violence. Karmen Ramírez Boscán, an educator and activist who now lives in exile in Switzerland, led this initiative, founding a group called La Fuerza de Mujeres Wayúu (Wayúu Women's Task Force) in 2004. At the time, indigenous-led organizations were receiving international attention and funding. La Fuerza de Mujeres Wayúu was part of a Spanish-led European Initiative to fund indigenous groups in Latin America to work as grassroots human rights defenders. This support helped the movement expand and also encouraged people to keep organizing as an indigenous group in order to keep receiving financial and political support. Angélica Ortiz, who currently leads La Fuerza, described this moment in an interview:

La Fuerza were born in 2004 and 2005 when the paramilitary wave was terrible here in La Guajira. The majority of women and men, who are part of La Fuerza de Mujeres Wayúu; we are men and women that have been victims of the armed conflict in Colombia from various actors: paramilitaries, guerillas, and the armed forces of Colombia. We came to be because of violation of rights, and because it was a crime to denounce what was happening. So women got together who had been victims of the conflict, and that's how La Fuerza was born...At that time, it wasn't easy because from the start the threats and intimidation began. Because of this, there are various displaced women in the organization because they spoke about what was happening. La Fuerza de Mujeres Wayúu was born as an organization that dared to speak up without fear and without political favors...Even though there are many people who do not like what we are speaking up, but we keep raising our voices to denounce what is happening (Interview with the author January 23, 2017, translation by the author).

La Fuerza was born at the height of paramilitary violence and state repression in La Guajira. It was dangerous to be part of this movement, but La Fuerza continued to grow. The women involved realized that had strength in numbers and the support of international allies to help protect them. Angélica and her family lived in Hatonuevo during the rise of paramilitary violence there, because her father had already sold his farm in the 1990s after repeated threats from the FARC. She described why she joined La Fuerza:

⁴¹ In the next chapter, I discuss how this persecution continued as Chancleta leaders organized for resettlement.

I became part of the organization at the end of 2007, during a very difficult time when there were a lot of threats and persecutions, when fear accompanied all of our actions. At that moment, we went on a caravan to collect stories of communities, of women and men, that weren't recognized. We went all over the upper, middle, and lower Guajira to connect what was happening. At the time, 2007, 2008, and 2009, things were critical for the organization, those were uneasy years, but we never stopped doing the work not even with the threats and intimidation and the exile of two of our compañeras, and by exiled I mean they left Colombia because of threats (Interview with the author January 23, 2017, translation by the author).

Angélica recounted how the state ignored the violence in La Guajira, and denied that the AUC was targeting Wayúu people. She saw the state's lack of action as part of its supporting for Cerrejón. La Fuerza worked with communities impacted by Cerrejón. Many of its members came from communities either in the active mining zone or on the rail line. Angélica described when the La Fuerza began working on these issues:

The first thing we need as an organization was to work on the issue of victims, but the issue of socio-environmental conflicts has been there since the beginning of the organization, because it's clear that the paramilitaries are supported by a lot of people. Who exactly? We don't know. But to maintain their power here, they need support from the people. All of the community work reflects these conflicts with the paramilitaries and problems between communities and the company. Here in the Southern Guajira, we said we had problems with Cerrejón and that's what we looked for in the caravan. It was precisely the same people who denounced what was happening inside of their communities (Interview with the author January 23, 2017, translation by the author).

La Fuerza de Mujeres Wayúu's mission responded to the panorama of displacement and dispossession in La Guajira in the early 2000s. Wayúu and other communities were targeted by both the AUC and the FARC. They were also under constant threat of expropriation by Cerrejón. While Angélica was careful not to directly connect the Cerrejón to the AUC, she pointed out that they AUC accomplished the same thing the company did: the expulsion of local peoples from their lands the repression of resistance movements.

Paramilitaries, Colombia's armed force, state institutions, and Cerrejón's CSR department all undermined community organizations. Under these circumstances, fording solidarity was challenging, but also necessary. Working with NGOs, lawyers, and international activists helped local people go around the repressive state and challenge shareholding corporations.

Conclusion

Tabaco's displacement occurred during a movement of intense political and economic restructuring that gave communities' more legal tools but also limited their ability to make

structural change. Communities confronted a powerful corporation, a repressive state, and violent paramilitaries. As they organized with each other to survive this panorama, they turned to their Afro-descendant and indigenous roots, breathing new meanings into these identities. They drew on shared history and traditions, including their attachment to the land. Communities used identity to conceptualize their relationships to powerful actors, by positing themselves as the rightful inhabitants of La Guajira who had been uprooted by the alliance between coal mining companies and the Colombian government. They also forged alliances with international allies, bringing their concerns to company boardrooms and international forums. Communities organized together to push for an alternative to enclosure and displacement. Families in Roche, Chancleta, Patilla, and Tamaquito II began to push for collective resettlements that would allow them to keep their community relationships intact and give families the chance to return to rural livelihoods.

Multiple factors also fractured communities. When families in neighboring settlements witnessed this violent displacement, many decided to sell their lands to the company and leave their communities rather than face the same fate. When Cerrejón began creating CSR opportunities, they hoped the company would provide employment, education, and development funding. The arrival of the AUC occurred when people most needed to organize collectively. As paramilitaries carried out massacres, threatened leaders, and took over territories, many families were afraid to join a movement that spoke out against Cerrejón or the government. The presence of Colombian military and police in their communities was also a constant threat.

Whether residents of the impacted communities chose to negotiate with Cerrejón individually or push for a collective benefit, their choices were increasingly defined by their relationship to the company. People organized in *cabildos* and Community Councils in response to their experiences of enclosure and displacement by coal mining. The company also interfered in these political processes, by claiming communities were not authentically indigenous or Afro-descendant. What it meant to be Afro-descendant or indigenous was increasingly tied to the corporation, both in terms of how people experienced their identity and the legal rights they gained through that identity. Their motivation for mobilizing as ethnic communities came from their experience of enclosure and displacement at the hands of the company. The company also interfered in their ability to exercise their legal rights by denying the authenticity of their identities.

Despite the immense challenges, communities in La Guajira did have victories. In the next chapter, I show how the momentum built by community leaders, human rights lawyers, local activists, and international allies transformed corporate policy when communities won the demand for resettlement. The next chapter explores how community solidarity and division played out during the early stages of these negotiations.

Chapter 5: From Displacement to Resettlement

I remember the first time I visited the Afro-descendant community Las Casitas in 2013. Our group arrived to the community, greeted by smiling women holding thermoses full of sweet black coffee Colombians call *tinto*. After a short meeting with our group of delegates, the residents took us on a tour to show us what they were going to lose in the move. We went around their earth homes with tin roofs, admiring the patio gardens, pet monkeys, parrots, and chickens people kept there. We stopped to admire cattle, pigs, goats, and sheep in corrals. Our guides pointed out where they were prepping the land to grow corn, yuca, melons, and squash. At the end, our guides took us on a steep walk up a hill behind Las Casitas. This hill was the highest point for many miles, offering us an unobstructed view of the surrounding area. Once we got to the top, we could see the valleys stretching out below us; but, the most noticeable feature was the mine pits. From the hill, we could see the vastness of Cerrejón's most southern pits. When the engineers set up a dynamite blast twice a day, the residents' homes shook. I returned to that same hill side several times over the years. Every time, the pit was closer. People in the way of this expansion had two choices: move or be swallowed up.

Figure 1: A man looks out from the hill behind Las Casitas over the coal mine (Source: author's personal collection, 2014).



In the last chapter, I showed that after the expropriation of Tabaco in 2001, neighboring communities began to organize in order to push for resettlement. Their mobilization came to a climax in 2007 when international lawyers filed a complaint to the Organization for Economic Cooperation and Development (OECD) on behalf of communities impacted by Cerrejón. The 2007 complaint shifted Cerrejón's policies from displacement to resettlement.

I argue that resettlement was a subtle form of violence that narrowed local people's options for survival and threatened collective organizing. Through resettlement, displaced people were dispossessed and reincorporated into a system built around extractive capitalism. In this chapter, I build on literature that analyzes how people re-organize their lives around violent capitalist shocks (Bhattacharyya 2018; Kalb 2015; Kashmir and Gill 2018; Narotzky and Besnier 2014). The Cerrejón Coal Company was willing to make a limited concession to local people by relocating them rather than just expropriating them, but would not make any changes that threatened the

dominance of coal mining in La Guajira. Locals had to carve out a place within this system or face violent consequences for trying oppose it.

This chapter focuses on how Cerrejón officials used resettlement to coopt the terrain of struggle and how local people resisted and acquiesced to company development plans. The OECD complaint in 2007 was the result of sustained community resistance and solidarity with international activists and Colombian NGOs. The complaint led the company to adopt a policy of resettling rather than just displacing communities in its impact zone. I examine the influence of this policy in five communities. First, the company signed a new agreement with Tabaco, but did not resettle the community, which further fractured the community. Next, I examine how impact matrixes in resettlement planning reduced community's territory and divided the population. In Chancleta, Patilla, and Roche, the plans for resettlement increased the tension between those who organized in collective movements and those who chose individual negotiations. Tamaquito II developed a unique strategy to make every aspect of their resettlement negotiation collective. In all communities, it became clear that the coal mine threatened their survival, yet they were dependent on the coal mining company to realize their aspirations for resettlement.

Pressure from above: The OECD gets involved

The solidarity between international activists, impacted communities, and NGOs gained momentum in 2007 when a group of activists in La Guajira coordinated with international activists to file OECD complaints in Australia against BHP Billiton and in Switzerland against Xstrata.⁴² Lawyers from the human rights NGO CAJAR provided legal support and documentation in Colombia to support this claim. The OECD is a transnational organization that creates and enforces norms and policies for its member nations. As an organization, it can put pressure on companies in any of its member nations to comply with its standards. All three of Cerrejón's

⁴² Australian lawyer Ralph Bleechmore was the first to file an OECD complaint. The Colombian plaintiffs included José Julio Pérez from Tabaco, lawyer Armando Pérez, and the communities of Patilla, Chancleta, Roche, Tamaquito II, and Los Remedios. Bleechmore met community leaders during an international exchange with CAJAR. He filed the complaint in July 2007, based on his findings that Tabaco had been unfairly expropriated and that the mining company was “strangling” other communities by cutting off their access to land, polluting their water supplies, threatening their subsistence practices, and pressuring people to sell their homes (Bleechmore 2007). Stephan Suhner from Ask! coordinated the complaint in Switzerland with his college Lisa Huber at the Swiss-Colombian Working Group, which they filed in October of 2007 against Xstrata.

shareholding companies were part of the OECD. In both complaints, the international allies demonstrated that the shareholding companies had violated the General Policies, Disclosure and Environment sections of OECD guidelines. First, they pointed out that forced displacement contravened OECD guidelines so BHP Billiton and Xstrata so the Tabaco expropriation violated OECD norms.⁴³ The OECD mandates that companies improve local capacity and human capital in the regions in which they operate. The allies argued that Xstrata and BHP Billiton had done the opposite by destroying local livelihoods and ruining people's land without offering them a chance to benefit from the coal economy (Colmer 2009). The same year as the OECD complaint, Avi Chomsky, Gary Leech, and Steve Striffler published a book in Spanish and English called *The People Behind Colombian Coal*, full of testimonies and firsthand accounts from communities, experts, and allies about the crisis generated by Cerrejón in La Guajira. The research and testimonies in this book supported the demands made to the OECD. Community leaders and their allies used this book to raise awareness both in Colombia and internationally about their struggle with Cerrejón. Together the book and the OECD complaints threatened Cerrejón's image as a responsible coal mine.

The OECD complaint used evidence from Tabaco to demonstrate the need for collective resettlement and reparations.⁴⁴ The activists provided evidence that the company was fomenting division in Tabaco. The allies who filed complaint warned that the shareholding companies were in danger of repeating the mistakes made with Tabaco in other communities. Ralph Bleechmore – the lawyer who filed the complaint in Australia – stated that communities named in the action: Los Remedios, Chancleta, Patilla, Roche, and Tamaquito II were also suffering *estrangulación* (strangulation) (Bleechmore 2007). According to Bleechmore, Cerrejón's rapid expansion was closing in on these communities, forcing them to move to nearby towns or other communities to

⁴³ Technically Carbocol-Intercor expropriated Tabaco, but the three shareholding companies inherited the legal responsibility for the displacement when they purchased the Cerrejón concessions.

⁴⁴ At the time of filing, the Tabaco Relocation Committee was still awaiting progress on obtaining La Cruz and building infrastructure there. Cerrejón was negotiating with another group of families in Tabaco who agreed to leave aside resettlement in exchange for Cerrejón funding development through the newly formed Red Tabaco.

survive. In the case of Tamaquito II, the loss of Tabaco had cut off the community's access to education, healthcare, trade, and employment (Bleechmore 2007).⁴⁵

In response, Cerrejón created an independent social review panel, which the OECD approved (Colmer 2009). Company officials selected John Harker, president of Cape Breton University in Canada as the lead investigator (Chomsky 2018).⁴⁶ The panel contracted Social Capital Group, a development consulting firm based in Lima, Peru, to do a social impact assessment that categorized the economic, social, cultural, health, and environmental impacts felt in communities that neighbored Cerrejón (Harker et al. 2008). Social Capital Group used these figures to generate potential compensation and indemnities schemes.

The independent panel released its report "Cerrejón Coal and Social Responsibility" in February 2008 (Harker et al. 2008). The report pointed out that all three shareholding companies were part of the Extractive Industries Transparency Initiative⁴⁷ and the United Nations Global Compact,⁴⁸ which both mandate that corporations must manage impacts as diligently as possible

⁴⁵ The OECD took these complaints seriously. In October 2007, the Australian National Compliance Point (ANCP) of the OECD organized a meeting in coordination with the National Compliance Points in the United Kingdom and Switzerland in London. The ANCP invited representatives from all three shareholding companies and Cerrejón's administration in Colombia, as well as the activists and lawyers involved in the case. Stephan Suhner attended as a representative of ASK, Richard Solly on behalf of London Mining Network, and Ralph Bleechmore for CAJAR. The OECD offices all agreed that there was enough evidence of problems to continue with the investigation.

⁴⁶ Salomón Kalmánovitz, Dean of Economics and Business Administration at the Jorge Tadeo Lozano University in Colombia, Nick Killick, manager of the British NGO International Alert, and Elena Serrano of the Chilean NGO Casa de la Paz formed the rest of the team (Chomsky 2018)

⁴⁷ Glencore, BHP Billiton, and Anglo American are all founding members of this industry initiative, which started in 2003. The organization sets standards for environmental and social impacts of extractive industries operations worldwide. The EITI was founded as a response to growing criticism of large-scale mining and energy operations operated by multinationals in developing countries with inadequate regulation.

⁴⁸ The Global Compact is a partnership between the United Nations and large corporations to enforce good governance in the private sector. Corporate members commit to upholding United Nations norms and guidelines in their operations. The United Nations published their Declaration on the Rights of Indigenous People in September 2007, and the standards in that documents exceeded ILO 169 in terms of consultation on extractive projects. As the Global Compact was set to adopt these guidelines, Cerrejón's shareholders knew they would soon have stricter policies to follow in terms of their treatment of indigenous and Afro-descendant communities.

while making efforts to contribute to sustainable development and benefit local stakeholders (Harker et al. 2008, 19).⁴⁹ Harker and his team used these standards to craft their recommendations for how Cerrejón should reform its relationship with communities in the impact zone.

The panel criticized Cerrejón's strategy of enclosing communities. When speaking with Harker's research team, community members used the term *estrangulación* to describe Cerrejón's strategy. The researchers used the example of Tamaquito II, which was left isolated after the expropriation of Tabaco. The mine was encroaching on the forests the community used for hunting and cutting off access to the Ranchería River where the people of Tamaquito II fished. The researchers described how this encroachment "enabled the company to acquire land without having to pay for expropriation and relocation" (Harker et al. 2008, 5). While the researchers were careful to say that the company did not have a policy of "strangulation," their findings backed up claims made by local people since the 1990s: the company's enclosure of rivers, streams, forests, and lands pressured people to leave their communities. The panel confirmed the complaints made by communities since the early 1990s that the company was encroaching on their lands and making their way of life impossible.

As a solution to this problem of enclosure, Harker and his team recommended the company begin negotiating resettlement as soon as possible:

Indeed, we believe it is possible for Cerrejón to do more to contribute to a better life for people in affected communities, and one fundamental step it has taken is to recognize that not only when lands are needed for mine activity should resettlement be on offer and be framed in respect of appropriate international standards, but this should also be triggered when, as has been the case with Tamaquito, a community is affected by the very proximity of the mine and its impact on other communities which have constituted a meaningful element of the context within which a community like Tamaquito functions " (Harker et al. 2008, 26).

At the time, the company was considering resettlement for Chancleta, Patilla, and Roche because they were in the immediate impact zone.⁵⁰ Cerrejón had accepted that Tamaquito II wanted resettlement, but did not want to take full responsibility for the process since the community lay outside of the 5 km buffer zone. The report's findings backed up Tamaquito II's claims that they

⁴⁹ These two international organizations obligate their members to follow the highest international standards, including the Insertional Labor Organization Convention on Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous People, and the International Finance Corporation's involuntary resettlement standards

⁵⁰ The impact zone included any lands within the 5 km buffer zone of active mining operations.

had to be resettled in order to survive.⁵¹ The researchers argued that the communities needed rural resettlements that would allow them to return to agriculture, animal ranching, hunting, and fishing. They explained that communities attached cultural and social value to the land they inhabited. Enclosure and displacement had weakened the bonds between communities by forcing them out of these shared lands.⁵²

Following the Panel Review, Cerrejón began negotiating collective resettlement with communities in the direct impact zone. Resettlement became a core pillar of Cerrejón's expanding Corporate Social Responsibility (CSR) department. CSR officials looked to the International Finance Corporation (IFC), the private sector entity of the World Bank, which has a guideline for involuntary resettlement. Under the OECD's advice, Cerrejón agreed to keep Social Capital Group on as a permanent adviser and mediator for implementing the IFC standards (Colmer 2009). The IFC standards gave CSR officials an external framework to negotiate, plan, construct, carry out,

⁵¹ No progress was ever made in Los Remedios, one of the communities mentioned in the company. Instead, Cerrejón eventually funded a "ethno-tourism" project in the community where visitors can come spend a night in an "authentic Wayúu community" (Cerrejón Corporation Ltd. 2015).

⁵² This report helped prove that the state and company should have carried out Prior Consultations with the communities. Under ILO 169 and the 1991 Colombian Constitution, indigenous, Roma, and Afro-descendant communities are entitled to a transparent consultation with corporations, state institutions, and any other parties that want to carry out a natural resource extraction project on their lands or near enough that it will impact them. In 1998, the Constitutional Court helped pass a new law that drew from previous cases in order to regularize the procedures and norms for Prior Consultations (Corte Constitucional de Colombia 2011). Any community in Colombia is entitled to a consultation if they meet the ILO 169 categories for self-identifying as an ethnic community. In 2007, the United Nations built on the idea of Prior Consultation to create a standard for Free Prior and Informed Consent (FPIC), in the 2007 Declaration on the Rights of Indigenous People. While Colombia had not yet adapted FPIC, NGOs and lawyers supporting the communities were already beginning to use the idea of consent to show that the communities did not give permission to Cerrejón or its shareholders to operate on their traditional lands.

and evaluate a resettlement.⁵³ The company created a resettlement team within its CSR apparatus to implement those resettlement plans.⁵⁴

From displacement to resettlement

Cerrejón's administrators made their resettlement team the core of the company's CSR work. Léon Teicher celebrated this moment of change in the Red Tabaco book:

Mining companies of all sizes that operate in whatever part of the world have the responsibility to ensure their presence in a territory transforms into a decisive factor to improve the integral quality of life of the people that live in that territory. Mining should not just be an opportunity for those who invest in it or for those who use the minerals that the company extracts, but also and especially for the native communities of the mining zones who, in some cases, have to move their production spaces and housing elsewhere to allow for mining activity (Léon Teicher quoted in Wilches-Chaux et al. 2011, 7).

Rather than acknowledge that communities have the right to resettlement, the company began to frame resettlement as an opportunity for local people to better their lives. IFC standards are ahistorical and apolitical. Cerrejón's resettlement consultants designed resettlement plans that compensated for the impacts of relocation, but did not acknowledge the impact that twenty years of enclosure and displacement had on communities. Community members in Las Casitas, Roche, Chancleta, and Patilla had little agency in designing resettlement plans. Corporate officials did not open room for them to meaningfully participate or to influence the relocation process. Instead, it made people totally reliant on the company to fulfill their basic needs like housing, water, and education.

By adopting IFC standards, Cerrejón adopted the shortcomings of the IFC model. The IFC implemented resettlement standards in response to criticisms about the social costs of large-scale

⁵³ Cerrejón's compliance with these standards was voluntary. The IFC only enforces standards on projects that receive World Bank funding.

⁵⁴ In response to the panel's critiques of Cerrejón's relationship to local people, the company also expanded its foundation work from one foundation to four: The Cerrejón Foundation for Water, The Cerrejón Foundation for Institutional Capacity, The Cerrejón Foundation for Progress in La Guajira, and the Cerrejón Indigenous Foundation. These foundations were created to bring multiple stakeholders together: NGOs, the company, state institutions, and local communities in order to address La Guajira's most pressing problems: water access, development in indigenous communities, local government institutions, and regional investment. Cerrejón received the most negative press for these four issues: damaging the environment, threatening indigenous sovereignty, interfering with local government processes, and taking the profits from coal out of La Guajira.

development programs implemented by the World Bank after the Cold War.⁵⁵ These projects needed vast amount of land to function, and displaced local people by the thousands. For many years, the World Bank took the position that displacing a small number of people was justifiable to bring about development. However, when the social costs of projects became more extreme, the Bank began to make its development projects more socially and culturally sensitive. Dr. Michael Cernea, a sociologist and anthropologist from Romania began working at the Bank in 1974. Cernea was deeply concerned about the impacts of displacement on communities in the way of Bank projects. He developed the Impoverishment Risks and Reconstruction (IRR) model, which identified eight major risks of displacement: landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property and services, and social disarticulation (see Cernea 1997).

The IRR model focuses on economic impacts on livelihoods and compensation schemes for economic losses, which misses the political and social contexts in which resettled people live (Agrawal and Redford 2009; Wilmsen, Adjarney, and van Hulten 2018). In my own research, I saw repeatedly how the assessment of impacts in Cerrejón's resettlement projects mainly acknowledged the economic losses of displacement, but not how local people found themselves struggling to adapt to an extractivist economic model that had destroyed their way of life. The IRR model misses how resettled people lose more than the value of their land, they lose the entire productive system and social relations built around their land (Wilmsen, Adjarney, and van Hulten 2018). In La Guajira, resettlement provided financial compensation to resettled people, but did not change how coal mining had taken over their land and lives, which is why they were so vulnerable in the first place. Resettlement did not give local communities a say in how the mine operated nor offer compensation for decades of enclosure. Cerrejón and the shareholding companies offered communities compensation, but did not take any action that would challenge the company's territorial or economic dominance in La Guajira.

Typical IFC resettlement plans are built around the relocation of an entire community to the same place, and individual compensation and indemnities for each nuclear family. Cerrejón hired the contracting firm Antioquia Presente to conduct censuses and socioeconomic surveys in

⁵⁵ Through the World Bank first world countries lent money to third world countries to build roads, dams, and electric grids to modernize third world countries. The World Bank partnered with private firms through the IFC to invest in natural resource extraction and manufacturing.

the communities eligible for resettlement in 2007 when the company was first considering relocating communities. Antioquia Presente contractors surveyed each family to find out if its members were native to the community, whether they were actively living in the community, the number of people in each household, and the age of each family member. To carry out socioeconomic surveys, contractors surveyed the occupation of each family member, how much land each family held, the assets or improvements made to each home, the number of animals or crops held by each family, and degree of familial economic dependence on the land. From these surveys, Cerrejón's resettlement team generated categories for compensation: native status, actively living in site or elsewhere, economic dependency on land, and improvements made to land. For each category, families receive a certain number of points, determining whether they were eligible for resettlement, and if so, the team calculated how much they would receive in compensation for their land and assets.

Social Capital Group designed compensation and indemnities plan for each community. Social Capital Group advised Cerrejón on how to find relocation sites that would match the needs of the community. Social Capital Group designed comprehensive Resettlement Action Plans (RAPs) for each community, which laid out the community's characteristics, categorized impacts of resettlement, calculated indemnities and compensation, and laid the groundwork for negotiating resettlement. The resettlement team then negotiated these plans with each community.

First, Cerrejón sat down with the Tabaco Relocation Committee in 2008. In 2009, the administration began negotiations with Chancleta, Patilla, Roche, and Tamaquito II. In 2012, Cerrejón repeated this process with the community of Las Casitas. The 2008 agreement with Tabaco focused on differentiated compensation, assigning a monetary value to each family's losses and suffering. The leaders of the Relocation Committee wanted a new collective territory to rebuild the community as a form of reparations. The model of individual compensation dominated the 2009 negotiations with the other communities slated for resettlement. The IFC model did not acknowledge the long history of enclosure and displacement that had impacted communities. Resettlement did nothing to address the structural inequalities that had allowed foreign mining companies to seize local people's land and ruin their livelihoods. Instead, resettlement allowed the company to control how people organized around their displacement. Company officials made limited concessions to community members, who could either take the compensation offer or leave it.

2008 Tabaco Agreement

Every time I passed between Hatonuevo and Albania, I looked for the faded billboard that marked La Cruz, the farm where Tabaco was supposed to be relocated. The sign showed a smiling Afro-descendant family with the words “Tabaco: Sembrando Futuro” (Tabaco: Sowing the Future) scrolled across the top. Rather than sow a future, the resettlement negotiations in Tabaco sowed more divisions. The 2008 resettlement agreement ended up offering cash payments to each family, but did not physically reconstruct the community. The Relocation Committee was dependent on Cerrejón to resettle Tabaco, and without the company’s co-operation, its leaders ran out of options.

In December 2008, Tabaco leader José Julio Pérez and lawyer Armando Pérez reached an agreement with Cerrejón for compensation and relocation for the people of Tabaco.⁵⁶ John Harker returned to La Guajira to facilitate and mediate this negotiation. Based on recommendations from the panel and the OECD compliance offices, Cerrejón agreed to adopt IFC standards for involuntary resettlement as part of this process.⁵⁷ In November 2008, Cerrejón signed a joint cooperation agreement with the Hatonuevo municipality in order to complete the 2002 Supreme Court order to resettle Tabaco.

The company used IFC impact assessment tools to generate a compensation scheme for each family in Tabaco. The first section of the agreement covered indemnities, dividing the community into six groups based on if and when they had already negotiated with the company and whether they did or did not own a land in the old Tabaco. Following guidelines from the IFC for differentiated indemnities for involuntary resettlement, the company put a total of \$1, 1799, 087 USD into a trust to be paid out to each family; the group number 1-6 determined how much each family would receive (Pérez et al. 2008).⁵⁸ Families in group one who had not reached prior agreement and did have a home in the old Tabaco received the largest payments, while those in group 6 who had never had their own homes received the least. The IFC model of differentiated

⁵⁶ . José Julio was still the president of the Tabaco Relocation Committee and Armando the legal representative with power of attorney.

⁵⁷ The company had already violated World Bank/IFC standards on resettlement by expropriating the community in 2001.

⁵⁸ Cerrejón’s resettlement team used IFC norms to calculate how much resettlement impacted each family using factors such as how long they had lived in Tabaco, whether their incomes had depended on rural areas, and how many people were in each household. They also took into account if the company had already made indemnities payments to the family.

impacts steered the community away from a collective resettlement that would allow every member of the community to move to La Cruz to reconstruct Tabaco. After so many years of planning a collective reconstruction of Tabaco, this reality was disappointing to many of the more militant members of Tabaco in Resistance. Many families simply accepted the payment, relieved to finally receive compensation after so many years. When people wait for powerful outsiders to determine their fates, they tend to abandon the uncertain outcomes of collective struggles (Auyero and Swistun 2009).

The second part of the agreement made Cerrejón responsible for contributing to, but not fully financing, Tabaco's resettlement. The company agreed to help the municipality of Hatonuevo acquire a plot of land and to build a community center on it. Cerrejón officials agreed to spend a little less than \$ 1 million USD on this venture. The agreement contained one of the sticking points from the 2002 Constitutional Court decision: the municipality, departmental government, and the Relocation Committee were responsible for funding and planning the physical reconstruction of the community, not the company. Residents of Tabaco were upset about this negotiating point because it was clear that unless Cerrejón financed the reconstruction, it would never happen. The municipal government lacked the capital and the will for this project. The Relocation Committee could not raise the funds on its own. The 2008 agreement created more fractions in Tabaco, opening a rift between the families who still wanted resettlement and those who accepted the payments from the company and left the collective struggle. Without a guarantee for physical reconstruction, there was no way for these families to once again live as one community.⁵⁹

⁵⁹ The details I use here come from the English language version of the agreement (Pérez et al. 2008). The third part of the written agreement stated that by signing the document, The Relocation Committee would not pursue any new negotiations with the company. This ruling was also controversial as many people in Tabaco were not satisfied with the agreement and wanted to keep negotiating. Families in the Relocation Committee turned their back on José Julio Pérez after he signed the agreement at their legal representative. When I first visited La Guajira in 2013, José Julio no longer lived in the region, and rarely visited because so many people held a grudge against him. I talked to many former of residents of Tabaco who still harbored resentment toward José Julio for the outcomes of the 2008 agreement. After 2008, some of these residents formed the Junta Social de Tabaco (Tabaco Social Council) to pressure Cerrejón to finance the infrastructure so that people could actually move to La Cruz and make a new Tabaco.⁵⁹ A decade later, people still talk about how José Julio sold them out.

Tabaco in Resistance fractures after the agreement. Many accepted the compensation packages from Cerrejón and left the struggle for relocation. Others organized to demand that the company fund their physical resettlement. José Julio stopped leading the resettlement process. People lost trust in Armando Pérez because as their lawyer, he received a percentage of the cash settlement with the company. People who still wanted to relocate scrambled to find new leaders and new lawyers. José Julio saw the flaws in the 2008 agreement, but was up against an enormous challenge: he could either draw out the resettlement negotiations longer or accept the conditions from the company that he believed would help move Tabaco forward. The real problem was that Cerrejón had all the money and power, and that the people of Tabaco were increasingly poor and desperate. There was no option that would give the people of Tabaco autonomy; their fates were tied to the decisions of Cerrejón's administrators and shareholders.

As members of the Relocation Committee became disillusioned, many chose individual paths for rebuilding their lives rather than wait for resettlement. Several families joined the Red Tabaco between 2009 and 2010 to get benefits rather than wait for something to come of the relocation agreement (Wilches-Chaux et al. 2011). The book about the Red Tabaco discredited the Relocation Committee and celebrated when more families joined the Red after the 2008 agreement. At the end of the book, there is a picture of a smiling José Julio with a quote that read "Let's do what has to be done to move this project forward. Mining with people." This image takes advantage of José Julio's agreement with the company to turn him from a resistance leader to an ally of the company. Cerrejón officials coopted José Julio's image and words, just as their CSR strategies coopted the terrain of struggle over resettlement. Ironically, The Red, which was designed to be "endogenous", squashed the collective organizing by community members who wanted resettlement.

After the 2008 agreement with Tabaco, Cerrejón proceeded with resettlement negotiations in Chancleta, Patilla, Roche, and Tamaquito II. The design of resettlements there also created more divisions in communities before resettlement even began. Resettlement did not take into account the decades-long relationship between mining companies and local people. This version of resettlement created both more resistance among local people and greater apathy. Like marginalized people all over the world, they had no choice but to confront the violence of capitalism and find the best ways to adapt to it (Bhattacharyya 2018; Gill 2016; Kalb 2015; Kashmir and Gill 2018).

Reducing community

In 2009, Cerrejón began resettlement negotiations with Roche, Chancleta, Patilla, and Tamaquito II. In 2012, the company opened negotiations with Las Casitas, a neighboring community to Nuevo Espinal.⁶⁰ The company used the IFC’s five-phase resettlement planning: community relations and capacity building, collaborative resettlement planning, approval of resettlement action plan, physical relocation, and closing of plan. The first two phases made up the pre-resettlement phase. Cerrejón’s resettlement consultants used IFC impact matrixes to calculate who would be relocated, and what kind of compensation each family would receive. These matrixes fractured communities by limiting how many people could relocate. These matrixes also failed to account for the loss of territory as a social, cultural, and economic base. Tamaquito II adapted its own impact matrix, which gave the community greater control over the resettlement process. In the other communities, the narrow scope of resettlement compensations allowed Cerrejón to coopt the struggle over displacement by offering limited forms of compensation without taking any actions that threatened its territorial and economic dominance.

Table 5: Resettlement Timeline from Cerrejón's Website (Cerrejón Corporation Ltd. 2017)

Community	Year negotiations start	Year resettlement starts	Year resettlement ends (last family moved)
Roche	2009	2012	2016
Chancleta	2009	2013	2016
Patilla	2009	2013	2016
Tamaquito II	2009	2013	2013
Las Casitas	2012	2014	2016

Social Capital Group designed Resettlement Action Plans based both on Antioquia Presente’s 2007 census and an updated assessment by ASICOM consulting group in 2009. ASICOM’s data showed a reduction of families actively living in sites between 2007 and 2009. For example, in Chancleta Antioquia Presente counted 274 people and 77 households. ASICOM counted 196 people and 53 households (Social Capital Group 2010, 24). Social Capital Group

⁶⁰ Table 5 shows the timeline for resettlement in each of these five communities.

designed the resettlement for 53 households. The consultants designing the RAPs used both data sets, as well as the municipal census of 2000 to generate differentiated categories for each family: how long they have lived in the community, how many people lived in each household, and how many income earners in each household. They also evaluated the type of housing, the amount of land, who owned the houses, and if families depended on the land for income (Social Capital Group 2010, 24–30). The consultants considered collective losses associated with resettlement including community infrastructure, water sources, hunting and grazing lands, and sacred sites (Social Capital Group 2010, 31–42). Additionally, they created categories for people who were especially vulnerable: women, the elderly, disabled people, and families living in extreme poverty (Social Capital Group 2010, 42–47).

Using these various data sets, Social Capital Group consultants generated a Social Impact Matrix for each community. Table 6 is the Matrix from Chancleta. The impacts are divided into three main categories: assets, income, and social. For the asset category, Social Capital Group created categories to evaluate each family’s compensation package, which included replacement housing and payment for assets left behind; the exact package depended on whether the family was considered relocatable or non-relocatable.⁶¹ The social impacts and collective assets like hunting land were calculated in the replacement infrastructure and land given to each community in their new sites. The matrix shown below accounted for a wide variety of impacts, many of which were difficult to translate to a financial indemnity. For example, Cerrejón could build new cemeteries in the resettlements, but how do you compensate for people’s lost connection to their ancestors in the old site? Social Capital Group acknowledged that resettlement would further divide communities and families, but had no comprehensive suggestion to mitigate this impact. The design of resettlement focused only on the impacts of moving, not on the impacts people had already felt living next to a coal mine for over twenty years. The ahistorical and apolitical nature of Social Capital Group’s plans reduced communities’ populations and lands.

⁶¹ For income impacts, Social Capital Group recommended that Cerrejón create livelihood replacements using a combination of productive projects funding, educational scholarships, and employment opportunities. I dig into this aspect in greater detail in the next chapter.

Table 6: Social Impact Matrix Generated by Social Capital Group for Chancleta's Resettlement Action Plan (Social Capital Group 2010, 49–50).

Impact Category	Issue	Description	Recipient
A S S E T S	Access to natural resources	Loss of productive resources: fishing, hunting, grazing land	Families who are currently engaged in these activities
		Loss of access to water resources	Entire population
		Loss of access to landscape	Entire population
	Access to infrastructure & public services	Loss of access to roads	Entire population
		Loss of public services (health posts, schools)	Entire population
		Loss of communal infrastructure (cemeteries, football fields, community centers)	Entire population
		Increased travel time to work	Population dependent on current site for income
		Increased travel time to socialize	Entire population
	Access to family patrimony	Loss of property or land access	House/land owners and users
		Loss of animal herds	House/land owners and users
		Loss of housing or property	House/land owners and users
		Loss of agricultural infrastructure (corrals, fields, storage areas)	Population actively farming
		Loss of business assets	Population that owns a business
I N C O M E	Impacts to agricultural income	Loss of menial labor jobs	People currently working as laborers
		Loss of income from agriculture	People actively engaged in agricultural activities
	Employment loss	Loss of employment opportunities on site	People currently working on site
	Business loss	Loss of income from service or commercial enterprise	People currently running or working a business
	Increase of income and living costs	Rise of family costs & risk of impoverishment	Entire population

		Unusual increase in income & risk of poverty due to poor financial management	Anyone who receives indemnities
S O C I A L	Impact on social cohesion	Family fragmentation (separation, abandonment, conflicts)	Entire population
		Loss of social, family, friend networks	Entire population
	Cultural impacts	Loss of collective history	Entire population
		Loss of socially significant places (meeting and recreation zones)	Entire population
		Loss of culturally significant places (sacred and identity-laden places)	Entire population
	Impacts on way of life	Change to type & frequency of outings	People who leave the localities
		Change in way of making a living	Occupant population
	Risks for vulnerable population	Loss of status for women & elderly population	Women & elderly population
		Mental health impacts on elderly population because of uprooting	Elderly population
		Impacts on people living in extreme poverty	People living in extreme poverty

Differentiated impacts

Cerrejón officials used the impact matrix generated by Social Capital Group to decide who was eligible for resettlement, and how much each family would receive in indemnities. Table 7 shows a mockup of a matrix used to categorize families as relocatable or non-relocatable.⁶² The matrix assigned a value to each family’s native status, existing assets, actual residence in the community, value of landholdings, and whether or not their economic activity depended on living in the community. Families had to receive more than 16 points out of a possible 24 to be relocated.⁶³ “Relocatable” families received differential compensation and indemnities packages based on whether they lived independently of their extended family, how much land they had and the improvements they had made to it, and whether their livelihoods depended on that land. Non-relocatable families were offered economic compensation for their lands and houses only. Each

⁶² This date is based on a PowerPoint from a meeting with Chancleta and Patilla residents, and Cerrejón officials that I attended in 2016 during a second round of resettlement negotiations. The resettlement team told me that these matrices were the same as in the matrixes used in the 2010 negotiations, although I never actually got a copy of the documents from 2010.

⁶³ This number comes from interviews with resettled people.

family negotiated their final compensation package with Cerrejón’s resettlement team; so many people focused their attention on improving their own benefits before collection actions. Resettlement negotiations encouraged individualism rather than collective action.

Table 7: Sample Impact Matrix

Criteria	Category	Points
Place of birth	Native to community	4
	Non-native	0
Actual residence	Living in community full time	4
	Not living in community full time	0
Years living in community	Born here	4
	More than 10	3
	5-9	2
	1-4	1
		0
Type of household	Independent household	4
	Dependent	0
Improvement to land	Improvement and possession of land plot	4
	None	0
Economic impact of relocating	Yes	4
	No	4

Cerrejón’s resettlement team members socialized these matrixes with the community, asking residents to evaluate whether their neighbors were natives of the community and if they lived there full time. Apparently, company officials told families there was a finite amount to finance the entire resettlement, which meant it was to their advantage to make sure their neighbors received less in order to receive more. Angélica Ortiz, who heads the NGO La Fuerza de Mujeres Wayúu, described to me how she witnessed the division of the four Afro-descendant communities during resettlement negotiations:

While the Wayúu know what orients us, which is our community, which is our oldest maternal aunt, but this doesn’t exist for the Afro-descendants, so it’s easier to divide people and make them fight each other. So then you say ‘you were born here, you’ve here so you have more rights. You were born here but do not live here, so you have fewer rights. You aren’t from here, but you live here, so you

have the same rights as someone born here that doesn't live here.' And that's what caused the big internal conflict, so that today families, even siblings don't talk to each other. What made people fight, the rupture of the social fabric, was the economy. Like when the company would say there's only one pie to go around, so if more people enter [the agreement], you'll each get less pie. So if I was going to get 20 pesos, and if someone else gets in, they're going to give me 15, or they're going to give me 10. So I start to look out for myself, because I'm not worried about others." (Interview with the author, January 27, 2017).

As Angélica described, the divisions between “relocatable” and “non-relocatable” families grew because the differentiated impact matrix encouraged people to seek a bigger slice of the pie for themselves rather than to fight for the entire community. The Independent Panel report emphasized how Cerrejón had created divisions in communities. During resettlement, the CSR team and their consultants repeated this mistake rather than learn from it.

In the 2008 Tabaco agreement, the company offered families differential compensation based on a calculation of their individual impacts. This pattern repeated itself in negotiations with Chancleta, Patilla, and Roche. Samuel Arregocés, a native of Tabaco, summarized how resettlement schemes fomented divisions:

I'll summarize for you what the multinational has done not just in this community, but also in others communities. It has fractured the community in two. How so? Cerrejón arrives, they are the judges and they contract a little dog to do an evaluation to decide who is relocatable and who is not. This is why my family did not count as eligible, the same happened with other families. So they categorize us as "new households" even though we are natives and have an acquired right. They closed the census before we could negotiate. Today, the community is divided between relocatable and non-relocatable (Colombian Constitutional Court 2016, 60).

People relocated in nuclear families registered under the name of each head of household. Many families did not relocate because they did not meet the minimum requirements. The resettlement process physically reduced the number of families in each community. It also broke apart extended family networks by not allowing all members of the family to relocate together. Ironically, this risk was highlighted in the Social Capital Group's master impact matrix, but the consultants did not implement anything in the RAP to prevent it. Many people in Roche, Chancleta, and Patilla were not considered “full time residents” because they lived part time in one of the nearby towns, where they could find work or send their children to school beyond the fifth grade. Many of these families were left out of compensation schemes despite having homes and lands that they lived in part time in their origin communities.

Roche was the most extreme example of reducing communities' populations through resettlement. The Carbocol-Intercor consortium operating under "Cerrejón Zona Norte" began buying plots of land from families in the 1980s and 1990s. The majority of residents of Roche sold their land before the present day Cerrejón Coal Company offered the community resettlement. For example, Don Roberto Ramirez from Roche sold over 50 hectares of land in 1980s, but stayed on as a *comodato*, allowed to "rent" the land from the company (Interview with the author, January 26, 2017). The company offered low prices for the land, insufficient for families to buy new plots and start their homesteads in a new place. Of the original 300 families who occupied Roche, the company originally selected only 15 for resettlement. After the Community Action Board organized to demand more families be incorporated, company officials agreed that they could give an additional 10 families resettlement. Yoe Arregocés, who leads the present-day Community Action Board in Roche, described how Antioquia Presente's census and socioeconomic survey occurred after decades of community enclosure:

When the mine first came to do a census they realized the company needed the land that people were living on. So they proposed that the company relocate them but the company did not accept that at the time and instead bought the lands one by one, leaving the town much smaller as people were told to leave. After they displaced Tabaco, that is when the company was able to buy even more plots in Roche because people were terrified because they knew they could be evicted, so out of fear they sold to the company. Only then when the community was much smaller, did the company say it would resettle the population (Interview with the author January 20, 2017, translation by the author).

Yoe described a common problem in Roche, Chancleta, and Patilla: Tabaco's expropriation scared people into selling their lands. As some families were organizing to demand a resettlement, others were abandoning the collective process. In negotiations there is always strength in numbers. Impact matrixes made forging solidarity challenging by denying the rights of the majority of Roche residents to even participate in the physical reconstruction of their community. The company promised 25 families from Roche a better life, but in doing so, divided them from the 275 other families who claimed community membership. Cerrejón co-opted the terrain of struggle over resettlement by limiting who could participate.

Resettlement made each family chose only one community to call home. This problem impacted Eneida Barbosa de Diaz, a restaurant owner and farmer in Patilla, who everyone calls "La Negra." I first met La Negra when Samuel Arregocés and I were visiting families in old Chancleta and Patilla in 2014. We stopped for lunch beside an abandoned Ayatawacoop gas

station on the dusty road that leads to the mining complex. Before I could sit down, La Negra greeted me with a rib crushing hug and called me *mi hija* (my daughter). As we sat waiting for food under the shade of a tin roof, we watched the “water tankers” from Cerrejón go by, spreading waste water onto the dirt roads to keep the dust down. At the hottest time of day in the scorching sun of La Guajira, this seemed like a hopeless task. La Negra soon came over with two heaping plates of food. I was not expecting much from a rough roadside lunch stand, but the lunch was delicious. The beef stew was perfectly seasoned and the kidney beans were tender. La Negra served us homemade mango juice in recycled coke bottles.

Her story captured the ways in which impact matrixes ignored the communities’ history. Until resettlement, people often belonged to and had land in multiple communities. Roche, Chancleta, and Patilla are all part of the same extended family networks. People had both individual land plots and used collective lands for herding, hunting, fishing, and gathering. La Negra was categorized as “non-relocatable.” When the company came to negotiate resettlement with people in Patilla, La Negra lived, operated a business, and had a small farm in the community. Under the impact matrix, La Negra was not considered because she was born on the other side of the Tabaco Steam, in Roche. Growing up, she always had aunts, uncles, and cousins in Patilla and Chancleta. After the mine bought her family's three land plots in Roche in 1999, she moved to Patilla. She arrived with very little, but through dedication, she grew her store, restaurant, and farm. However, La Negra was not eligible for resettlement in 2012. Cerrejón officials never acknowledged that La Negra only moved to Patilla because Carbocol bought her land in Roche without resettling her family.

The matrixes also excluded people Internally Displaced People (IDPs) who came to La Guajira to escape armed conflict.⁶⁴ In 2014, I first met a woman named Clementina Castro⁶⁵ who La Negra had hired to help serve meals and wash dishes as her roadside restaurant in Patilla. Clementina had come to Patilla several years before after being displaced by the AUC from her home in the Montes de María region, a mountain chain that runs through the departments of Bolivar and Sucre. Montes de María was the site of a brutal paramilitary campaign between 1991

⁶⁴ I cannot count how many times during my six years of fieldwork I heard Cerrejón officials refer to these people as con artists who were taking advantage of resettlement to get something they did not deserve.

⁶⁵ A pseudonym.

and 2003 that left hundreds dead and 100,000 displaced (Sánchez Gómez et al. 2015). Like many in her situation, Clementina had left with almost nothing. She moved several times before ending up in Patilla where Flora Fuentes⁶⁶ allowed Clementina to stay in the Fuentes home in exchange for looking after the place while the families worked in Hatonuevo. Clementina took me to her home to show me how she and her teenage daughter were living. They had almost no clothing, and Clementina's last pair of flip flop sandals was falling apart. She told me she was ashamed to send her daughter to school in worn out shoes. She was thankful that people in Patilla had taken her in, giving her housing and work. La Negra made sure she and her daughter ate at the restaurant every day. But Clementina was afraid and uncertain. Vandals had broken in the home recently, taking or destroying most of her meager possessions. People in Chancleta and Patilla had already begun to relocate, and she was afraid the home she occupied would be destroyed. She would be displaced once again, this time by a mining company.

When I did interviews with people who had not yet relocated from Patilla and Chancleta in 2016, I found two other families who had moved to Patilla, and been able to buy houses after being displaced from Montes de María and Remedios in Antioquia. They had fared better than Clementina. One owned a small shop and another had a herd of goats. A lot of people considered them to be neighbors, because they had lived there for over a decade. But the impact matrix did not. These women would receive a small compensation package for the value of the "improvements" made to the land. But nothing more. They would be displaced from their homes and forced to start over yet again. During this same visit, I met a woman named Melina Garcia¹⁸ who like La Negra, had moved to Patilla after being displaced from Tabaco. I sat on Melina's porch, with a tiny bottle-fed goat kid on my lap, admiring the ample home and garden she and her family had built. She had not qualified for resettlement and was now facing a possible expropriation. She had nowhere to move her animals because the compensation package was not enough to buy land. The categories in the impact matrix failed to capture how people really lived.

Resettlement Action Plans did not account for the pressures of violence, enclosure, and displacement on communities. The impact matrix assigned new categories to the way community members lived, allowing Cerrejón's CSR team and their consultants to determine who belonged to each community, and how much their belonging was worth. The matrix created further divisions

⁶⁶ A pseudonym.

in already fractured communities, which made forging solidarity ever more challenging. Social Capital Group acknowledged that many of the impacts of resettlement were collective and non-tangible. Nonetheless, these matrixes focused on differentiated compensation based on a financial calculation. Resettled people had little choice; they could accept the compensation or reject it. Resettlement represented a secondary displacement for some, which is in itself a form of violent capitalist dispossession. For two decades, the company, paramilitaries, and the state had all repressed community members who fought back against this violence. Resettlement demonstrated that the company would make some concessions, but would never change its policies of achieving territorial dominance in the region. Resettlement impact matrixes classified territory as a privately held good, which erased the historical importance of land to communities' social relations and livelihoods.

Reducing territory

The impact matrix designed by Cerrejón's resettlement team to calculate compensation did not account for the collective territory ceded to Cerrejón's operations before resettlement, which included hunting and grazing lands.²¹ Cerrejón had already deforested 12,000 hectares of land, erected fences, appropriated water resources, constructed a rail line, opened a private port, established military posts, and hired private security to keep people out (CENSAT Agua Viva and Sintracarbon 2015). Social Capital Group acknowledged that community members would lose their access to forests, streams, and spiritual spaces in the RAPs, but still focused on compensation for individual land plots rather than these communal resources. The RAPs acknowledged the cost of relocation, not the decades of enclosure communities had already faced.

In 2012 and 2013, a group of German film makers made a documentary about Tamaquito II's relocation called *La Buena Vida* (The Good Life) (Schanze 2015b). The scenes shot before resettlement show the people of Tamaquito's attachment to their territory and how the mine pits had already impacted the community. In one of the opening scenes, Alfonso López Epieyu, the founder of Tamaquito II, lies in a hand-woven *chinchorro* (hammock) in the colors of the Colombian flag, smiling as he sways in the general breeze beneath shady trees. The scene cuts to a scene of boys playing soccer with the Sierra de Perijá foothills nearby. As the sun sets, the village goes dark, and the stars come out. In another scene, a group of men and boys travel to the river to catch fish and hunt iguanas with bow and arrows. They catch several large river fish using

nets and shoot iguanas down from the trees around the river. They laugh and play as they work. They cook one of the fish there to share and then bring the rest of their catch back to their families. This last scene shows people cooperating to feed their families, and the enjoyment they get from that activity. The men use the resources around them to provide food.

These happy scenes contrast with the later scenes in which Tamaquito residents negotiated the conditions of their resettlement with Cerrejón officials. In one scene, Cerrejón officials arrive to hold a workshop to plan for productive projects that will replace people's current livelihoods. The resettlement team members encourage community members to make collages of the kinds of projects they will have in the new site, that will allow them to "gain business knowledge." They ask the community to reflect on how they will create a "sustainable enterprise." Jairo addresses the community in Wayuunaiki at the end of the training, questioning the idea of "sustainability" brought to them by the *arijuna*⁶⁷ (Schanze 2015b). Their current practices, like hunting iguanas and fishing, are already "sustainable": they use the resources around them, but never overfish or overhunt. Year after year, there are fish in the rivers and iguanas in the trees. There was a conflict between two definitions of sustainability in resettlement planning. The Cerrejón officials in the film referred to economic sustainability, businesses that would generate profits year after year. The people of Tamaquito were accustomed to territorial sustainability: relying on their lands and resources to generate income and sustenance year after year. I have watched *La Buena Vida* many times, and always find this contrast striking. Tamaquito's form of sustainability was being destroyed by the Cerrejón mine, yet Cerrejón officials are suggesting Tamaquito residents learn from the company to practice better sustainability. In one telling scene of the film, a group of children herd sheep down one of the wide dirt roads, blocking a white Cerrejón pick-up truck from passing. Their mother gathers firewood up ahead. The camera pans out to show a looming open coal pit behind them. It is clear that these two modes of production: one that relies on renewable land resources and one that relies on non-renewable resources are incompatible; it is also clear which one dominates. This scene is a fitting metaphor for resettlement. The company was willing to move community residents and compensate them for their losses. But whether in their old

⁶⁷ Wayúu use this term to refer to anyone who is not Wayúu, although in this context, it also means "outsider." For example, although people from Tabaco who are Afro-descendant would technically also be *arijuna*, since the people of Tamaquito had a relationship with the people of Tabaco, they would not refer to them in this way.

settlements or their new ones, people had to confront the violence of coal mining. Resettlement became a way for Cerrejón to save its public image while continuing to make it hard for local people to survive.

Community members also faced violence and territorial seizure at the hands of right-wing militia. When Álvaro Uribe became President of Colombia in 2002, he immediately began demobilization talks with the AUC.⁶⁸ Low-level AUC soldiers were given amnesty and put into reintegration programs. Higher level leaders took plea deals to serve 10 year sentences.⁶⁹ In areas like La Guajira, the AUC blocks like the Wayúu Counterinsurgency Bloc were fairly autonomous from central leadership, and thus resisted demobilization. Almost immediately after demobilization, ex-AUC along with demobilized guerilla fighters, former soldiers, and narcotraffickers formed new groups known as BACRIM, which stands for *bandas criminales* (criminal bands). Just like the AUC, FARC, and ELN BACRIM fought to dominate La Guajira's smuggling operations, moving cocaine and other contraband across the Venezuelan border (Prieto 2012). Of the five BACRIM groups officially recognized by the state two: Los Rastrojos and Los Urabeños had significant presence in La Guajira and across the border in Zulia, Venezuela (Prieto 2012; 2018; Dittmar 2017).⁷⁰ Other "unofficial" groups: the Aguilas Negras, Paisas, and Gatantistas, have also taken power in La Guajira.

⁶⁸ There was a lot of criticism of his methods, especially since he had publicly expressed support for the AUC during his tenure as governor of Antioquia (1995-1997). His party Colombia First and family also had clear connections to paramilitaries (Porch and Rasmussen 2008). Nevertheless, Uribe's administration reached a demobilization agreement with the AUC in 2007 (Porch and Rasmussen 2008).

⁶⁹ There was no program in place to keep people from reforming into criminal or political armed groups. The High Commission for Peace also estimates that in Medellín, a major city for demobilization, only 30 % of people who laid down arms are actually paramilitaries (Porch and Rasmussen 2008). Poor people, narcotraffickers, and gang members all had reasons to "demobilize" for either economic benefits or amnesty; as a result, many people involved in the demobilization programs were not actually part of organized paramilitary groups.

⁷⁰ BACRIM violence came to a head in 2010, as the Rastrojos, then the most powerful BACRIM group, fought the Urabeños for control of the Venezuelan border (Dittmar 2017; 2018). In La Guajira, this meant an increased murder and crime rate. In 2011, the two groups briefly had a truce (Dittmar 2017; 2018). In 2012, military and police operations eliminated the leadership of the Rastrojos, leaving the Urabeños to absorb smuggling networks and consolidate their power (Dittmar 2017; 2018).

Because the government labeled these groups as having a criminal rather than a political interest in La Guajira, human rights offices rarely investigated threats as being motivated by leaders' activism. Fredy Lozano from Sintracarbon described this threat:

On paper, the paramilitary groups look like they're demobilized, but all that apparatus which was known as the extreme right, after demobilization, they continue to commit crimes and are now known as BACRIM and some of them are still in the service of the government and the multinationals. While it's true the paramilitary leaders are in prison in Colombia and in the United States, it's unquestionable that they continue giving orders from their jail cells about what and what not to do, especially in areas with mineral energy resources (Banks and Perez-Rivera 2015, 322).

When leaders pressured the company on resettlement, they received anonymous death threats. Jairo received anonymous text messages warning him he was putting his family in danger after he did a speakers tour in the United Kingdom in 2011. Yoe Arregocés in Roche became a target after he and a group of families he led resisted relocation in 2012. He spent six months barely leaving his home. It was not always clear who was making these threats, because the AUC had officially demobilized. When I met Fermina Campos from Caracolí in 2014, she had just lost her house the year before in a fire. She told me at our first meeting in no uncertain terms that the paramilitary was responsible. She had been threatened by paramilitaries for years, and her husband murdered by the AUC in 2005. Of course, the AUC had "demobilized" by this time. That did not matter to Fermina's experience; the threats against her were terrifying whether they were from BACRIM or paramilitaries. These stories make it clear that the BACRIM continued to do the political work carried out by the AUC, even if their terror had a different name.

The seizure and privatization of land did not halt during resettlement planning negotiations. Cerrejón continued to expand its mine pits, erect fences, bring in private security, deforest land, and capture water sources. The partially defunct AUC paramilitary group re-emerged as vicious right-wing "criminal bands" that continued to terrorize communities. As communities organized for resettlement, they faced an increased sense of desperation. In Roche, Chancleta, and Patilla, the mining complex was literally closing in around people's homes. Fences and security guards cut off their access to water and to forest lands. If their cattle or goats wandered onto Cerrejón property, company employees would capture and sell them. Under these circumstances, it was hard for residents to envision an option other than leaving. Even in Tamaquito II, which was technically outside of the 5 km buffer zone, residents felt the impacts of the mine as well as an increased presence of guerilla and paramilitary groups vying for control of the contraband

economy. Residents felt the impacts of air and water contamination on their agricultural activities, and their ability to fish in the Ranchería River, to hunt in the forests, and to gather plants and fruit in the hills. The 31 families only had 10 hectares of land after losing communal access to the areas inside the mine complex. One border of the community lay only 200 m away from one of mining compound's fences and 4 km away on another.⁷¹

Families awaiting resettlement were vulnerable because they lived next to an expanding coal mine that had narrowed their choices for survival. Communal land had long held together the community, because families could provide for themselves. Decades of enclosure and the displacement of their neighboring communities had forced the population to urbanize in order to find work. Jairo described this time to me in interview: "our customs were already changing, we were becoming consumers not producers. We stopped using burros and horses, and started using cars" (Interview with the author, January 20, 2017). In Tamaquito, some men turned to illegal smuggling in Venezuela to survive. They would cross the border to buy subsidized food, which they would bring back and sell on the black market in La Guajira. One day, two men never came from a smuggling trip, and the community stopped the practice.

The impact matrixes imposed a limit on how communities defined their collective landholdings. Cerrejón's resettlement team calculated land value based on at market prices and replacement costs. These calculations did not account for the ways people use that territory for hunting, fishing, and gathering, as well as for cultural and spiritual practices. Tamaquito II used to have a forest of *guáimaro* wild fruit trees growing in the Perijá foothills by their land. The community would gather the fruit to make drinks and traditional sweets. Indigenous people from the region would pay families to harvest the fruit. Eduardo Fuentes Epieyu, part of the community council in Tamaquito described the difference in territory in the old and new Tamaquito:

I don't think *guáimaro* would work here, you don't see even one branch of *guáimaro* here.¹⁹ In the origin site, there is. Hunting here is different, there is no river to hunt, not like where we came from where there was good fish, deer, zaino, guara.²⁰ But here you don't see them, here hunting is different, that's one of the impacts we have, because that was one of our methods of sustenance. Now we feel trapped, because we only have 300 hectares and we cannot move around more than that. There, we walked around more than 3000 hectares from one side to the other, without problem. That's one of the impacts we have: we feel like goats in a corral with only an exit and an entrance. There, we can cross from one side to the other

⁷¹ The community was only 200 m away from part of the mine's compound, but still more than 5 km away from the active pits.

and we had no problems with our hunting or herding. This we do not see now, because we are afraid of being robbed, that something is going to happen in this other territory. Because in the origin place we knew everyone, now neighbors are not the same. (Interview with the author, February 13, 2017).

Without the fruit trees, wild game, and open space of the old territory, people start to lose their relationship to the land and to each other. The shared connection to territory and resources gave people a sense of common belonging as they used and managed the land together. The shared experiences of hunting, fishing, and gathering were part of what made people part of the community of Tamaquito. Cerrejón's takeover of land has destroyed territory and led to the privatization of resources. The incursion of paramilitaries and guerillas in forests and mountains made moving into the mountains unsafe. People could not move freely as before. Resettlement was a better option than expropriation, but was still a form of displacement. Resettlement planning relied on reincorporating displaced people into a system built around extractive capitalism. Community residents had to find a way to survive within this system or face violent consequences from neo-paramilitaries, the Colombian army, and the corporation.

One day in 2014, Don Roberto Ramirez invited me to go to the cemetery in Old Roche for a community event. We packed into Yoe's "school transportation" Toyota Jeep and made the long journey from Barrancas. We picked up groceries on the way: yuca, rice, and plantains. We turned off the main road onto a dirt road that wound past the Patilla coal pit. Once leaving the Patilla-Chancleta zone, the road became much more rustic, since neither the state nor the company maintained it. After more than an hour driving, we arrived at Old Roche.⁷² We pulled up to the cemetery, marked by a rustic wood fence and unloaded the supplies. Shortly, one of Tomás Ustate's sons arrived with a goat, which turned out to be the main course for our lunch that day. The most memorable part of the day was either getting a cactus spine lodged in my foot or watching my first goat slaughter. As we sat around eating goat stew, people from Roche pointed to the graves of their family. I took photos so they could use them later as proof of what was in Old Roche.

There have been several conflicts over this cemetery between the community and the company. First, all members of Roche, both those who resettled and those who did not, wanted compensation to bring their family members to a closer grave site. Only resettled people were

⁷² Only two families remained in Roche, the rest moved to the resettlement or towns. Tomás Ustate's family remained in the site.

given this money, which was not enough to complete the transfer. Second, people from Roche wanted to maintain access to the old cemetery. While this prospect was initially easy, the company began rerouting roads surrounding Roche in 2017 to open a new pit, which made it harder to get to the cemetery. Third, because the active mining operations were getting closed to Old Roche, there was increased private security in the area. Shortly after leaving La Guajira in late 2017, I received a concerning message from Yoe that he and several others from Roche had been harassed by Cerrejón's security when they visited the cemetery. The issue of the cemetery was a sticking point in the initial pre-resettlement negotiations with all the communities. Social Capital Group did acknowledge the spiritual and cultural significance of territory in the impact matrix, but its solutions for replacing that significance reduced to simple calculations. Each community had its own cemetery where they buried their deceased loved ones. Cerrejón could build a new cemetery, a new church, and a new school in each community. Families could not just move their deceased to a new location, especially as not all of them had gravestones to mark their location. The cemetery was an important site for each community, which could not just be recreated elsewhere.

Resettlement plans could not capture the impendence that land gave local people. Tomás Ustate of Roche resisted resettlement until he was forcibly expropriated in 2016, because he did not agree with the design. He was part of 8 families who did not sign onto the initial agreement reached with the company in 2011. Tomás had several hundred cattle, goats, sheep, pigs, and chickens in Roche. He was already in his 60s, and did not want to start a new career. The ranching business he ran with his wife provided for their nine children as they grew up. He described for me why access to land was his principal reason for refusing to move:

Personally, I always insisted on lands because we wanted to continue with the same activities as in the original site, because as you know for example, they are not going to give me work in a business, because I am already at an age that according to them would not allow that. So I have always been learning because I am not going to be waiting for them to give me work in the company for instance. No. I wanted to keep up the same activities I had when I left, so working for my own accord, to keep up the project with my animals, which is what allowed me my whole life to support the education of my children, I did all that with my animals and part of my family has benefited from that (Interview with the author, February 22, 2017, translation by the author).

As a person in his 60s with only a primary school education, Tomás knew he would never work in the mine or in an office. But farming allowed him to work for himself, and provide for his family. He may have had a basic formal education, but farming had taught him to run his own business, it

just was not the type of business that would work once he moved to a semi-urban area. I met many people of Tomás' generation who felt the same. They wanted their children to be able to study and have careers outside of the community; but they wanted this change to happen on their own terms. Tomás saw the flaws in resettlement planning. Cerrejón was offering scholarships for children to study in university and technical schools. The company was going to improve access to education in the new schools it built in the resettlements. But what would happen to families in the mean time? Tomás did not want to be dependent on the company for handouts. He wanted to maintain control over his lands and his livelihood. The family ranching business was sustainable in the old site, in the sense that it provided income year after year. Once they moved, Tomás' family would need to rely on Cerrejón to find employment and fund their education. There was nothing in Social Capital's plans for Chancleta, Patilla, and Roche that would give them the autonomy they had as small producers.

There was no way to replace collective territory in the resettlement plans. This problem was not unique to La Guajira. The "risks" model adopted by the IFC accounts for the type and quantity of land communities and families have, but not for the social and productive systems they build around that land (Wilmsen, Adjartey, and van Hulsten 2018). Territory gave the people of Tamaquito, Roche, Chancleta, and Patilla the ability to survive without relying on outsiders. This reality was already shifting well before the company agreed to resettlement. When Cerrejón's resettlement team and their consultants began designing livelihoods replacement projects that would be "sustainable" they never acknowledged that people's old way of life was made unsustainable because of coal mining. Coal mining forced people to become part of the landless urban precariat. Resettlements plans relied on people adapting to the coal mining economy rather than adapting the coal mining economy to accommodate them. Tamaquito II created its own impact matrix, which treated territory as a collective good with multiple meanings. The community still lost their collective territory to Cerrejón, but at least gained a new one through resettlement.

Tamaquito takes a different approach

The people of Tamaquito II took control over their own resettlement plan. They insisted on being resettled in a rural territory, where each family would receive the same amount of monetary compensation, the same size land plots, and the same kind of housing. This territory

also had collectively held grazing and farming land, and a wooded area. There were several reasons Tamaquito was successful in controlling their own resettlement planning. First, they asked to be relocated and were the only resettlement that was “voluntary.” They never feared expropriation and had more time to negotiate. Second, they developed an internal conflict resolution method and had a strong leader which meant they made collective demands and every family stood behind community decisions. Third, after a long fight, they achieved recognition as a Wayúu community by both the state and the company, which gave them more autonomy during resettlement.

Technically, Tamaquito’s resettlement was voluntary. The company did not need to expropriate Tamaquito for its operations or to meet the requirements of the 5 km buffer zone. The people of Tamaquito II asked to be relocated. In contrast, the other communities had to move because they lived in the 5 km buffer zone around Cerrejón’s active operations and because the company needed to re-route its roads through the communities as the mine expanded. Because the people of Tamaquito II asked to be resettled, they had had time on their side in preparing their resettlement. Although the community has faced enclosure, all of the original families still lived there. Residents were not divided between relocatable and non-relocatable.

Jairo Fuentes Epieyu became head of the *cabildo* in 2005 when he was in his early twenties. He had been training for this position since childhood and proved a highly capable leader despite his youth. He worked to strengthen the organization as a whole. Jairo led the *cabildo* but was not the only one in charge. Elders from each of the four clans had representatives on the *cabildo*. They all began a long process of analyzing the community’s and the *cabildo* council’s weaknesses. Elders like Alfonso López Epieyu, Jairo’s grandfather and the founder of Tamaquito, were invaluable in this process because they remembered what La Guajira was like before the arrival of the mine. They provided advice on how to strengthen Tamaquito’s connection to Wayúu traditions and culture as part of their reorganizing. Their insights provided a connection to Tamaquito’s past that helped them conceptualized their negotiation strategies as a uniquely Wayúu community.

Tamaquito’s *cabildo* recognized they would need new tools, alliances, and knowledge to confront Cerrejón and mitigate the impacts of mining on their territory. Before ever approaching Cerrejón’s administration, they began to do workshops and trainings with NGOs. They first worked with Yanama foundation who introduced the community to Autonomous Consultation, which became the pillar of their organizing strategy. Autonomous Consultation involves holding community wide debates and votes before making decisions. Every member over the age of 15

gets a vote. This process can take days or even weeks, as community members seek consensus. Autonomous Consultation fit with Wayúu traditions such as the *palabrer*os based on community consensus and conflict resolution.

The community used an autonomous consultation to make the decision to resettle. They then applied the same strategy to decide every aspect of their resettlement such as indemnities, location, housing, and livelihood replacements. According to Jairo:

An expert study in 2006 showed the impacts and gave us the right to negotiate a resettlement. We defined our methodologies and goals before sitting down with the mine. It was time to think about the future... We began to think in those years about what we were going to do: if we would stay or go. That's when the intentional organizations came into the picture: Witness for Peace, others from Switzerland and Germany, they began to disseminate the problems, the conditions we were living in. In time, we did an autonomous consultation to decide what we wanted as a community. We decided in group work with all the adults to go to a resettlement or a new place, the reason for this decision being the contamination, our products projects were failing, wanting peace of mind that it would not affect our cultural and spiritual realm, the noise of the trucks, the movement between different places, the three communities that we traded with were already throw out. We looked at all of these points and we thought about the future of the community, our health. We thought about the youth, who were going to be sick and about how our traditional medicine practices were being bought out, about the harassment from the army. So, with all of these issues, we came to the decision to be at peace and to go back to our territory (Interview with the author, Jan. 20, 2017).¹³

For every decision about resettlement, the community held an internal consultation. The community would meet to make debates, weight their options, and then vote. They would then take their ideas to the company officials. This tool meant all the families were invested in the resettlement plan, and Cerrejón could not buy them off with individual offers.

Maintaining solidarity was an uphill battle even in Tamaquito. Residents were increasingly poor and desperate. The community faced persecution from right-wing BACRIM and the Colombian army. Jairo described:

We had ruptures in the dialogue, suspension of the negotiating tables with the mine. For us, the process was not easy, it was hard. There were threats, harassment; we had difficult moments on the issue of food security in the community, on the issue of road access. We were confronted with many obstacles, but the important thing was the process of unity, that we maintain it, that was one of our strengths, the culture to maintain our unity as one voice. All of these aspects were important things in the process: one voice, making decisions calmly, not letting the company take advantage with its tactics and strategies when it came to the community (Interview with the author January 20, 2017, translation by the author).

Even though Tamaquito II was in a better situation than Roche, Chancleta, and Patilla, the community was facing enclosure as Cerrejón expanded its open pits. The residents found their road access in jeopardy as the mining complex moved roads to accommodate their new routes for transporting coal. In one scene in *La Buena Vida*, a group of camouflage-clad soldiers wearing helmets and carrying assault rifles enter the community (Schanze 2015b). They tell people that they are following up after a series of FARC attacks on Cerrejón's rail line. They ask Jairo to do a census of the community to make sure that "all the indigenous people are with the military." Jairo tells them they have come back with an invitation from the community. This scene shows that the communal territory were becoming more dangerous, not just because of "illegal" armed groups, but because the military and private security hired by Cerrejón were enforcing private property rights. This intrusion by the military is a warning to the community that they must cooperate or face consequences. It is dangerous to be seen as assisting the FARC in any way. According to a note from the director, during filming, the crew herd the military tossing grenades at FARC camps almost every night (Schanze 2015a). The military post lay near Tamaquito's original location.

By the time Tamaquito II began negotiations with the company in 2009, Cerrejón officials had accepted that the community was indigenous and therefore protected under the constitution. Weidler Guerra published his report in 2007 in the *People Behind the Coal* that showed Tamaquito II met the criteria for being an indigenous community (Guerra Curvelo 2007). The Independent Panel had confirmed that Tamaquito II was an indigenous community in their report (Harker et al. 2008). The Barrancas municipality recognized Tamaquito II's *cabildo* and the community had filed a petition with the Ministry of the Interior to have its land registered as a *resguardo*. Cerrejón officials no longer debated Tamaquito's identity.

Under the 1998 Ministry of the Interior decree on prior consultation (Ministerio del Interior 1998), Tamaquito could have demanded an official prior consultation with the company. However, the community chose to apply the principals of prior consultation, without involving state mediators. Official prior consultations are long and highly institutionalized processes involving inter-institutional meetings for each phase of consultation. The *cabildo* decided against this method, because the community wanted to maintain their control over the process by picking their own mediators. They chose Leonardo González, a lawyer from INDEPAZ to make sure all their agreements were properly recorded and legally binding. They created their own matrix for

compensation that included both tangible and intangible harm done to the community, everything from loss of agricultural lands to loss of spiritual connection to the earth. In the legal agreements, they insisted that every time Cerrejón broke a promise or did not make a deadline, the company would have to pay a fine. Cerrejón's administrators had to take responsibility for harm done in order to restore social harmony to the community and to the relationship between the mine and Tamaquito. For Tamaquito, resettlement was never just about building new homes or compensation packages; they wanted a resettlement in which the community could rebuild and thrive. While they never did an official prior consultation, the community members consistently reminded the company that they had the right to one, and so their resettlement had to happen on their own terms.

Conclusion

Winning the right to a resettlement was a victory for communities. The alliance between communities, international activists, and Colombian NGOs led to two OECD complaints and an Independent Panel Report, which prompted a major shift in Cerrejón's company policy. However, resettlement could not mend the divisions in communities after decades of violence, enclosure, and displacement. In multiple ways, the IFC resettlement standards exasperated these divisions by calculating individual indemnities and excluding many families from resettlement plans. The IFC did not provide any agency for communities to design a resettlement plan that reflects their basic needs or appropriate livelihood restoration strategies. Tamaquito II fought for some space to shape the process. Meaningful stakeholder is in IFC guidelines, but it is rarely realized in practice. Nonetheless, resettlement was a symptom of desperation. Very few families wanted to leave behind their communities, but they could no longer survive in a place where they shared land with an ever expanding coal mine. Resettlement was better than expropriation, but it was still a form of displacement.

Resettlement reduced community in population and territory. The next chapter explores how leaders faced an uphill battle in forging solidarity in communities divided by the resettlement process. The individualization of resettlement indemnities in Tabaco, Roche, Chancleta, and Patilla steered people away from collective resistance. The loss of territory forced most families to permanently abandon their rural livelihoods and make their way as urban workers and business owners. Resettlement narrowed local people's options for survival and hurt community solidarity.

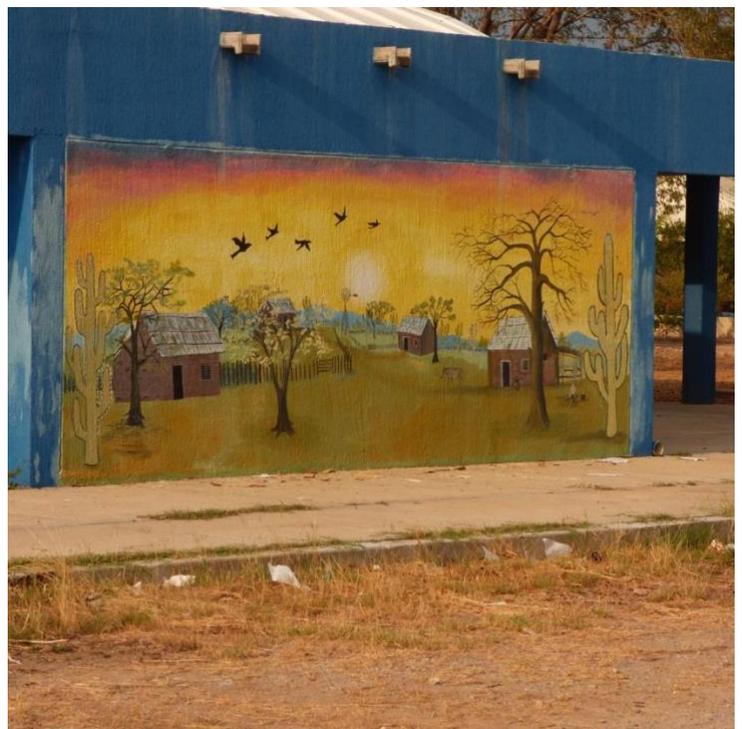
Displaced people found themselves struggle to carve out a place in the extractive capitalist system that had dispossessed them.

Some anthropologists have argued that indigenous communities who resist natural resource extraction do so to maintain their non-capitalist worldview (Blaser 2013; De la Cadena 2010; 2015; Escobar 2008a; 2011). In La Guajira, indigenous and Afro-descendant communities struggled to rebuild around extractive capitalism. By appreciating how capitalism shapes such communities, we gain a better understanding of how people re-organize their lives and relationships to survive the violence of capitalism (Bhattacharyya 2018; Kalb 2015; Kasmir and Gill 2018; Narotzky and Besnier 2014; Tsing 2011). The Cerrejón Coal Company was willing to make limited concession to local people by relocating them rather than just expropriating them, but would not make any changes that threatened the dominance of coal mining in La Guajira. Locals had to carve out a place within this system or face violent consequences for trying to go against it.

Chapter 6: Productive Projects and Precarity

Cerrejón built four almost identical resettlements for Chancleta, Patilla, Roche, and Las Casitas on the main road that connects Barrancas and Fonseca. The architects who designed these communities created a similar layout in each: a central plaza with a stage for events, a playground, and a football field in the center. They built the houses around this central plaza, grouped into sections, and extended families live in the same sector called a “*manzana*” (apple). They left a small space for gardens and patios in the back of each house. Around the houses, the company bought agricultural lands, but there was never enough water for crops. On paper, the resettlements were livelihood improvements. But inside their white washed houses, families struggled to put food on the table. People found their cost of living rising. Resettlement was the final step in their displacement. Without land, resettled people lost their ability to provide for themselves. They lost many of the relationships built around that land. They struggled to rebuild.

Figure 2: A mural of Old Chancleta on New Chancleta's community center (source: author's personal collection 2017)



Tamaquito II's resettlement stood out from the rest. The community worked with a team of architects to design their houses, each with a hectare of land behind. The houses were built in Wayúu style: three separate buildings for sleeping, bathing, and cooking, all with a large roof overhead. Each house featured a large shaded patio, where people would hang their *chinchorros*.⁷³ The community was designed with four quadrants, and the builders used four different colored roofing materials – yellow, green, blue, and red – to distinguish the four clans in the community. People continued to raise goats and chickens in the new site. Residents had over 200 hectares of communal land for a cemetery, forested area, agricultural fields, and grazing land. This land gave the people of Tamaquito II a basis from which to rebuild. But life was still hard as people adjusted to their new reality.

Cerrejón and its consultants sold resettlement as a livelihood improvement, but families found themselves struggling to make ends meet. Cerrejón's resettlement plan relied on turning people disenfranchised by extractive capitalism into urban workers and business owners who could benefit from the coal mining economy. But most resettled people became precarious workers who consumed but did not produce, falling into debt and becoming dependent on Cerrejón for handouts. Scholars (Bhattacharyya 2018; Kalb 2015) have argued that systems of debt and bondage incorporate marginalized people into capitalist systems by promising better living through consumption. At the same time, marginalized people experience their subordination through these debt relations. I argue that resettled people experienced their subordination to the company through their growing dependence on Cerrejón to survive. This experience served both to motivate people to follow the company's resettlement vision and to protest their subordination

Once people resettled, they realize how dependent they were on the company, which hurt efforts to build solidarity as people competed for resources and tried to survive their growing poverty. Cerrejón resettlements did not account for how mining had made people into ecological refugees: displaced rural people forced to become part of a precarious low-wage workforce (Chomsky 2008; Guha 2002). The cornerstone of post-resettlement negotiations were livelihood replacements: employment, scholarships, and small businesses designed to generate incomes in the communities. I show that the livelihood projects made people focus on individual and family level success by prioritizing household incomes over collective well-being. Resettled people

⁷³ Name for the traditional woven hammocks made by Wayuu women. Many Wayuu prefer sleeping in *chinchorros* instead of beds.

struggled to adapt to livelihood replacement projects because resettlement planners had given little value to their communal territories. Resettled families found themselves negotiating their relationship to the company in order to carve out a place in extractive capitalism. In these negotiations, they found their way of life and property discounted and undervalued. Tamaquito II members designed a community agricultural project as an alternative to the narrow livelihood replacements designed by consultants. They negotiated a better, if still miniscule, share in the profits generated by mining. Residents were dependent on the company in the short term, but designed livelihood replacement projects to be autonomous in the long run.

Communities after resettlement

Resettlement imposed a violence on people for which there was no compensation. In all the communities, people had to physically destroy their homes to receive new ones. Cerrejón forced people to accept replacements for their housing and livelihoods, yet sold resettlement as an opportunity for livelihood improvement. One very emotional scene in *La Buena Vida*, the documentary about Tamaquito II's resettlement, depicted the day families moved. A team of men and women took charge of destroying their family homes, using hammers and ropes to knock and pull down the structures. Onlookers watched with tears in their eyes as the homes they built over the years were torn down in a matter of minutes. In Tamaquito II, people cried as they tore down their houses because they were leaving behind a place that cannot be replaced. The rivers, cemeteries, and forests gave people a sense of community and forged social relations. The coal mine made that way of life untenable.

The physical relocation of families from the five communities took place between 2012 and 2017. Table 8 shows the timeline for resettlement. In the last chapter, I discussed pre-resettlement negotiations, which began in 2009 and ended in 2012 in Roche, and in 2013 in the Chancleta, Patilla, and Tamaquito II.⁷⁴ In Roche, Chancleta, and Patilla, several groups of families

⁷⁴ Cerrejón realized it would have to relocate the community of Las Casitas as the company finished pre-resettlement negotiations with the other communities. Las Casitas was within the impact zone of the southern expansion of Cerrejón's operations, and air quality monitors showed that the concentration of particulate matter was above the standard considered safe for human habitation. The National Authority of Environmental Licenses (ANLA) sets this standard. The Autonomous Corporation of La Guajira (CorpoGuajira) monitors air quality in key sites around the mine in order to enforce this standard.

refused to move until 2016.⁷⁵ In Las Casitas, some families did not move until 2017. It took years to complete the physical relocation of families who did not want to leave their homes and refused the conditions of the resettlement agreements. In Tamaquito II, families moved over one week at the end of 2013.

Table 8: Timeline for resettlements. Note that the first four communities began moving before Las Casitas even began negotiations.

Community	Year negotiations begun	Year resettlement begins	Year resettlement ends (last family moved)
Roche	2009	2012	2016
Chanclleta	2009	2013	2016
Patilla	2009	2013	2016
Tamaquito II	2009	2013	2013
Las Casitas	2012	2014	2017

Both community leaders and Cerrejón officials looked to the examples of Oreganal and Tabaco when designing resettlements. Many Oreganal residents struggled without access to land or employment, and in October 2004, a group of residents returned to old Oreganal in protest. Their leader Adalberto Contreras Fuentes told me this story one sunny afternoon in New Oreganal’s plaza under the shade of a large tree.⁷⁶ On March 6, 2007, the families signed a new agreement with the mining company, which guaranteed that Cerrejón would buy all of the returned families additional land for farming. They also demanded certain changes for the whole community: employment, an improved school building, and a health post. Chanclleta, Patilla,

⁷⁵ In the case of Roche, the company expropriated the remaining families in 2016. In Chanclleta and Patilla, the last families signed agreements in 2016. The next chapter covers these cases in more detail.

⁷⁶ Moving back to the origin site was hard; families found themselves living next to the expanding mine pits. It was also illegal for the families to move there as they had renounced their claims to the land in the resettlement agreement. Nonetheless, they stayed there for two and a half years, demanding development funding and employment opportunities from the mining company. The new shareholders, BHP Billiton, Glencore, and Anglo American, did not want to take responsibility for a community resettled before their tenure. However, because the returned families gained the support of the municipal government, they were able to put additional pressure on the company and avoid expropriation during their occupation of the original Oreganal settlement.

Roche, and Las Casitas were designed much like Oreganal, with the addition of land plots around each community's perimeter. However, the plots in the four communities did not have irrigation, so most families never used them for agriculture. Residents were primarily ranchers before resettling, and the land was not sufficient for animal grazing. Resettlement planners made a nod to improving upon Oreganal, but did not address the underlying limitations of resettlement that made Oreganal residents return in protest: the lack of livelihoods for people displaced from their land base. Resettlement plans failed to capture the importance of territory to how people lived, worked, and built a community.

The people Tamaquito II were active participants in their resettlement planning. Tamaquito II residents insisted on using autonomous consultation in every step of pre- and post-resettlement planning. They mostly created their own livelihood replacement projects by drawing on ideas from resettlement consultants, but making them their own. In doing so, they came up with livelihood replacements that allowed them to have rural livelihoods and collective territory. They took their time designing their resettlement because they were not going to be forcibly relocated. The difference between insider design in Tamaquito II and outsider design in the other communities impacted the success of projects and community's commitment to making their projects succeed.

In resettlement, people experienced the difference between their aspirations for productive communities and the harsh reality of adjusting to their new homes. Resettlement planners disregarded how people thought about their lands and labor. Cerrejón reframed livelihood replacements as an opportunity for people to better themselves, rather than as meager compensation for forced displacement. The negotiation and implementation of these projects created tensions between the company and communities, as well as within communities.

Livelihood replacements

Resettled people suffered many of the same impacts as the people displaced in Tabaco, Caracolí, and Manantial; they too became part of the urban precariat. As my friend Rogelio Ustate from Tabaco said to me eloquently "Every time I go to get milk from the store, I think about how I had a cow. Every time I buy plantains, I think about my plantain tree. Every time I buy water, I think about the Tabaco spring. It can never be the same." Resettlement intensified a process of forced urbanization. The Resettlement Action Plan (RAP) in each community centered on turning

rural people into urban workers and business owners. Cerrejón's resettlements followed International Finance Corporation (IFC) standards.⁷⁷ After the approval of the RAP and then the physical relocation of each community, communities and company officials spent years negotiating the implementation and the RAP.⁷⁸

Resettlement Action Plans largely erased the impacts of coal mining on La Guajira's economy. When I interviewed Carlos Franco, then head of Cerrejón's Social Standards, in 2017, he expressed hope that resettlement would help people adapt to the economic reality around them:

I think there are many things that haven't been decided, like how will a community live when the agro-fishing activities are no longer profitable in this town. It's that small scale agriculture is not very profitable but let's say if can be sustainable in the meanwhile if they do it well. More than that, they don't want to enrich themselves with things, they just want to live well. So, I feel like we still need support this more and the state needs to support it more, but I think there's a great potential. They've made a big leap, but if we don't support them in these moments, it's likely they will fall back again. (Interview with the author April 17, 2017).

Carlos Franco stated that communities struggled to adapt to La Guajira's modernizing economy because they were stuck in an agricultural past. He framed small-scale agricultural projects as filling in the gap while people sought better education and found long-term careers. His analysis is not wrong, small-scale agriculture had become much less profitable in La Guajira since the 1980s. Colombia's Institute of Agrarian Reform uses the Family Agricultural Unit (UAF) to determine how much land a family needs in a given region in order to sustain themselves through agriculture. In the middle region of La Guajira, the zone where people resettled, the UAF was between 72 and 98 hectares, much more land than families had before resettlement ("Extensiones de las UAF en la regional La Guajira" 2013). In resettlement, most families received only one hectare of land. What Franco never acknowledged was Cerrejón's role in creating this dynamic. Beginning in the 1980s, La Guajira rapidly shifted from a fishing and agriculture economy to an extractivist one.

⁷⁷ . IFC protocol consists of a five phase resettlement: community relations and capacity building, collaborative resettlement planning, approval of resettlement action plan, physical relocation, and closing of the plan. Stage five, closing the resettlement agreements, has not truly been completed to this day in any of the communities.

⁷⁸ Stage four was the longest stage, because this implementation was much more complicated than anticipated; Social Capital Group had planned for two years to implement the plan, but in reality, these processes are still not finished to this day.

Economist Etna Mercedes Bayona Velásquez studied the net contribution of coal mining in La Guajira and El Cesar to poverty reduction, employment, and quality of life. Bayona (2016a; 2016b) observed that La Guajira rapidly became a mining heavy region. In 1980, agriculture and fishing made up 39 % of the department's GDP, by 2012 it was only 5 % (Bayona Velásquez 2016a). In 1980, mining made up only 8 % of the GDP, by 2012 it was 54 % (Bayona Velásquez 2016a). In 2012, mining employed only about 3 % of the population (Bayona Velásquez 2016a). Mining dominated La Guajira's economy but did not absorb the labor of displaced rural people. Bayona (2016a) found an overall increase in the number of poor people in La Guajira from 1973 to 2012. While only 1 % of Colombia's poor lived in La Guajira in 1973, 4 % of Colombia's poor lived in La Guajira in 2012. About 2 % of Colombia's population lives in La Guajira, which means the department has a disproportionate number of poor people. Bayona (2016a; 2016b) argues that while GDP per capita has steadily increased in La Guajira since 1980, in comparison with the national increase, La Guajira has lagged behind. In 1980, La Guajira's GDP per capita was about equal to national GDP per capita, in 1990 it rose to 120 % of national GDP, but by 2012 it fell to 65 % of national (Bayona Velásquez 2016a). These statistics show that mining generated substantial profits, but those profits did not benefit the local population.

Eder Arregocés from Chancleta described how mining broke up communities by changing how people used and treated land:

Unfortunately, we have not seen the arrival of mining to the region as an improvement because nobody can give us back the tranquility we had, a healthy way of living. We were not rich and we lived in boreque houses as was our custom. But we were happy, even with personal differences between us... Even when there was difficulties we always collaborated and helped each other, and there was this type of relationship between all the families. With the arrival of mining, people's mentality and thinking changed. I feel the biggest impact on a community in changing the thinking of its inhabitants. Habitats that once dedicated themselves to cultivating and herding, in small quantities, but living from it. Then their mentality changed and they thought about working for a mine or being a security officers, abandoning the countryside. This is complicity with the same companies that were acquiring those lands where they cultivated and herded. We began to have restrictions to enter the river and go fishing. We began to have restrictions on hunting. This has brought us to a state of total misery (Interview with the author, March 1, 2017, translation by the author).

Eder pointed out a deep flaws in resettlement design. Resettlement has changed people's relationship to their own labor. While once they could produce for themselves, they now relied on finding employment outside of their communities. He did not attribute this change just to

resettlement, but to a new economic order that promises people can make a better wage and have access to better services and goods. But it becomes hard to actually realize that vision. In resettlement, they are confronted with the fact that they are not employable in the new economy. They learn that they cannot start a successful business. People stopped cooperating and started competing in order to survive. During fieldwork, I often observed how people would express aspirations for building a collective movement to improve their communities. Their actions often contradicted their support for collective action. Families were so bogged down by trying to earn enough to cover their expenses that they often abandoned collective ideals in order to put food on the table.

Resettlement consultants designed livelihood replacement projects assuming that community members could find a way to benefit from the coal mining economy. They promised community residents that they could become urban business owners and workers that would allow them to take advantage of the service and industrial sector economy created by the presence of the coal mine.⁷⁹ Livelihood replacements aimed at improving the quality of life people had immediately before resettlement, not the quality of life they had before the mine arrived. The failures of the impact matrix to capture the history of how communities lived before mining translated to poor livelihood replacements once people resettled. Only in Tamaquito II, did families rebuild around a collective territory, which gave them the hope they would be able to maintain rural livelihoods and produce for themselves. Because Tamaquito II residents designed their own projects, they tried to find livelihoods that matched people's existing skills and interests, while recognizing that they could no longer rely on small-scale agriculture alone.

Resettlement took local people's growing dependency on Cerrejón to an extreme because the company was literally responsible for building communities, connecting them to water and electricity, and providing social welfare benefits. Resettled people had to assess the best ways to confront this dependency. As people became more dependent on the company, they also became more divided as communities. Livelihood improvements encouraged people to seek individual and family level benefits, often competing against other resettled families for opportunities and

⁷⁹ . The IFC handbook on resettlement planning describes: "Where displacement is unavoidable, the sponsor should plan and execute a resettlement as a development initiative that provides displaced people with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods" (International Finance Corporation 2002, 34).

resources. These tensions occurred with the three main sources of livelihood improvements: productive projects, education, and employment.⁸⁰

Productive projects

Productive projects aimed at creating an economic base in each family through micro-businesses in agriculture, services, and commerce. These productive projects were similar to ones in the Red Tabaco: small stores, mechanic shops, and in-home businesses like sewing. Cerrejón originally chose FUNDES, a Latin American contracting firm, to design and implement productive projects in Roche, Chancleta, Patilla, Las Casitas, and Tamaquito II. Each family received seed money to develop their own agricultural, service sector or commercial small businesses. When these projects got off the ground, families still had a stipend, equivalent to two minimum wage jobs (about \$500/month), to pay for their basic needs during the first two years following resettlement.⁸¹ The FUNDES team assured community members that productive projects would make them financially independent after a few years.

Across the five communities, there were four main types of projects. The first category was rental properties. 31 % of people chose housing projects in which they bought small properties and rented them out in surrounding municipalities. Elder and disabled residents chose this option because they could not easily learn a new trade or face the physical demands of farming. The second type of project was agriculture and ranching. 26 % of people chose livestock projects and 16 % chose plant agriculture. The third type of project was transportation. 14 % of families purchased vehicles to start transportation business: motorcycles for local transportation, small cars for inter municipal transportation, and trucks and jeeps for cargo and passengers (such as school

⁸⁰ Cerrejón also provided a bursary for senior residents, with the understanding that they would have the hardest time adjusting to life in resettlements and would not easily be able to retrain for a new career path.

⁸¹ They also finalized plans for water and electricity provision. The resettlement agreements stipulated that Cerrejón would provide communities with their own potable water source using a small dam in the Rancheria River and wells. They would be part of the municipal electric grid and sewer system.

transportation).⁸² The fourth category consisted of commercial enterprises. 13 % chose to open small businesses such as hair salons, grocery stores, or mechanic shops.⁸³

Cerrejón's livelihood replacement programs helped people adapt to being urban workers rather than rural producers. Incorporating rural people who rely on subsistence into capitalist systems relies on disregarding that they are already workers (Guha 2002; Kalb 2015).⁸⁴ These plans also disregarded that people thought of themselves as landowners even if they did not have titles. Resettlement team member Juan Carlos Forero explained to me how resettlement transformed people into real landowners:

None of the relocated populations had titles, they were all poseedores⁸⁵, they lived there and were traditionally the owners. When we did the relocation process to the settlement, they acquire titles. We are handing out the titles next week and I formally invite you to come. We are going to Chancleta where we will give out 23 titles to families that have moved. We are giving the public documents in which families have their property titles. They've transformed from being landholders to being landowners" (Interview with the author, June 25, 2014, translation by the author).

Before the arrival of the mine, the distinction between landholder and landowner mattered little to families as they were able to use the land as they pleased. The lack of formal titles put them at a disadvantage when negotiating the sale of their land to the company. As I covered in the second chapter, the 69,000 hectares of land that Cerrejón occupies was a mix of private land and *tierras baldías* before coal mining. The 1961 agrarian reform did not benefit small producers in La Guajira, but instead concentrated land in the hands of large producers. The majority of people who lived on and worked the land did not have property rights. Cerrejón took advantage of this fact in negotiating the takeover of land during resettlement, as communities faced expropriation if they did not leave. Forero left this history out of his analysis.

⁸² Some residents bought small buses or jeeps with benches in the back. They had contracts with the school district or directly with the company to take children to and from school.

⁸³ These data are all found in a 2015 evaluation of productive projects (Fundación Guajira Competitiva 2015).

⁸⁴ The resettlement consultants used the census by Antioquia Presente to show that the majority of families lived in poverty before resettlement. This calculation did not account for the importance of subsistence practices in maintaining families nor did the planners account for the livelihoods people had before the coal mine enclosed communal lands.

⁸⁵ This term means "landholder." In Colombia, rural people without official titles who have occupied state owned land (*tierras baldías*) for 10 or more years are considered to have the same rights to compensation as landowners in resettlement.

As urban people, becoming a homeowner was important because it made a family's material possessions more legible to state institutions and financial lenders. With a land title, community members could access credit and get business licenses. Using private property to get loans was new to most families who had been accustomed to communal lands that they could not use as collateral. While people finally had land titles, they also risked losing their house and land if they defaulted on their loans; banks and micro credit institution now owned their property rather than their community. Many families had to take out loans in order to start their businesses. Seed capital covered the down payment for a rental house, but not the entire cost of the building. People who purchase vehicles, equipment, or tools for their businesses also took out loans. People believed that their investment would be profitable in the long-term. Debt was a way for them to build their wealth in order to integrate into the economy generated by coal mining. Debt and credit are some of the primary ways that marginalized people hold property (Kalb 2015). In resettlements, debt made people's lives precarious.

By the time I started long term fieldwork in 2016, very few families were still engaged in their productive projects. Almost every single project had failed to generate income.⁸⁶ Cerrejón hired the foundation Guajira Competitiva to evaluate the productive projects in 2015. I met Carlos Carrillo, a man from Patilla, when he was my *colectivo* driver going between Barrancas and Fonseca one day. I paid \$3000 COP (\$1) for the fare, and his car held a maximum of 4 people. It is very hard to make a decent living this way, between the cost of gas and car repairs. Drivers often have to wait a long time to pick up enough passengers. I sat in the front seat and Carlos asked me what brought me to La Guajira. When I told him I was studying resettlement, he laughed and told me he was from Patilla. He told me of some of the problems the resettlement faced, particularly the failure of productive projects. He said FUNDES never had clear ideas of which crops would actually turn a profit. After a few years of trying to make it work, he and his wife took out loans to buy the car and open a small shop in their home. I visited him and his sister at his home a few days later for an interview. I asked Carlos if he had seen any benefits in resettlement. He told me:

⁸⁶ Some of the projects in Tamaquito II had fared better because families had enough land to raise animals. When I was in La Guajira in 2016, several Tamaquito families were still collaborating on a chicken project and others on a cattle project. After FUNDES projects had not gone well, Tamaquito II asked to work with a different development group, and chose CREATA, an NGO that specialized in small-scale rural business creation. Even Cerrejón officials admitted that FUNDES had not planned or executed the projects well.

No. Why? Because yes it's true that they gave everyone productive projects, but it's a crisis. They gave me one and I invested in animals but with the problems from drought, long summers, and the drying up of our jagueys, I had to sell them at a low price. If we had water, we could have our animals here, but without it, we have to sell them. We lost animals here almost as soon as we got them. I lost two. (Interview with the author, March 21, 2017, translation by the author).

Carlos started his taxi business and his wife opened the small store after their agricultural project failed. They used their own money, not a grant from the company, to do so. Like many other families, they had to rely on access to credit in order to start small businesses.⁸⁷ They replaced their access to land without a title with property tied up in debt. Land gave them the ability to feed their families without finding work outside the home. They may not have had titles to their land, but they had the right to use it. Once resettled, they risked losing their homes and land if they defaulted on their loans, so families had to always hustle to find work and employment just to pay off loans for their failed businesses. In contrast, access to hunting, grazing, fishing, and

⁸⁷ People relied on a combination of paramilitary loan sharks, banks, and microcredit institutions to access credit.

agricultural lands used to allow people to weather economic hardships. They did not fear that a paramilitary loan shark, bank, or microcredit lender would repossess that land.⁸⁸

In an interview, Samuel Arregocés described how productive projects made formally independent people dependent on the company and banks to survive:

Some of the multinational's resources they use as loans to the community, they call these Productive projects, and they are a means of continuing to harm the community because lending to someone who has a social problem is a lack of respect. And we can corroborate that many people that they lent to are in worse conditions. Most of the businesses have failed, and now there is pressure from the multinational that they have to pay back the money, they want to take away the little that they have.⁸⁹ If people succeed in buying a house, they take away the house. What we call a Productive Project, I think the name should be debt (interview with the author, June 23, 2014, translation by the author).

Samuel thought that productive projects made resettled people more vulnerable. People who participated in productive projects thought they would be able to improve their livelihoods and

⁸⁸ The majority of small business projects also failed. Within resettlements, the demand for services and goods was low. Productive projects made people compete with each other to sustain their small businesses. Each community could only provide customers for one or two corner stores. Drivers competed with each other to take people into town. There were not enough people with motorcycles that needed repair to support more than one mechanic; or enough people who needed clothes mended to support more than one sewing shop. Women who did nails and hair were always trying to make deals to keep a local client base. Profit margins became so low that people were barely turning a profit or sometimes falling further into debt. The evaluation for Guajira Competitiva demonstrates that there was a mismatch between these projects and community member's existing skills and education. This report also revealed that FUNDES did not evaluate the market potential of any of these initiatives (Fundación Guajira Competitiva 2015). Grocery stores, nail salons, and other small businesses simply could not compete with the nearby Barrancas and Fonseca municipalities with larger stores that has more variety and lower prices. Nobody from the surrounding towns came to the resettlements for goods and services that are more accessible in the town. Only a small number of families in the resettlements would even consider using the resettlement businesses. Guajira Competitiva found that the transportation projects were unstable. Motocarros only last about two years before they have to be replaced, making it hard to generate profit. People had to take out loans to buy and their cars. Most drivers were operating informally without joining the municipal drivers cooperatives in the nearby towns (Fundación Guajira Competitiva 2015). These cooperatives guarantee customers, routes, and hours, and provide licenses. Residents over the age of 60 mostly opted for rental properties, but had little experience in accounting or contracts, making it hard to generate profits or keep track of payments. Many of these families accrued debts, sinking them deeper into poverty.

⁸⁹ I never confirmed that the company was the originator of some of the loans, but I did hear this statement from more than one person.

adapt to their new urban lifestyles. Instead, they became tied to the corporation through a relationship of debt.

The failure of livelihood replacements was not entirely the fault of FUNDES consultants; they were faced with limited regional markets, drought, and lack of state investment in La Guajira's agricultural sector. Running a profitable agricultural business in La Guajira was challenging. One day in April of 2016, I visited Oreganal's COOPMAO palm oil project. Mauro, the president of the cooperative drove myself and Pacho Tovar there. One thing that surprised me was how far away the cooperative was from Oreganal. The palm plantation lay on the road to Riohacha, and was actually in the Riohacha municipality, several municipalities away from Barrancas. The road to Riohacha is atrocious. It has become a site of both jokes and protests as the meter wide potholes lead to multiple fatal accidents every month. Bumping along in the front seat next to Mauro, I was thankful the COOPMAO jeep had four-wheel drive. Mauro knew the road well and was able to dodge most of the potholes by swerving into the left lane. We chatted about the scenery as we drove. The road north to Riohacha snakes by the Sierra Nevada de Santa Mart foothills. In April, after a bit of rain, the normally brown and dry hills were covered in beautiful yellow blooms from the Puy and Cañaguat trees. Mauro, Pacho, and I admired the blooms and chatted about the rain. Mauro said the rain gave him hope after the last two years of drought that had wreaked havoc on the palm plantation.

A little over an hour after leaving Oreganal, we pulled up to a gate with a faded photo poster with COOPMAO and Cerrejón's logos over pictures of smiling farmers standing in front of palm fields. A farmhand brought us some cold water and we sat under the shade of a magnificent pink and white bougainvillea tree. Mauro explained how the farm got started. 45 families are part of this cooperative, including the ten that returned to Old Oreganal in 2004. The cooperative bought the 160 hectares of land using some initial financing from Cerrejón to secure a government-backed loan for rural development in 2009. After getting the palm started, they also opened two livestock projects with rural development financing from La Guajira's departmental development fund. Mauro took me around to see the sheep and cattle on foot. We then drove through the palm plantations. He told me that when they first opened the coop, they drilled two regular wells (about 30 m deep) for irrigation. Over the last few years, these wells had begun drying up. Mauro was worried about the future sustainability of the plantation because they might have to dig deep wells (150-200 m deep) that required special machinery and maintenance. This upgrade was beyond the

financial capacity of the cooperative. In fact, the families still owned quite a great deal on their initial loan. They found it very hard to compete with the massive palm plantations owned by big agribusiness because they could not produce at the same scale for the same price. The cooperative was barely paying its debts, let alone churning a profit. Without the ability to fall back on the hunting, fishing, herding, and family agriculture for subsistence, people became much more vulnerable to shifts in the market and climate. Families' cost of living rose as urban people who to buy rather than produce. No project in resettlements offered a means to compensate for that change.

People who resisted resettlement often cited the design of productive projects as justification for not signing agreements. Tomás Ustate, who resisted resettlement from Roche until his expropriation in February 2016, held out in negotiations with Cerrejón for years, insisting that he be given an alternative project with more land for animals. When I interviewed him just two days before he was expropriated, he said:

I do not want to leave, because they are not giving me what I deserve. Look at those who have left, it's not just me saying this you can go see verify this, some of those who left accepted productive projects for 20 million pesos, and for who has that worked? Because there's no water to cultivate, so if they plant something, they lose it, because there's no water to irrigate. Many have had to take out loans in order to buy the seeds and start the productive projects and they've turned out badly because there's no base for it ...there's some people who left over three years ago and they're still waiting for the productive project (Interview with the author, February 20, 2016).

Tomás wanted to maintain his autonomy and not fall into debt in the new site. Without land, he did not see how he could avoid becoming dependent on the company. When I interviewed Tomás in 2017, one year after his expropriation, he was depressed and despondent as he never found the means to move his livestock or restart his crops in the new site.

Some resettled families relied on their extended family still living in rural areas to provide income when times were thought. In Nuevo Espinal, some residents stayed on despite the violence because they did not want to leave their rural homestead. But they lacked young people to work the land and learn from their elders. Due to two waves of guerilla and paramilitary violence described in the previous chapters, many families left the resettlement site, and most of those who remained were over 60. Marco Antonio Ipuana, an elder on the *cabildo*, explained how he saw social relations in his community change as their economic base changed:

We cultivate potatoes, yuca, squash, beans, guineo, plantains, all that makes up our diet here. But now that's getting difficult. What we are enduring, has almost completely changed our way of living. There, we knew the territory and it was easy for us, we knew where to go, where to walk but here we do not have that ease. Instead some people have gone to the municipalities, Barrancas, Hatonuevo, Albania, all the people have split apart (Interview with the author, March 23, 2016, translation by the author)

Marco Antonio described the importance of goats to maintain an economic base in Wayúu communities:

These goats are mine, I have about 50. Because if you have land, you have to raise animals. In the country, you are better off than in town. I have a few goats, some that drink water here and others that go over there. A goat is a Wayúu asset. It's an income survive in this territory (Interview with the author, March 23, 2016, translation by the author)

Marco Antonio lamented how it was harder than ever to make a living. Many of his family members were often out of work and would turn to him for help. He periodically sold one of his goats to help pay for school supplies for a grandchild. When his relatives in urban areas were earning well, they sent him money so that he can make repairs to his house and animal corral. Even though over half of Espinal families had been displaced and moved into urban areas, they maintained networks of rural production through those who remain. In Nuevo Espinal and Tamaquito II, the connection to this mode of production and its accompanying social relations has been easier because both communities still have collective land. In Las Casitas, Chancleta, Patilla, and Roche, most families no longer had this access.

Many families entered resettlement believing that they could find opportunities to benefit from their forced urbanization. Instead, they found themselves spending more than they could earn. They fell into debt and relied on the company for stipend payments. Resettlement planners said productive projects would give resettled people ways to earn an income without relying on the company forever. In reality, these projects made people aware of their growing dependence on Cerrejón and other powerful institutions like banks in order to survive. One of the solutions community leaders and resettlement team employees invested in was improving the educational level of residents. If the next generation went to university or technical school, the communities would have urban professionals living in them, which would improve income levels and create new leaders.

Education

Cerrejón's resettlement team and their consultants faulted resettled people's low educational achievement for the communities' poverty. Resettled people's productive projects failed because they were not educated enough to know how to run small businesses. Much like the liberal elites who implemented policies of *mestizaje* in the nineteenth century, they blamed marginalized black and indigenous people for their own problems (Larson 2004; Wade 2005). They encouraged these groups to become more like their white and *mestizo* counterparts through education. Tomás Ruiz from the resettlement team explained:

So you say to me, let's put in a store, let's buy some cattle or why don't you grow some crops which is what they know how to do. But if you go further back and say yes to buying them the stock for the store or restaurant or the animals, they do not have the training to administer the business. So they say it's not important to start the business, they need the training. So then there's a training and it turns out that the majority of people there don't know how to read or write, or have attention deficits or do not concentrate or do not understand, so then you realize the most important thing to strengthen the capacities, education (Interview with the author, January, 24, 2017, translation by the author).

Rather than acknowledge that these projects did not fit the skills and work experiences of residents, Ruiz thought residents were just uneducated or uninterested in learning. He told me educational programs were an opportunity for Cerrejón to contribute to improving the lives of communities.

Each Resettlement Action Plan included educational benefits. Cerrejón agreed to fund a scholarship program for any young person wishing to pursue a post-secondary education for the first ten years after resettlement, which consisted of tuition and a small stipend to cover living costs.⁹⁰ Students who graduated high school took advantage of this program and some adults went back to school hoping it would give them new job opportunities. The majority of students ended up doing one or more certificate programs at the National Learning Service (SENA), Colombia's equivalent of a community college. Students studied nursing, occupational health, heavy machinery operations, agronomy, and other applied careers. Some high school graduates studied in TechnoCerrejón, Cerrejón's company-run technical training program where they become machine operators and technicians. Many of them then sought employment with Cerrejón or a

⁹⁰ Cerrejón's scholarship fund is considered a social investment, and allows the company to credit it as a tax write off (Bayona Velásquez 2016a). The company agreed to fund any study who qualified in full for one degree. So students who start in the tenth year of the program will have a scholarship until they graduate. In effect, since university degrees in Colombia are generally five years, the program provides funding for a total of fifteen years.

contractor, since these are the best paying jobs. Other students went on to study at universities in careers like engineering, law, architecture, and systems management. Some of the young people who studied, and particularly those who went to university, took up leadership positions in their communities. Their education gave them new perspectives, including critiques of Cerrejón and its resettlement planning.

Cerrejón also provided funds for after school programs to improve the quality of primary education in the resettled communities. These educational programs encouraged students to think of a career path beyond agriculture or mining.⁹¹ Ruiz explained to me that education was a long term solution to community poverty:

The income generation program is a process that involves knowledge, aptitudes. It involves social, psychological social, psychosocial, family, economic, political, and considerations. All of these things are long-term, so implementing them, well one cannot just change a life model or these conditions in one day. These processes can last 10, 12, 15 years until the generation of kids who were 4 or 5 when they resettled are finishing high school at 16 or 17. When they finish school, they have a different vision that's not just about studying only to drive a truck or a dump truck or to go mine coal. Instead, the kids now have a different world vision because they're on social networks, in media networks and television so they have a more global vision of national and international realities. So one can see the resettlement processes have a lot of difficulties but they also have a lot of opportunities. If you see a resettlement process with all the flaws that people complain about, people say they don't have this or that, but in the end they put up with or tolerate the change thinking about how it's better for the wellbeing of their children. For example, if you look the old site's school there was a 50, 60, 70 % rate of falling behind academically and today the students have caught up...there's a new vision for education now (Interview with the author, January, 24 2017, translation by the author).

Ruiz described the challenge resettlement planners were up against: poverty and underdevelopment in La Guajira. The mine's resettlement team could not tackle these structural problems on their own, but education became a means of empowering people to get out of poverty and underdevelopment themselves. Ruiz described a "new vision": educated people want more out of life than just being farmers or working for the mine. Education could create a new class of entrepreneurs and professionals that will help their communities develop after the mine leaves. Educated people would have the tools and resources to fix their own problems. Ruiz celebrated that these communities would become integrated into the town of Barrancas, seeing urbanization

⁹¹ They also provided extra-curricular activities such as a classical music training program. Students learn to play string instruments and form a small symphony that tours the country.

as a positive change. But education was not enough to help people survive this new reality. Many resettled people came back with degrees but could not find work in La Guajira. The towns surrounding the mine had few positions for nurses, lawyers, or architects. Even those who had technical degrees often waited years to find work with Cerrejón. Some educated young people moved out of the communities in search of work to support their families. Although the company promoted education as an opportunity, its educational project could not make up for the dominance of coal mining in La Guajira that squashed other industries and livelihoods.

The long-term goal of scholarship program was to make resettled people autonomous, but in the short term the scholarship program actually made families dependent on Cerrejón. Cerrejón's resettlement team administered the scholarship program, even though communities had asked to create an independent fund, and hire people from within each community to manage it. The resettlement team could take educational benefits away. During my fieldwork, I witnessed several instances where students enrolled in the scholarship fell below the minimum Grade Point Average set by Cerrejón (3.3 out of 5), so the resettlement team cut off their funding. Parents complained that their children were not given another chance to improve, and families often lacked the capital to pay for even a semester of tuition without financial assistance.⁹²

The resettlement team also denied scholarship money to any family that broke the resettlement agreement. In 2016, Yoe Arregocés had signed a resettlement agreement with Cerrejón but had not yet moved into New Roche. The house assigned to him needed repair. The roof leaked and the foundation was unstable. He was receiving resettlement benefits, however, including having Cerrejón pay for his studies in a Master's program in Barranquilla. I accompanied Yoe to a meeting with Mariela Ustate,⁹³ a former resident of Tabaco who now worked for the company. She told Yoe that according to the agreement he signed, he was no longer eligible for benefits because he was not living in New Roche. Another member of Roche had recently rented out her home and moved to Barrancas and also lost benefits. Yoe was indignant, seeing this news as a threat against him because he was a community leader who regularly spoke out against the company. Just a few months before, he won the election for

⁹² Their children attended high schools in Barrancas, which scored below national standards. Most students had their education interrupted by resettlement. For parents, both these factors explained why they struggled to study at the university level.

⁹³ Pseudonym used for privacy.

President of the Community Action Board of Roche. When I met with leaders from Chancleta and Patilla a few days later, they told me that people in their communities had also lost scholarships for the same reasons. They felt Cerrejón was meddling in internal community politics. If resettled people did not play by Cerrejón's rules, they could lose their access to education. This limitation drove home that not only were they dependent on Cerrejón for resources, but that they had to conform to Cerrejón's rules to access those resources.

Of all the aspects of livelihood improvements, resettled people were the most positive about education. Studying at university and technical school gave young people new opportunities and perspectives. But education did not create employment for the majority of resettled people. Cerrejón dominated La Guajira's GDP, but only employed a small percentage of the population. There were few other industries for resettled people to work in. Even the educated younger generation often became part of the urban precariat.

Employment

Beginning in early 2014, shortly after Tamaquito II relocated, all five resettled communities began meeting as a "Leaders Roundtable" with Cerrejón officials. Cerrejón's resettlement team designed the Roundtable to work on certain aspects of post-resettlement agreements together: employment preferences, educational benefits, infrastructure, housing, water provision, and utilities. During June and July of 2014, I attended meetings of the Leaders Roundtable as they moved toward multi-community decision-making on implementing resettlement accords. One of the topics that summer was reaching an agreement on employment between communities and the company. As part of replacing livelihoods, the resettlement team proposed helping community members access job training and recruiting events, as well as give them preferential consideration for employment by the company. In one meeting, the team suggested new career training in fields such as commercial baking. Community leaders laughed at this suggestion. Each town already has a few small bakeries selling special occasion cakes and bread. Most of these bakeries also serve lunch, since the marginal profit on bread is low. La Guajira's dry and hot temperature also means that baked goods go stale quickly. There was no large-scale commercial market for baking in the Southern Guajira. In their desire to help people improve their labor conditions, resettlement team members ignored the context of the people and place in which they were working. Across La Guajira, employment was precarious. Outside of

working for Cerrejón, there were few stable jobs. Even the people who have graduated as architects, lawyers, and engineers had trouble finding work.

Employment initiatives offered in resettlements were a Band-Aid solution to a larger problem: the displacement of rural livelihoods. Historian Avi Chomsky describes the creation of an urban precariat by coal-mining induced displacement:

Rather than being forced into labor, those displaced by neo-extractivism had few employment options: they were torn from their land but thrust into a global economy suffering from a surplus of desperate unemployed. This new precariat, for the first time in history, had no subsistence alternative to resort to. The open pit-mining operation's biggest job categories were heavy machinery operation and heavy machinery repair, positions that require at least a high school education and several years of technical training, a level achieved by few rural people in a province with 65 percent illiteracy rate (Chomsky 2016a, 201)

Borrowing from Ramachandra Guha (2002), Chomsky calls displaced people in La Guajira "ecological refugees." While once people were self-sufficient rural producers, they became dependent on the labor market generated by coal mining and the associated service economy. Resettled people increased their consumption of other goods including food that they can no longer grow, water that they need a system to access, and electricity from the municipal grid. On top of that, resettled people began to buy cell phones, cars, televisions, and other "urban" goods in greater quantities as they were pushed into a new lifestyle. Resettled families struggled in the same ways families from the communities who had moved due to displacement and enclosure did; they were landless rural people forced to join a precarious workforce. Resettlement planning did not take into account these historical and structural forces. There was simply not enough employment in La Guajira to absorb the labor displaced from small-scale agriculture.

One of Cerrejón's solutions for resettled communities is to offer them employment in the mine. Many people lacked the necessary education and experience to secure these jobs (Chomsky 2016a). Coal mining dominated La Guajira's GDP but only employed 3 % of the population (Bayona Velásquez 2016a). Cerrejón was supposed to give resettled people preference when a new position opened up in the company. During fieldwork, I learned that this promise was complicated in practice. Idiana Solano, a young leader in Patilla was critical of the company's policies. She had multiple degrees from SENA in occupational healthcare and heavy machine operating, so she should have been a candidate for multiple positions in the company. She actively pursued opportunities by calling the people she knew at Cerrejón from the Leaders Roundtable and asking them to help her find work when a position was open. I watched her try this for over

two years. At one Leaders Roundtable, she expressed her frustration, telling the officials that they did not give people in the resettled communities work because Cerrejón's team did not think community members were capable because they were poor campesinos.⁹⁴ Idiana and other leaders often commented on this injustice, which fueled their criticism of the company.

Despite her critiques, Idiana still wanted to work for the company. She was not alone; many resettled people wanted to work in the mine. In our interview, Tomás Ruiz mentioned this as proof that Cerrejón was not all bad:

Mining is very destructive to the environment, yet their hope is to enter and work for Cerrejón. So there's a fight of contradictions here: they attack the company and also say 'keep me in mind, I want to participate, I want to earn a wage.' And it's more than that. If today mining generated employment, this is unrealistic but I'm giving an example for everyone in La Guajira surely no one would say 'Get out of here Cerrejón' (Interview with the author, January 24, 2017, translation by the author).

Ruiz acknowledged that resettled people were dependent on Cerrejón for employment. He identified a key tension in resettled people's lives; they resented the company for displacing them but relied on the company to earn a living. While most people regret having to leave their homes, they realized that working for Cerrejón would at least guarantee being able to put food on the table. Resettled people's feelings about working for the mine drove home that they were dependent on Cerrejón to survive, even if they did not like it. They may have objected to the conditions they found themselves in, but also needed to find a way to survive those conditions.

Employment was another way people felt their subordination to the company. Similar to the scholarship programs, employment also created a way for Cerrejón officials to pressure community members to sign resettlement agreements. One day I accompanied Wilman Palmezano and Rubén Darío Araujo Uriana to an appointment at the Human Rights Ombudsman office in Barrancas. Wilman and Rubén were part of the families living in Patilla and Chancleta who had resisted resettlement. They were in the midst of negotiating a Prior Consultation as the presidents of the Patilla and Chancleta Community Council.⁹⁵ They went to the Ombudsman office that day to seek advice about Cerrejón officials interfering in their political process. Rubén and Wilman reported that Cerrejón's legal team was pressuring people who were still living in

⁹⁴ The company did make a point of hiring locals when possible. In 2017, 67 % of Cerrejón's direct employees were from La Guajira, although not necessarily from the resettled and displaced communities (Carbones de Cerrejón Ltd. 2017).

⁹⁵ The next chapter analyses this Prior Consultation.

Chancleta and Patilla, and who also worked for the mine, by threatening to cut their contracts if they did not sign resettlement agreements. Rubén's son had been working in the mine for the last nine years and had recently been warned he might be let go. Wilman and Ruben contacted the mineworkers union Sintracarbon, because Cerrejón officials said contracts were up to the union. Jairo Quiroz the president of Sintracarbon told the leaders that this was a false claim. The human rights ombudsman called Cerrejón officials' actions "*puro chantaje*" (pure blackmail). He reminded the men that Decree 2089 of 2014 from the Ministry of Labor mandates that mining companies give local people preferential employment opportunities. Because Ruben's son is Wayúu, he should have had even more rights and protections in the labor force. This government official backed up the leaders' worries that the resettlement team was using Ruben's son as a pawn to get Ruben and Wilman to sign an agreement that would force out the families still living in the Old Chancleta and Patilla.

Employment created divisions in communities because people competed for opportunities. Cerrejón hired community members on temporary contracts to do maintenance and cleaning in the resettlements. People competed to get this work. One hot July morning, I arrived to Chancleta and Patilla intending to meet with community leaders. As my *mototaxi* pulled up at the school building shared by the neighboring communities, I noticed something strange: there were no children at school even though summer vacation had ended two weeks prior. Instead, the building was full of parents and officials from the municipality. I met up with Yoe Arregocés arriving from Roche accompanied by a grey-haired gentleman who looked to be in his 70s. All three of us decided to follow the crowd and see what was happening. The grey haired man chatted as we walked. He lamented the divisions between and within Roche, Chancleta, and Patilla. He pointed out that along with Tabaco "we were once neighboring communities, sibling communities. Now we live even closer." Despite divisions, he said that communities could achieve great things if only they worked together.

Once we reached the auditorium, I quickly learned that children in Chancleta and Patilla had not returned to classes after summer break, because the facility was dirty and the electricity was out. The Secretary of Education from Barrancas, the school's principal, and a member of Cerrejón's resettlement team were all gathered to find a resolution to this problem. The communities are supposed to maintain the communal infrastructure, including the school building, themselves. Cerrejón provided a small salary to the community members who do this work. Rosa

Galván, President of Chancleta's Community Action Board, and Vicente Berardinelli, President of Patilla's Community Action Board, had apparently butted heads over who should get these work contracts. Their arguments got so tense, that no one had cleaned the school or sorted out the electricity problems. Rosa accused Vicente of changing the lock on the school gates to keep people from Chancleta out. This disagreement continued among school parents. Some parents from Chancleta complained that students from Patilla had been telling their children that the school only belonged to Patilla, not to Chancleta. These parents speculated that Patilla children must be hearing this at home and bringing it to school. Parents bickered with each other over these points. The municipal authorities worked to find an agreement between community members, pointing out that everyone involved wanted their children to go back to classes.

Resettled people constantly experienced precarity, and began to compete for the limited resources available to them. Before resettlement, the boundaries between Chancleta and Patilla made little difference to people's lives or to their identities. After resettlement, residents from the two communities became rivals. The scramble for employment was a continuation of the individualism created by impact matrixes when people competed for a "bigger piece of the pie." Employment encouraged people to fight for their families over working together within and between communities. Resources in resettlement were more finite than in the old settlements. People no longer had agricultural land and forests to sustain themselves when times were thought. When people's means of survival change, they have to reassess how they can and cannot organize together (Gill 2016). In resettled communities, people's feelings of precarity encouraged families to compete for resources from the company rather than to restore their solidarity with each other.

The people of Tamaquito II also struggled with post-resettlement precarity, but created a livelihood improvement project on their own terms. They adapted RAPs and impact matrixes to design a collective agricultural project. The residents rebuild their livelihoods around cooperating with each other rather than relying forever on the company.

Unity and territory

The people of Tamaquito II indigenized the resettlement process by creating their own impact matrix and plans. They found a way to negotiate a better, if still miniscule; share in the profits of coal mining by demanding more indemnities and investing that money in a collective

project.⁹⁶ After resettlement, they realized that productive projects and education alone would not sustain them so they developed plans for a cooperative farm that would create employment for the entire community. They recognized that they had to quantify all the impacts they felt to receive compensation. The community made its own impact matrix, which they used to calculate indemnities toward a collective employment and productive project.

Between April and November 2016, Tamaquito II negotiated the funding and design of their cooperative agricultural project. Part of the project involved raising cattle, goats, and chickens, as well as cultivating food crops for these animals. The community also explored various options for commercial agriculture such as stevia, aloe plants, or agave, in coordination with the Barrancas municipal development plan. The resettlement team and community negotiated the details about financing and planning for months. Throughout this time period, Tamaquito leaders adapted their plan to fit the constraints of resettlement planning, while insisting that the company owed them this project to compensate for the cultural, moral, economic, social, and spiritual harm caused by resettlement. Because Tamaquito II had made their own impact matrix, they could bring every kind of flora and fauna, all the resources, and their cultural elements to the negotiating table. They also tallied historical losses since the arrival of the mine, such as losing access to forests and water resources, which Social Capitals Group team did not include in the other RAPs.

In one meeting in April 2016, I found myself sitting beside Doña Rosita, a woman I know well because I spent many sunny mornings sitting on her patio learning about her weaving. Like many women in the community, she sold woven *mochilas* and *chinchorros* to supplement her income. I purchased many of her beautifully designed colorful bags during my tenure in the field. I also have two of her *chinchorros* hanging in my garden. She would chat to me on those sunny mornings about what life was like in the old site, including all the animals and plants they used to have. That day in the meeting I witnessed Angela Rojas⁹⁷ from Cerrejón's resettlement team

⁹⁶ Tamaquito II took a different approach to their productive projects. While the initially participated in the FUNDES projects, when those projects did not produce profits, they insisted on switching contractors and began to work with an organization called CREATA, which specialized in small businesses in indigenous and peasant communities. CREATA helped women market their woven *mochila* bags, *chinchorro* hammocks, and jewelry. They also helped families start animal herding businesses that uses people's existing skills, while fortifying their knowledge on local markets. Several households worked together on each of these projects, which meant they had more capital to start and maintain the business.

⁹⁷ Pseudonym

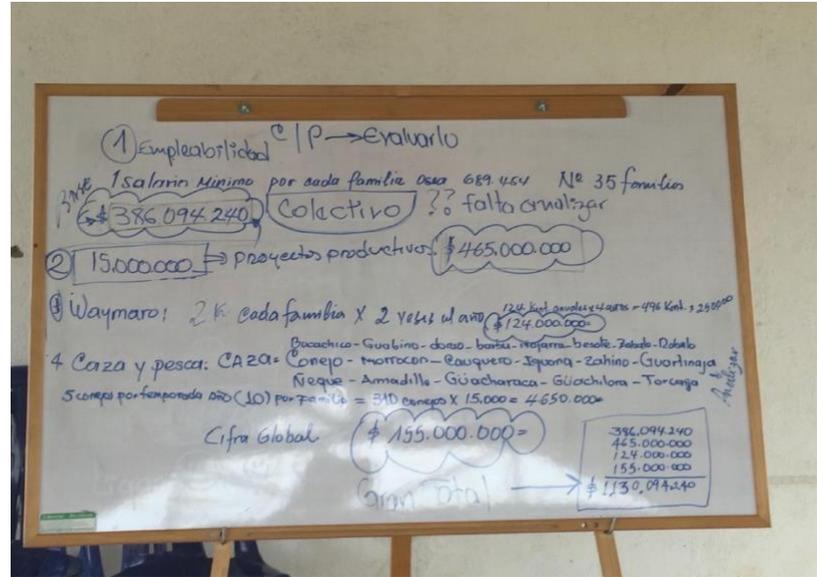
struggling to understand the community's method of accounting for those animals and plants. On the white board, a young man from Tamaquito was writing out a list of all the animals they had in the old site: iguanas, rabbits, agoutis and *zainos*⁹⁸, armadillos, various bird species, and other small mammals. Doña Rosita kept leaning toward me to add to my notes on all the fauna they use to find such as ocelots and boar. People used to hunt all of these animals, providing subsistence and income to the community. Because the original Tamaquito was close to the Perijá mountain range, residents enjoyed diverse flora and fauna.

As macro-project plans came together, the community created four categories of impacts that they wanted compensation for in the macro-project. Tamaquito families demanded that the mine compensate them for employment, hunting and fishing, failed productive projects, and *guáimaro*, which is a wild fruit tree that grows in the Sierra de Perijá and the Sierra Nevada de Santa Marta mountain ranges.⁹⁹ The trees were so important to Tamaquito that they deserved their own category for compensation. In the old site, people used the fruit for themselves, and still go back to the old site to gather it. Additionally, other indigenous people would pay for the right to harvest fruit. In their calculations, the *cabildo* showed that each family would have sold two quintals (100 kg) twice a year, or the equivalent of four quintals (400 kg) per year. In their calculations, each quintal was worth 250, 000 pesos. Calculated at a loss over four years, this equates to 4 million pesos per family, or 124 million pesos (about \$41 300 USD) for the whole community. Tamaquito came up with a collective matrix for impacts, that mirrored the IFC-style matrix used by the resettlement team, but that matched their particular history and needs. They repeated this calculation for every kind of wild animal in the old site, the loss of agriculture employment, and the loss of their agricultural lands and came up with a total of 1, 130, 094, 240 pesos (about \$369, 000 USD) of lost community income. The photos below show their calculations.

⁹⁸ A large rodent related to the capybara

⁹⁹ Wayúu families harvest this fruit, fermenting the pulp, making juices, and cooking with it. Both the pulp and seeds are highly nutritious. The trees also provide habitat for local fauna and prevent erosion

Figure 3: June 24 meeting showing calculations for macro project financing (Source: author's personal collection, 2016)



The people of Tamaquito II refused employment in the mine as part of their livelihood replacement project. At one meeting Angela Rojas commented that the future was “in selling services, not just products.” The week prior she and others on the team had taken Jairo to Wayúu community of Los Remedios, which was doing an eco-tourism project. Los Remedios was one of the communities I mentioned in chapters five because it was part of the OECD complaint. Rather than continue to push for resettlement, the people of Los Remedios accepted Cerrejón’s financing of their eco-tourism project. Tamaquito II was not going to accept this same compromise. In one meeting Rojas commented, “there is great potential in you culture, even though you do not see it.” She explained that the community could build a small hostel and host tourists for traditional meals, dances, and tours of the countryside. Jairo jokingly told her that having me there, the resident *gringa*, was sufficient and they did not need any other foreigners to come visit. At another meeting, Jairo told her, “I want to make something clear: we as a community will decide what we want our projects to be like, because they must fit with our culture, autonomy, reality...we will do autonomous consultation to decide all this before next meeting with Cerrejón to have a clear proposal. Sometimes our rights are in conflict with the state, the mine, but that’s how it is (transcribed from field notes and recording, December 6, 2016).

Tamaquito II had legal accompaniment throughout their negotiation with Cerrejón, which made agreements with the company legally binding. They chose to work with human rights lawyer Leonardo Gonzalez from the NGO Indepaz. Leonardo’s long-term accompaniment in Tamaquito

II helped the community achieve and enforce a binding resettlement agreement. Leonardo first arrived in 2009:

In 2009 Avi Chomsky called me at Indepaz to asking if I knew someone from an organization who could accompany the communities during resettlement negotiations. I said to her “sure, we can be in the communities if they want us there” and that we could help look for other people. So the community members from Chancleta, Roche, and Tamaquito visited various offices and they asked us to accompany them as community advisors in every aspect of resettlement. You’ve realized that in every meeting something comes up from the little things: the electricity is damaged, the water plant is damaged, the mine hasn’t fixed the laundry rooms, that they want bigger houses, to the bigger and more important things: product projects, how much land they are going to give to communities, which families are part of the census. So there was discussion about everything, and this required a big team to deal with all. So first we started in the three communities, and when we were in the process Chancleta decided they were going to do it with lawyer not with direct negotiations, so we worked with Roche and Tamaquito. (Interview with the author April 21, 2017, translation by the author).

Leonardo continued to support Tamaquito II through the community’s post-resettlement negotiations. Every other week, he flew from Bogotá to La Guajira to attend the meetings between community members and the resettlement team. The resettlement team was not the only party armed with lawyers during negotiations. Leonardo helped translate the community’s understanding of their impacts into legally binding indemnities.

With patience and perseverance, Tamaquito convinced the company to pay for the macro-project. The people of Tamaquito II insisted that they would control their own livelihood projects; they did not want to be dependent on the company for employment. Because they stayed united, they made a convincing plan that the resettlement team agreed to fund. They took the idea of resettlement: compensation for losses, and expanded it to include loss of their territory and way of life. They understood they had to quantify their losses to receive replacements. They made the company pay for the loss of their territory and fund the creation of new territory. They picked a project that required families to work together. People in Tamaquito II stayed united because they were invested in this vision.

Life was by no means easy in Tamaquito II’s resettlement. Residents still had to contend with the historical damage caused by coal mining, and they still faced political and economic structures that made it challenging to live without the support of Cerrejón. They hoped that their macro project would give them control over their futures, allowing them to continue rural

livelihoods but modernize to fit La Guajira's economic reality.¹⁰⁰ In all resettlement, people struggled to make their new homes feel like a territory. For example, Wayúu and Afro-descendant peoples consider cemeteries part of their sacred space. When Roche, Chancleta, and Patilla filed a lawsuit against the company for violating their Prior Consultation rights during resettlement negotiations, they all mentioned the loss of the cemetery as violating their spiritual traditions. Tamaquito II designed a way to recreate their cemetery in the resettlement.

Figure 4: Plan for the community farm (Photo from the author's own collection 2017)



The limits of replacement territory

I arrived to Tamaquito II early in the morning on a quiet Sunday. There was a cool breeze and clouds rolling over the mountains, promising afternoon rain. After four years of drought, 2016 has been much more promising, and the people of Tamaquito were preparing to plant yucca, squash, beans, plantains, melons, and *guineo*. With the spring rains, there has been a renewed sense of hope in La Guajira as the water quenched the parched earth, making the surrounding

¹⁰⁰ When I was last in La Guajira in July 2019, the community had finally begun to implement the project. They had a community chicken hatchery called Tamaqpollo, producing meat for regional buyers. They also had a large herd of chivos. They had purchased tractors and tillers, and were growing the feed for their animals. They still planned to expand their crops to include both staples and high-profit crops like stevia. Designing a macro-project was hard. The community moved in 2013 and did not even begin the project until almost six years later in 2019. At the time of writing, they are still not churning a profit. But whenever I speak to someone from Tamaquito, they seem hopeful that the project will guarantee their futures.

mountains green once again. This was a special event; after years of negotiating the plans and financing with the mine, Tamaquito II was inaugurating their new cemetery. Families invited their extended relations from across La Guajira. They invited friends from Barrancas and Hato Nuevo, as well as the other resettlements.

Jairo gave me and my friend Ana Carina Josefsen, a Masters student from Denmark, a ride in his white jeep down the rough road between the houses and the cemetery site. It was my first time venturing into the part of Tamaquito II behind the scrubby bush forest. We arrived and set up *chinchorros* in the shady trees surrounding the new cemetery. Each Tamaquito clan had staked out a corner of the cemetery and surrounding woods to set up their camp, complete with *chinchorros*, fire and pots to cook, tethered goats waiting to go in the pot, and chairs and tables. We set up our hammocks with the Epieyus, Jairo's clan.

Each clan selected one body from the old site, or someone who died in the resettlement but before the cemetery was constructed. They had a small casket or urn in front of them. Many of the women were dressed in immaculate white *mantas* and carrying handkerchiefs. They gathered around the coffins, crying as they remember the loss of their loved ones. In Wayúu tradition, women are in charge of preparing the deceased for burial and mourning their loss. Women are the emotional and spiritual caretakers of the Wayúu community. They keep the memories of ancestors and loved ones alive. Other women passed out plates of *friche* - fried goat meat - with potatoes and *arepas*. Ana Carina and I washed our lunch down with corn *chicha*, while some of the men washed their meals down with *chinchirinchi*, a locally made spirit distilled from sugar cane.

In a matter of minutes, the sunny afternoon turned dark and storm clouds roll in. We quickly took down our hammocks and gathered our bags as we were drenched by a torrential downpour. It took us a minute to find transportation back to the houses. The storm was short but powerful. Eduardo Fuentes commented to me that the weather was a blessing for the new cemetery: a sign of approval from the ancestors and *Wounmainkat* (Mother Earth). There was hope for a fruitful growing season. Tamaquito was making this new place into a territory.

Despite the successes, the people of Tamaquito II still struggled in their new territory. The day I interviewed Eduardo Fuentes, he was coming back from a trip to the original Tamaquito II. He got up early and rode his motorcycle down the same road to Chancleta, Patilla, and Roche. Tamaquito II's original location is even further away than Roche. It takes almost two hours to get there from the new Tamaquito II. He told me it was worth it to feel "at home again." Several

elders in Tamaquito II reported that they cannot dream in the new site, because it is not yet their territory. The Wayúu bury babies' umbilical cords as part of connecting that person to their land. Elders report that away from their umbilical cords, they can no longer dream. I asked Eduardo about the difference in how we felt in the old territory versus new:

We were in our place of origin, but we had to move, that's resettlement. It's hard for anyone. I've been here almost three years and it's been hard to adapt. It hasn't been easy, maybe it's easier for kids who are born here and can adapt to Mother Earth, but as an adult, it's difficult. During these three years that I've been here, I have not adapted well because I was born and raised there.

I then asked how he felt when he went back, and he replied:

When I get there, I feel different, because it's my territory, where my umbilical cord is buried. That territory is part of us, because we visit it and take care of it. In the agreement we have we can go back there in 35 years, we can return to our territory again ...in the agreement, we left it as a spiritual site, so we can go back and to our rituals, and our dances, and play the drums (Interview with the author February 13, 2017, translation by the author)

My conversation with Eduardo reminded me that although Tamaquito II negotiated a comprehensive resettlement plan, there were still so many losses. Eduardo has seven children who were either young when they resettled or were born after the resettlement. They will never really know what it was like to live in the old Tamaquito. The community took steps to keep their culture alive and pass it on to the next generation, but the children of Tamaquito II were growing up in a different world than their parents had. No indemnities or compensation schemes could account for that change.

To make the new Tamaquito feel like a "territory" elders and adults in the community began incorporating Wayúu teachings into the school and activities for youth. Cerrejón helped fund this program as part of their educational investment in the community. The school implemented an ethno-education program that brings Wayuunaiki language and Wayúu traditions to schools alongside more rigorous academic standards to prepare students for university. Young people were eager to take part in the Cerrejón scholarship program or government scholarships for indigenous peoples so that the next generation can become teachers, doctors, lawyers, architects, or agronomists. The community compliments this in-school education with extracurricular programming to teach children traditional dances and Wayúu games such as wrestling and archery. Tamaquito II also began hosting an annual Wayúu dance and games festival, which Cerrejón also sponsored the first few years.

Teacher and leader Sara Pushaina¹⁰¹ described the problem of Wayuunaiki disappearing as a spoken language:

Of course it's important because this generation must know at least a little for the culture, and so that they become leaders in this land. Culture is important. Sure, some are working and they have to learn Spanish. [Ethno-education] helps them strengthen what they learn at home, in the community. Our dialect is the primordial base (Interview with the author, June 30, 2016, translation by the author).

Sara acknowledged that children need to learn both Spanish and Wayuunaiki. As an ethno-educator herself, she was concerned that the next generation was abandoning Wayúu language and traditions. Even in Tamaquito II, held up as a model resettlement, people lost their connection to their territory, which threatened their integrity as a community.

Tamaquito II was a model for remaining united in resettlement negotiations. The use of autonomous consultation meant that every member was part of decision-making. Because the community resettled around a collective territory, they maintained a shared vocation. Life was undoubtedly harder after resettlement; the community was never free of conflict all together. But a shared territory allowed them to maintain a common purpose and vision. Rebuilding what they had in the old site was impossible, but slowly they began to find a way to balance their desire to remain rural people within the confines of an economy dominated by coal mining.

Conclusion

Resettled people negotiated their incorporation into extractive capitalism as they negotiated livelihood replacements. Resettlement planners encouraged people to sell their labor and become entrepreneurs by treating the extractive economy as an opportunity. The majority of families ended up living in precarity once productive projects failed and stipends ran out. Resettled people experienced their subordination to the company as they realized they needed Cerrejón to provide employment, development funding, and scholarships to survive. The company forced them to become precarious urban workers who consumed but no longer produced. They became dependent on that same company to survive. They found their ability to negotiate their place in extractive capitalism limited to the options offered by the company.

Resettlement planners relied on a common logic of capitalist-driven development: that people who have been disenfranchised by capitalism can benefit from capitalism if they only

¹⁰¹ Pseudonym.

improve themselves. Education, productive projects, and employment all offered a means of self-improvement. Resettled people tried to adapt to this model, not always because they wanted to change, but because they had no choice. These struggles exemplify how marginalized people engage with capitalism both by coercion and by choice; often it is hard to separate those forces (Bhattacharyya 2018; Kalb 2015). In Roche, Chancleta, Patilla, and Las Casitas, the struggle to survive at the margins of the coal mining economy hurt efforts at community solidarity. Tamaquito II members appropriated resettlement plans to negotiate a better, if still miniscule, share in the profits generated by mining.

In the next chapter, I explore how growing precarity led to new divisions and solidarities in communities. Resettled people constantly had to wait for the company and for state institutions to make on their behalf. This experience served both to motivate people to follow the company's resettlement vision and to protest their subordination. Economic precarity made people renegotiate their relationships to each other, leading to a proliferation of community organizations.

Chapter 7: The Violence of Waiting

Early one morning in February 2016, I met up with Samuel Arregocés in Hatonuevo at a small bakery. On the patio, I fueled up with sweet *tinto* and we called two trusted motorcycle drivers to take us to Old Chancleta and Old Patilla, where a group of resettled families were staging a protest by moving back to their old homes. The drivers arrived promptly, Samuel and I climbed aboard, and then we were on our way. After turning off the paved road connecting Hatonuevo to Barrancas, we bumped along the dirt road that winds past Cerrejón's complex. After a dusty journey down the dirt road, our motorcycles pulled up in Chancleta where a small group of people were gathered around a traditional *boreque* earthen house with a tin roof. The men were finishing installing a thatched roof over the patio, a clear sign that they were preparing to move in, not out. They had put a Colombian flag on the roof and below it a sign that read: for the forgotten promises, thrown into oblivion" (*por las promesas incumplidas, arrojadas al olivido.*)

Figure 5: Returned families in Old Chancleta with their protest sign, February 20, 2016. Source: author's personal collection



Samuel and I introduced ourselves to the family. They pulled up plastic chairs for us to join them sitting in a circle on the patio. Within ten minutes, the women of the household presented us with lunch: a plate of *arroz con fideo* (rice with noodles) and rabbit stew. As we ate, we chatted about their reasons for leaving the resettlements. The family told me that almost thirty people had returned. Some people were staying with family who still lived in Old Chancleta and Old Patilla because they had not signed resettlement agreements. Others were patching together living spaces from the rubble left when they knocked down their homes in 2013. They told me to wait for Tulia Pereira Daza to arrive, since she was the leader of the returned families.¹⁰²

Tulia pulled up about half an hour later on the back of a motorcycle. She sat down to talk, pleased that someone from the “international community” was there. I asked her about why they

¹⁰² I opened chapter four with a quote from Tulia, whose family relocated to Chancleta after Tabaco’s 2001 expropriation. Although Tulia and her family were natives of Tabaco, they had kin networks in Chancleta, which made it possible to move there. Unlike some of the other families in their situation, Tulia’s family was deemed relocatable and moved to the new Chancleta in 2013.

had returned and she recited a list of problems: no potable water, unemployment, failed productive projects, and crumbling infrastructure and housing. Tulia and the other returned people had clear demands: they wanted Cerrejón to follow through on all the broken promises for a better life in resettlements. Tulia was organizing with families in Roche and Patilla, hoping to bring more families back to ramp up the pressure. Cerrejón's plan for 2017 expansion required moving everyone from the old site as quickly as possible. Their return complicated this expansion. Life was hard in Old Chancleta where the mine was rapidly closing in on all sides. But they felt the sacrifices were worth it to send a message to the company: they were tired of waiting for their rights to be fulfilled.

Resettled people's lives became defined by waiting. Marginalized people experience their subordination through waiting for state officials, corporate administrators, and lawyers to decide their futures (Auyero 2012; Auyero and Swistun 2009). Perpetual waiting creates a climate of uncertainty and doubt that paralyzes collective action (Auyero and Swistun 2009). In resettlements, leaders who were part of the roundtable negotiations became increasingly divided as they waited for Cerrejón officials, state institutions, and lawyers to recognize their rights and provide promised benefits. Collective organizing was risky and uncertain, while accepting a compensation offer from the company had a known and immediate outcome. Communities displaced by Cerrejón were promised by the company that they would have better lives if they participated in resettlement projects. They were always waiting for these benefits, which reinforced their dependence on Cerrejón. People also waited for the state to intervene, usually in vain, which made the power of the corporation even clearer. Tamaquito II managed to extract more benefits from the company by adapting resettlement schemes to their desires to be autonomous in the future. The community found power over the company by learning to threaten its public image. By asserting their rights as ethnic minorities, they tried to negotiate a better, if still minuscule, share in the profits generated by coal mining.

The experience of waiting created divisions among leaders. Leaders also began to use waiting to make demands. Throughout these struggles, the complicity of state institutions made people realize how reliant they were on the company. As people waited for resettlement benefits to materialize, leaders at the Roundtable became divided over pushing for structural change versus working with company officials to find solutions. The Roundtable dissolved, which company officials blamed on the leaders who were building collective power as Afro-descendants. In

another case, non-resettled families from Chancleta and Patilla successfully sued the company for violating their Prior Consultation rights. However, the company co-opted the Prior Consultation process, which created more doubt and uncertainty about collective organizing around Afro-descendant rights. In Tamaquito II, residents found ways to challenge Cerrejón's power by harming the company's public image. They made the company wait for them to make internal decisions, while critiquing the company for not following through on its promises. In another legal process, the company had to implement potable water in all resettlements. When some leaders pushed back to delay the process, communities became more divided. Company officials blamed these leaders for making other people wait, discrediting them as corrupt. Despite these divisions, resettled people from all sides acknowledged that the company had made their lives precarious and shared an experience of waiting in vain for benefits to materialize.

Waiting for an absent state

I met the chairman of Glencore in the jungle once. I was traveling with my husband Chris who visited me in Colombia during my fieldwork. We embarked on the "Lost City" trek : a four day hike to the Teyuna ruins in the Sierra Nevada de Santa Marta. On the second day of our tour, we found ourselves in a simple lodge run by a Kogi¹⁰³ family. Sitting on benches around the long communal table, Chris and I struck up a conversation with three British travelers over plates piled high with spaghetti and stale white bread. They introduced themselves as Tony, Fergus, and Seamus (Tony's son). Tony looked vaguely familiar to me, but I could not put my finger on where I had seen his face. Chris mentioned to the travelers that I was living in Colombia to do research. I explained what my project entailed and then Fergus (who turned out to be Fergus MacLeod, a former colleague of Tony's from their time at British Petroleum), goaded me as I talked about the problems of resettlement, which I tongue-in-cheek summarized as "coal mines resettling people is a bad idea." Tony asked me for the names of the communities I was researching. I had rarely encountered tourists who even knew where La Guajira is, much less that it was home to the world's largest open pit coal mine or the names of the communities surrounding it .

Chris then outright asked Tony if he worked for one of the coal companies. Tony coolly replied "yes I work for an energy company." After a few minutes of banter, we coaxed it out of

¹⁰³ The Kogi are one of four indigenous Tairona groups that live in the Sierra Nevada de Santa Marta. The other three are the Wiwa, Arhuacos, and Kankuamo.

him: Tony worked for Glencore. That's where I knew him from! This was Tony Hayward, Chairman of Glencore. Tony appeared at the end of *La Buena Vida*, the documentary about Tamaquito II's resettlement, when Jairo Fuentes Epieyu attended Glencore's annual shareholder meeting in 2014 (Schanze 2015b). In one scene, Jairo gave a short speech about water problems in Tamaquito and Tony interrupted him to ask for the comment in the form of a question. I always found this moment so insensitive and disrespectful when I watched the film. When Tony asked me what I thought of his revelation, the first response that came into my head was, "you guys are dicks." He looked a little stunned.¹⁰⁴

We continued our conversation in a more civil tone over barely cold Aguila Light beers. Tony asked about my observations in resettlements. He mentioned that the Wayúu community (by which he meant Tamaquito II) had done things better because their houses were in traditional style, but "more modern." He then said it was hard to negotiate with other communities because people were so divided. He believed that the Afro-descendant communities had requested the urban resettlements because they wanted to become "modern people," and that the company had warned them against this decision.¹⁰⁵ I brought up the biggest crisis in La Guajira: water. Tony knew about the basics of La Guajira's crisis, including the lack of regional infrastructure and the prolonged drought caused by El Niño.¹⁰⁶ I agreed with him on many points here: state institutions have failed to provide water in La Guajira, La Guajira's geography presents serious challenges to long-term potable water access, and climate change is impacting La Guajira's freshwater resources. But I also found it fascinating, and perhaps a little disturbing, that he completely ignored how the expansion of the coal mine had impacted water reserves in Cerrejón. At the time, Cerrejón was in the midst of multiple lawsuits over water in La Guajira: one to stop the diversion of the Bruno tributary stream and another to provide water to resettled communities. Cerrejón's operations have reduced the capacity of three of the major aquifers in the region. The mining

¹⁰⁴ When I told this story to my friends in the communities later on, they had a good laugh and told me I should have called him something worse.

¹⁰⁵ He had visited some of the communities, but could not remember all their names. He did know some details, although it seemed to me most of his knowledge came from communications with Cerrejón's Colombia-based resettlement.

¹⁰⁶ He mentioned Cerrejón's desalination plant in its port complex, which converts ocean water into potable water. It is an impressive operation, which I had toured in 2014. He talked about the need to build a large-scale desalination plant in La Guajira, but that it was far out of reach for the departmental government with a price tag well over a billion dollars.

complex has 18 groundwater wells and a private dam on the Ranchería River (CENSAT Agua Viva and Sintracarbon 2015). The only places in La Guajira with 24-hour access to potable water are Cerrejón's main mining complex and port.

My conversation with Tony reminded me of the blurred line between the state and Cerrejón in La Guajira. People displaced from their lands needed the state to help mediate their relationship to the company. They filed lawsuits with the Constitutional Court, made demands to the District Attorney's offices, and petitioned the municipality to help control the company. Often, they waited years for state institutions to respond, if the state ever acknowledged their demands at all. This waiting reinforced the absence of the state in La Guajira's coal region. In resettlements, the company often acted like a state: building schools, connecting communities to water, and funding scholarships. While the company was imperfect, it was always more present in people's daily lives than the state.

Although municipal officials were supposed to guarantee resettlement agreements, many of the negotiations were directly between community leaders and company officials.¹⁰⁷ Eduardo Fuentes from Tamaquito II described it to me this way:

Our guarantor is the state, but at times it's not present. These mayors do not realize what is happening nor do they come to these resettlements. If they are the guarantors, they should be present in everything that's happening. Like, I've never seen a mayor, well maybe this current one, but he's also on the side of the company, trying to make things better. Because here, the state, many do not pay attention to the agreements the community has with Cerrejón. It's them who are supposed to be in charge of these problems, perhaps if they were in charge of these problems, they wouldn't be happening. Here you do not see a governor, a mayor, a councilman who says "I am going to support these resettled communities" or who says what the real problems are (Interview with the author, February 13, 2017, translation by the author).

Eduardo and many others I spoke to during fieldwork doubted that the government would ever step in to help them. Resettled people understood that their rights were guaranteed by the state, but often waited in vain for the state to come to their aid. Instead, the fulfillment of people's rights depended on their ability to influence the company.

¹⁰⁷ When I first attended the Leaders Roundtables in 2014, municipal officials were there to guarantee the process. However, this participation soon dropped off once Cerrejón stopped providing a subsidy for them to attend. As part of its foundation work, Cerrejón provides funding to strengthen the municipality's administration. The Barrancas municipality is also dependent on royalties from coal mining to fund many of its programs.

The state's absence allowed Cerrejón to co-opt resettlement negotiations. Leonardo Gonzalez, the lawyer from Indepaz who supported community negotiations, told me:

The Colombian state has participated a lot in everything, do you know how it's participated? By remaining absent. That's to say the state's presence has been so clear, that this absence is deliberate on the part of the state. It's an absence that goes against the communities and favors the company, because here's a negotiation between a powerful entity and communities that do not have power. The entire state apparatus: The Public Ministry, the Attorney General, the Human Rights Ombudsman should all be at the side of the community, seeing how their rights are violated. It is never there or where it is there, it's the officials paid for by the company. Why? Because the officials, the municipality says :we don't have money, we need another official." So the mayor's office puts up two people at some time in the roundtable and when the company doesn't have more money, they stop attending. That's to say, it's been a big absence. (Interview with the author April 21, 2017).

Like Leonardo, I observed how the state rarely mediated negotiations with communities. In Prior Consultation cases, officials from the Ministry of the Interior acquiesced to Cerrejón's plans rather than crafting a space for imagining what communities wanted their futures to look like. In the case of water provision, state institutions happily passed the responsibility for resettled communities to Cerrejón. Resettled people were disillusioned about state institutions, after years of experience suffering without state help. The neglect of the state created a gap between people's aspirations for what they could gain from their rights and what they received in practice.

In the following sections, I examine how the relative absence of the state influenced negotiations between communities and the company. On one hand, people knew that their futures depended on negotiating with the company. On the other, many resettled people resented this dependence, and tried to find ways to bring the state back into the picture to help level the playing field. They leveraged their constitutional rights as indigenous and Afro-descendants entitled to autonomy to challenge the company. These leaders had varying levels of success in forming resistance movements, suing the company for Prior Consultation rights, and negotiating water access in the communities. I show how all these processes entailed long periods of waiting, that threatened collective action. Tamaquito II used a human rights lawyer rather than a state institution to mediate their relationship to the company. The leaders of Tamaquito II focused on creating a future in which they would no longer rely on the company or the state, which helped create unity.

The roundtable dissolves

Resettlement negotiations entailed constant waiting, a process which divided community leaders who were part of the Leaders Roundtable. When I arrived for long-term fieldwork in 2016, I expected to begin attending weekly meetings as I had in the summer of 2014. Instead, I found the Roundtable in a precarious state. One morning I waited outside of the school in Chancleta and Patilla for the 9 am meeting to start. Jairo Fuentes, Eder Arregocés, and Yoe Arregocés were all there. I introduced myself to some unfamiliar faces and we chatted about the state of the Roundtable. The leaders told me that Cerrejón's resettlement team had consistently canceled meetings since December of 2015. Las Casitas representatives had stopped attending because they did not feel that the Roundtable was making progress. Jairo commented that if the delays continued, Tamaquito II was going to pull out of the Roundtable as well. We probably stood outside the school building for 30 minutes waiting for Cerrejón representatives to arrive. It became apparent that they were not going to come. The leaders gathered were frustrated. They had arrived on time and given up their mornings to be there. Leaders had been in negotiations with the company for years, without seeing the promised benefits. Cerrejón officials were further slowing this process by making them wait for a meeting that never happened.

Cerrejón's resettlement team was convinced that the problems at the Roundtable came from the growing divisions within and between communities. During the rescheduled meeting, Juan Carlos Forero opened the discussion by explaining the resettlement team had to cancel previously because the families who had moved back to Old Chancleta and Patilla were protesting the Roundtable's leadership. While this statement had some truth to it, the returned families main complaint was the unfulfilled promises from resettlement agreements, not their objection to community leadership. A group of families from Chancleta, Patilla, and Roche wanted to stop the Roundtable negotiations because they considered resettlement a failure. One of the central conflicts between leaders was a proposal to renew the living stipend paid by the company. A group of leaders in Roche, Chancleta, and Patilla – which included Yoe Arregocés, Rosa Galván, and Idiana Solano – wanted the company to reinstate stipends – equivalent to about \$600 USD or two minimum wage jobs per month – that Cerrejón had given families for the first two years after resettlement. While other leaders sympathized with their position, they felt like delaying the already slow negotiations would only make things worse. Community leaders all recognized their growing dependency on the company. Some chose to rebel while others preferred to work within

those confines. One way people rebelled was by refusing to negotiate without changes to the Roundtable; in other words, they made other leaders and company officials wait for resolutions in order to show that they too had power. Making other leaders wait often backfired, and created divisions

In April 2016, the Cerrejón resettlement team organized community meetings with Chancleta, Patilla, and Roche to decide how each community wanted to elect officials and negotiate the details of the post-resettlement plan. I attended the Chancleta assembly, which was tense. After the resettlement team members laid out their proposal for electing new Roundtable leaders, the meeting became chaotic. Several people accused Eder Arregocés, who was at the time one of the representatives at the Roundtable, of working with the mine for his own benefit. They questioned Eder's commitment to Chancleta, since he was a native of Roche.¹⁰⁸ Eder gave an impassioned speech defending himself as working in the interest for the community and never having taken any payments from the company. The resettlement team member confirmed his account, which did not help Eder's case. The people of Chancleta voted for Eder to step down and elected new leaders including Rosa Galván. During the assembly, members debated about why there was so much division, some entirely blaming the corporation, others saying it was an internal problem. Either way, people were aware they faced obstacles in creating a collective movement or making collective decisions in Chancleta.

The Roche assembly became even more explosive than the one in Chancleta. One of the resettlement team members summarized the divisions in the community as: the eight families who had resisted resettlement led by Yoe Arregocés, the families who supported the current leaders of the Community Action Board, and families who supported neither leader. A community of only 25 families split into three parts. Eder Arregocés appeared at the meeting, causing a stir amongst

¹⁰⁸ Eder moved to Chancleta when he married a woman from Chancleta. After they divorced, she kept their home in Chancleta, and he moved to the town of Barrancas. Eder still had family in Roche, but his children lived in Chancleta. The impact matrix used to generate resettlement compensation had forced every person to belong to only one community, even though Patilla, Roche, and Chancleta were all made up of extended family networks.

the families who did not support him as a leader of Chancleta and objected to his claiming to be from Roche.¹⁰⁹ At the end, community members split their votes between Eder and Yoe.¹¹⁰

In an interview, Tomás Ustate, who was part of the eight families who resisted resettlement in Roche, described how he had observed divisions in the Roche resettlement:

They resettled 25 families, and they are divided into three parts. Because for example, some of Ulises' family and another Galapar family, they want to work apart from everyone else, they say "look Fulano, I don't want benefits for the community." In contrast, we do. And now I'm seeing the situation get worse, because they're not with the 25 families of the Roche community, but rather they're opposing Roche along with other communities, they are now with Patilla and Las Casitas. So everyone is against the community of Roche. Chancleta is also trying, they are divided but a part supports Roche. We are working and we hope that God wants to help us reconstruct the social fabric between both communities, families. This is one of the fights. It's the company that has all the money and they have a lot of help from the Mayor's Office, the communities, so it's hard to reconstruct the social fabric.

Emma: So the social fabric was not just in Roche but also in the neighboring communities?

Tomás: Exactly. The old people had that kind of activity. To say something, we would go to Patilla to have some drinks and visit, we were always good, nobody said anything.

Emma: So the conflicts weren't so bad?

Tomás: The conflicts were always resolved right away, the same in any close community. There were no problems, no misunderstandings. There were good social aspects, but in contrast, here in the resettlements, everything has changed. Even within a family, people are torn apart by conflict (Interview with the author, February 22, 2017).

The divisions in Chancleta, Patilla, and Roche began in the 1990s when Intercor-Carbocol began buying up lands. These divisions intensified with the expropriation of Tabaco in 2001, because many people were afraid to resist signing agreements

¹⁰⁹ Eder was actually a native of Roche, still had immediate family in the resettlement, and served on Roche's pre-resettlement Community Action Board, but he resettled in Chancleta before moving to Barrancas after his divorce. s

¹¹⁰ Although I was unable to attend the Patilla assembly, community members I spoke with after reported that it was also a contentious meeting. At the end, Patilla also split its votes, deciding to keep both Vicente Berardinelli as a representative and elect Idiana Solano. Idiana and Vicente were two young leaders with different leadership styles and proposals. Idiana was aligned with Yoe and Rosa in demanding stipend payments. In contrast, Vicente prioritized negotiating with the company to improve initiatives like productive projects and employment opportunities.

with the company because they feared being expropriated. The impact matrixes that split people apart in the pre-resettlement phase weakened community unity and physically reduced community size. Over a few years living in resettlements, the pressure of poverty intensified people's desperation to find a resolution. In resettlements, people felt the scarcity of resources such as productive project money, scholarships, jobs at the company, and other benefits. They also knew that their time to negotiate these benefits with the company would not last forever. This pressure created distinct groups of families in Roche who had different visions of how to negotiate with the company.

Chancleta, Patilla, and Roche had split into two groups of leaders: one that refused to continue negotiations with Cerrejón until the company acknowledged their rights as Afro-descendant peoples to make their own decisions and another that wanted to try to make resettlements work by redesigning productive projects and employment initiatives. No matter what "side" community members were on, people were tired of waiting for their benefits to materialize. The first group supported the extension of family stipends, while the second did not want to wait for this money before negotiating the rest of post-resettlement agreement. At the first meeting following the elections, Tomás Ruiz told the leaders gathered that the company was still working on a counter proposal about reinstating stipends and asked to hear how they intended to use stipends.¹¹¹ One woman from Patilla told Ruiz simply that the stipends were "for necessity." She reminded him that there were dozens of people who had the technical certification to work for Cerrejón waiting to be hired. Rosa Galván told Ruiz that families needed to put food on their tables and pay their utility bills. She reminded the officials of the multiple civil lawsuits in process against the company and of the returned families, proving that people in Roche, Chancleta, and Patilla were not going to put up with the failings in resettlements. Several of the leaders also brought up Guajira Competitiva's critical report of productive projects. After some debate, Ruiz told the leaders gathered that there were two main ways to resolve problems: direct negotiations or the judicial route. He told them that legal actions against the company took a long time and did not always turn out in community favor, and encouraged them to continue with direct negotiations. These two routes had different timelines, but both groups had to wait: one for the state to respond and the other for the company. After another month of meetings, the demand for stipends went unfulfilled. As a result, leaders stopped meeting as a Roundtable and instead the company

¹¹¹ Before the meeting, the leaders who wanted the reinstatement of stipends in Chancleta, Patilla, and Roche submitted an official letter to the company outlining and justifying that demand.

negotiated with each community. Every proposal at the roundtable including stipends and livelihood replacements was a patch that would not fix a core problem: people displaced by coal mining were dependent on the company for survival.

After the Roundtable dissolved, the conflicts among the two competing groups of leaders intensified. The group who insisted on stipends strengthened or formed Community Councils to make claims for collective rights and reparations as Afro-descendant peoples. They were willing to drag out negotiations if it meant they could make long-term change in their relationship with the company. By remembering themselves as resistant, hard-working rural people, they countered the narratives of resettlement officials who often blamed communities for their own poverty. Idiana from Patilla described the meaning of being an Afro-descendant community:

It comes from the blood. Being Afro doesn't mean being black, many people make that mistake. Being Afro is to have the mentality of loving the land, of cultivating lands, to love one's self and where you came from, to have these roots, to be hardworking people on the land, in the countryside. These are all characteristics of Afro people. The majority of people from here are like that. They grow up cultivating, they grew up raising animals, they grew up with a country lifestyle. So, they relate very much with Afro-descendants. (Interview with the author, March 24, 2017).

For Idiana, and many Afro-Guajiros, calling herself Afro-descendant was a way to explain her community's plight as rural peoples forced off their land. Afro-descendant was not just about a history or tradition, but about their relationship to Cerrejón in the present. Idiana argued that people had worked hard to farm the land in Patilla. Idiana showed that people did produce for themselves but Cerrejón has forcibly removed them from the land that made that possible. Leaders like Idiana justified asking the company to provide better benefits, such as reinstating stipend payments, because Cerrejón had made their means of survival untenable.

The other group of resettlement leaders adopted a pragmatic negotiation model. They never denied the past harms done to them by the company nor the past failures of resettlement; they simply preferred to focus on the future. They did not want to wait for change. Vicente told me in an interview:

The impact [of resettlement] has been significant, as much cultural as economic, because families have stopped generating income because the expectations that we had because of what Cerrejón told us, well they have not been completed here. And we have great aspirations for the future to see if we can improve the conditions of the impacts that have been caused. Right now, we are in re-negotiations with Cerrejón. And that's why I say that we do not have to forget what happened but we should leave it to the side and start to construct. Here in Patilla we have seen that

the best way to construct is dialogue with Cerrejón, so yes we are in dialogue with Cerrejón. As you see we've started to fix some of the houses and we have our education agreement which is pending with a few modifications. And then the productive projects, which were a total failure. So we are seeing how we can renegotiate those, how to get them up and running or do macro projects so the community can have an income, because the inhabitants of these communities, we need an income in order to subsist here in the new site, because right now we are dependent on Cerrejón to pay the electricity and provide water, but if Cerrejón stops that, the impact will be great (Interview with the author, February 27, 2017).

They preferred negotiating directly with Cerrejón rather than waiting for legal processes or state recognition to gain collective rights and reparations. Vicente identified a central concern about the failure of livelihood replacement projects: people would never become independent from Cerrejón if they could not generate incomes. Cerrejón would not be in La Guajira forever, and people needed to find a way to make ends meet in the long-term. For leaders like Vicente, this meant renegotiating livelihood improvement projects in order to take advantage of the company's presence while they could.

Leaders disagreed on whether or not it was worth waiting to make a point to the company. On one hand, the company had subject communities to constant waiting and unfulfilled promises. Reclaiming their rights to govern their own communities via organizing as Afro-descendants was worth it to some leaders. On the other hand, legal processes like Prior Consultations could take years to complete; families in their communities were falling deeper into poverty and could not wait this long. In an interview, Eder Arregocés told me how he felt excluded by those trying to form a Community Council:

I've never had the opportunity to be part of these Councils. They've never informed me of anything. Maybe because people see me as a black sheep who was with Cerrejón. ..It would be good to make Afro Community Councils, but we have to do it properly, without divisions... The first thing we should do is work on self-recognition. I recognize myself as Afro, but that's not enough. You have to do the documentation, but that should be done with unity. If we are not united, it will be hard to strengthen communities as Afro-descendants (Interview with the author, March 1, 2017, translation by the author).

Eder described how although Community Councils were supposed to generate a collective movement, many residents felt excluded by the leaders forming these councils. When I interviewed Eder I asked what factors held people back from identifying as Afro-descendant and he said "poverty and hunger." It is not that people did not believe in the cause that people in the

Community Councils were organizing around. But the idea of undergoing more legal battles or waiting for state recognition was less appealing for people who were hungry.¹¹²

Throughout fieldwork, I witnessed many times in which Cerrejón officials questioned Chancleta, Patilla, and Roche's "authenticity" as Afro-descendant peoples. They often unfavorably compared Tamaquito II as a "real Wayúu community" to Roche, Chancleta, and Patilla as disingenuous Afro-descendant communities. For families in the resettlements, choosing to join a Community Council came with the risk of prolonging negotiations with the company. People feared they would miss their window to negotiate benefits. By questioning the authenticity of Community Councils, Cerrejón officials contributed to this fear and uncertainty. They encouraged families to negotiate directly with the company instead of bringing in state institutions or lawyers. As a result, some families began to blame the Community Council leaders for blocking progress on implementing resettlement agreements.

At the same time as the Roundtable dissolved, families living in old Chancleta and old Patilla were negotiating a Prior Consultation process with the company and state mediators. Cerrejón co-opted the terms of the prior consultation, which reminded community members how much power the company had over their lives. Company officials used the threat of waiting to hurry the process along, which led to greater community division. Residents discovered that whether the negotiation was with the company or with the state, the company dominated the process.

¹¹² Cerrejón officials contributed to the divisions between leaders by trying to delegitimize the Community Councils. During a Witness for Peace delegation in 2016, I attended a roundtable between delegates, leaders, and Cerrejón officials. When Rosa Galván spoke, she told the audience that FUNDES productive projects were against Chancleta's identity. She said resettlement had undermined people's ability to identify as Afro-descendants because it distanced them from their territories and their ability to produce for themselves. Cerrejón's administrators responded by questioning the idea that Chancleta and other communities were ever dedicated to agriculture at all. One employee read statistics saying that only 30 % of families practiced agriculture before resettlement and only 40 % fished or raised animals. Another told us that La Guajira's reality is complicated, stating that the company found the issues of poverty, health, education, and water, in La Guajira intolerable as well, but that Cerrejón was not at fault. Community members shouted back that the mine was the cause of their poverty and that Cerrejón's agricultural statistics were lies.

Chancleta and Patilla's Prior Consultation

The non-resettled portions of Chancleta and Patilla who still lived in the original settlements petitioned the state to intervene in their relationship with Cerrejón. In 2015, the Afro-descendant Community Council of Chancleta and Patilla¹¹³ (made up of the non-resettled families still living in the original site) filed a *tutela* (civil lawsuit) against Cerrejón for the impacts of resettlement. Wilman Palmezano in Old Chancleta and Ruben Dario in Old Patilla created the Council and filed the lawsuit with the help of a lawyer. In February 2016, The Constitutional Court ordered the company to conduct a Prior Consultation with the 48 families (Colombian Constitutional Court 2016).¹¹⁴ Alongside orders for Prior Consultation in Chancleta and Patilla, they demanded Cerrejón and state institutions work together to apply the right to potable and agricultural water in Chancleta and Patilla to all Afro-descendant and indigenous communities in the southern Guajira (Banks 2017).¹¹⁵ Despite the presence of state institutions, the company still dominated the consultation process. Company officials created a climate of doubt and uncertainty that led people to abandon proposals for collective resettlement. Chancleta and Patilla residents experienced the gap between the constitution's promise to fulfill their rights and the practice of claiming those rights.

¹¹³ These Community Councils were distinct from the ones in the resettlements. In Roche, the Community Council was made up of both resettled and non-resettled families.

¹¹⁴ Colombia's 1991 Constitution ratified Prior Consultation rights laid out in International Labor Organization's Indigenous and Tribal Peoples Convention 169 (International Labor Organization 1989), recognizing the rights of Afro-Descendant, Indigenous, and Roma peoples to consult with corporations, organizations, and state institutions over the impacts, conditions, and mitigation strategies of potential projects that affect their territories. Since 2011 Colombia's Constitutional Court has adopted Free, Prior, and Informed Consent (FPIC) in its legal framework through jurisprudence from previous Prior Consultation cases. This measure has strengthened groups' claims for consultation, because the Ministry of the Interior aims to achieve community consent for projects that impact their livelihoods and lands (Colombian Constitutional Court 2016). Colombia has a progressive Constitutional Court, which adopted an ambitious definition of Prior Consultation, considering it a fundamental right of indigenous, Afro-descendant, and Roma peoples (Universidad del Rosario 2019).

¹¹⁵ The Colombian Constitutional Court found Cerrejón and the Colombian government guilty of violating locals' rights to water in resettlements, and by extension all vulnerable communities in the Southern Guajira. The court justices used the *tutela* for Prior Consultation filed by Chancleta and Patilla as a vehicle to fix a major problem in La Guajira. In Colombia, it is common for the Constitutional Court to use a *tutela* case about one topic to make a wider demand.

I observed the Prior Consultation from its beginning in June 2016 to its conclusion in December 2016. There were two types of meetings: one between company officials, state officials, community leaders, and the communities' lawyer, and another that involved the whole community. I attended the first community wide meeting held in the cinema of the Willymar shopping center¹¹⁶ in Barrancas, which was an awkward place for a meeting. The room had no natural light and was over air conditioned. The auditorium seating made it feel like a lecture hall; the Ministry of Interior and Cerrejón officials played the role of professors. This set up made it hard for community members to participate since they had to look forward to the officials giving presentations and could not easily speak to each other. This setup seemed to remind Community members, despite the promises of community empowerment in a Prior Consultation norms, the company and state were in charge.

Carlos Franco, head of Cerrejón's Social Standards, opened the meeting by reminding everyone gathered that the Prior Consultation would only apply to the 48 families named in the Constitutional Court sentence. His words led to shouts from the crowd. Tulia who led the group of families who returned to Old Chancleta and Patilla in protest in February, spoke up to demand the resettled people be included in the consultation. The representative from the Ministry of the Interior went on to explain the norms of a Prior Consultation process and who was involved. When he explained that ANLA and the Human Rights Ombudsman office were supposed to accompany the process, people shouted out "this is state abandonment" and "we are forgotten by everyone," pointing out that neither of these institutions had sent a representative that day. People were accustomed to the negligence of Colombian state institutions, which had rarely defended them in their struggles with Cerrejón. The Constitutional Court made sweeping rulings in favor of communities, but the state institutions who interpreted those rulings were more conservative.

Cerrejón officials used the threat of waiting to exclude people from the consultation and push for individual settlements. Initially, Wilman, Ruben, and their lawyer took the stance that

¹¹⁶ Cerrejón had moved its Foundation office to the shopping center earlier that year.

they should include every family from Chancleta and Patilla, where resettled and or not.¹¹⁷ In this meeting, a Cerrejón representative told Wilman “if we open the consultation process up, we will ruin it.” Cerrejón officials took the stance that if all original families wanted to be included, they would have to file another *tutela*, which would delay the process. Wilman and Ruben’s lawyer pointed out that the communities had to move in order for Cerrejón to complete its planned expansion of the Patilla Pit. Carlos Franco responded that the Constitutional Court sentence did not suspend this project, so the community really only had two choices: work with the company now or delay the process with more lawsuits. Waiting was also dangerous. Just a few months earlier, the company used the ESMAD, the Colombian riot police, to violently expropriate the last families living in old Roche.¹¹⁸ During the expropriation, ESMAD forces in full riot gear used their weapons to force back unarmed protestors from Tabaco, Roche, Chancleta, and Patilla who were blocking Tomás and Idilia Ustate’s home. One protestor lost her baby to miscarriage from injuries sustained in confrontations with ESMAD (INDEPAZ 2016).¹¹⁹ Having just seen their neighbors in Roche displaced, families in Chancleta and Patilla seemed skeptical from the beginning that they would get much more than compensation for their land from the consultation. Uncertainty and doubt made resisting the company’s plans risky.

Cerrejón officials justified their domination of the Prior Consultation process by claiming that Chancleta and Patilla were not really Afro-descendant communities. In the Constitutional Court sentence, magistrates recognized the communities as Afro-descendant, both based on self-

¹¹⁷ In this meeting and the subsequent ones, Cerrejón’s resettlement team members made it clear that they would use the same impact matrix as the 2012 resettlement negotiations to decide how much financial compensation each family would receive. Juan Carlos Garcia explained that this method would respect the differential impacts felt by each family. Wilman and Ruben’s lawyer spoke up to tell the families not named in the Sentence that they did have the rights to ask for a collective territory and could submit a follow up *tutela* to claim those rights.

¹¹⁸ Six of the eight Roche families who had resisted resettlement in 2011 had moved out by that time, but two remained in protest of the conditions of resettlements. Tomás Ustate, who I interviewed before his expropriation, refused to move until the company guaranteed a place for his 450 *chivos* and cattle.

¹¹⁹ The expropriation was carried out shortly before Roche received recognition as an Afro-descendant community entitled to Prior Consultation.

identification, and supporting historical documents.¹²⁰ In the Chancleta and Patilla Prior Consultation case, the magistrates recognized the difficulties Afro-Guajiro face in building a collective identity and forming a coherent community, particularly due to a sustained loss of collective territory to the mine's expansion. The Court's decisions stated:

The Afro-descendant population living in Colombian territory is the result of a diaspora and colonial trauma; in the process of political re-vindication, the black people of the Guajira department reimagine themselves as a dispersed black community to make their identity visible. However, the diaspora, a characteristic of their history as a black community, becomes a limitation at the time of re-vindicating their identity, because the hegemonic imaginary validates an ethnic community exclusively in relation to a demarcated territory, bound with nature. This situation deepens with the expansion of mining in their territory (Corte Constitucional de Colombia 2016a, 224).

One of the reasons Cerrejón officials denied that Chancleta and Patilla were authentically black communities was their lack of collective territory. But the Constitutional Court magistrates pointed out that these communities did have territory, but it had been reduced by the expansion of the mining complex.

Throughout the Prior Consultation, Cerrejón officials created a climate of doubt about Afro-descendant identity in La Guajira, which hurt efforts at collective organizing. Juan Carlos Garcia, the lawyer in charge of the resettlement team, tried to have the Prior Consultation charges dismissed. In his initial interview with Constitutional Court magistrates he said : "On the question of Negritude, yes it is possible here and there, it's obvious that there is a distinct black race but there is no collective territory and the individuality is reflected in this *tutela* where they are being asked to be treated as individuals not as a collective" (Corte Constitucional de Colombia 2016a, 76). In his testimony, he provided anthropological studies that proved the communities were

¹²⁰ The NGO CINEP was an important ally for the Afro-descendant communities reclaiming history. In 2014, the NGO published the book *Bárbaros Hoscós: Historia De Resistencia y Conflicto En La Explotación Del Carbón En La Guajira, Colombia (Tough Barbarians. Resistance and Conflict Around Coal Mining in La Guajira, Colombia)*, in coordination with Roche (Munera Monte et al. 2014). The book carefully documented the history of Roche as an Afro-descendant community, the changes to the community brought by mining, and the impacts of resettlement on the community. The authors told the history of Afro-Guajiros in Cerrejón's impact zone. Roche, Chancleta, and Patilla leaders all used *Bárbaros Hoscós* as evidence in their *tutelas* demanding Prior Consultation. Constitutional Court magistrates referenced this book in their decisions, showing the oral histories proved Afro-descendant heritage.

campesino rather than Afro-descendant.¹²¹ In both the Prior Consultation case and in resettlement negotiations, I witnessed how this climate of doubt made people more uncertain of claiming Afro-descendant identity through legal processes. It was not so much that people denied their black roots; they just did not want to wait for recognition. It was easier to acquiesce to Cerrejón officials' offers for individual compensation than to keep fighting. The lack of state support for Afro-descendant organizations in La Guajira helped the company.

The 48 families who took part in the Prior Consultation were people who objected to the use of the impact matrix in the 2012 resettlement negotiations or families who did not qualify for resettlement. Despite their expressing in workshops that they wanted another option, company officials insisted on using an impact matrix that assessed how much each family deserved in compensation. This matrix was almost exactly the same as the one used in 2012 (see table 9). In one meeting in the Barrancas cinema, I witnessed how divisive the Prior Consultation had become because of the use of impact matrixes. I remember sitting in one of the middle rows of the windowless room with carpeted stairs on either side. Most community members were seated in the theater chairs, but others, who seemed tense, were lined up on the stairs. About halfway through the meeting, the Cerrejón officials present were going over the impact matrix categories. They read the lists of the heads of household and where each person fit. Suddenly, Britta Lopez stood up to yell at her neighbor Mayerly Claros¹²² who was claiming to be a "native" of Chancleta. Britta called Mayerly a liar, because she was not from Chancleta, she was from Maicao. Mayerly grew so agitated that she rose from her seat and began running down the auditorium steps to physically confront her accuser. Three men stood up to block her path and calm her down. They firmly, but gently, put their arms up to keep her from running down the steps. This physical confrontation was emblematic of the social conflicts created by the narrowing of their community identity under impact matrixes. People had to categorize and prove their belonging to only one community and to one nuclear family. Their fellow residents, and often their own extended family, verified their status. Given that many residents were afraid they would get a "small piece of the pie" if more people enter into compensation and benefits agreements, there is an incentive to question others' rights to receive compensation. The Prior Consultation repeated the community conflicts from the

¹²¹ Juan Carlos Forero carried out an anthropological study of Roche before resettlement in which he said the community was *campesino*, which I referenced in chapter four.

¹²² These are both pseudonyms

2012 pre-resettlement as people turned away from their aspirations for a collective community project toward finding the best individual solutions they could.

Table 9: Impact Matrix used for Chancleta and Patilla Prior Consultation. Reproduced from slides presented by the Cerrejón resettlement team during the consultation process.

Criteria	Category	Points
Place of birth (20 %)	Native to Chancleta or Patilla	4
	Non-native	0
Accreditation in original census (20 %)	Relocatable	4
	Not Relocatable	2
	New resident	1
Actual residence (20 %)	Chancleta or Patilla	4
	Not Chancleta or Patilla	0
	No accreditation	0
Year of arrival (20%)	Before 2000	4
	2000-2007	3
	2008-2010	2
	2011-2013	1
	2014 or later	0
Type of household (10%)	Independent household	4
	Dependent	0
Improvement to land (5 %)	Improvement and possession	4
	None	0
Economic impact of relocating (5 %)	Yes	4
	No	4

The 48 families named in the lawsuit were mainly from two categories: families with large farms who did not want to resettle in 2012 or families who did not qualify for resettlement in 2012.

A legal expert I interviewed about the 2016 Prior Consultation case commented on the class and kinship divisions in Patilla and Chancleta:

It's a very unequal community, although everyone is vulnerable and poor, they are not equal, they do not feel equal, they do not have coherent objectives. Additionally, it's a community permeated by outsiders who came there looking for an opportunity foreseeing that in a future moment the mining company would have to do or negotiate their displacement from those sites. This is how they discovered in front of everyone that they are not a homogenous community with common interests, but instead each of them had their personal ways of finding solutions and confronting life. I think the worst thing they could have done was to look for a collective solution...They have many conflicts within the same community, there exists many divisions: people who are original or natives feel different than people who came from elsewhere. And this created a permanent conflict that prevented a collective framework (Interview with the author, Jan 16, 2017).

From the legal expert's point of view, outsiders moved to Chancleta and Patilla after 2007 in order to receive compensation from the company. Given that the majority of the original Chancleta and Patilla families had already left the communities, there was little basis for building a strong collective movement. Many families were willing to take immediate cash compensation over waiting for a lengthy collective resettlement.

Throughout the Prior Consultation, I never saw a state official intervene on behalf of the communities. I witnessed how this created an environment in which the majority of community members felt that they had no choice but to accept what Cerrejón officials offered. Refusing to do so might drag out the process longer. At one of the last community-wide meetings, no state institutions arrived. Carlos Franco made a point of reiterating that the Human Rights ombudsman was supposed to be there and never showed. Apparently La Guajira's district attorney had just quit, so no one came from that office either.

These meetings ended in December 2016 but disagreements over compensation did not. The majority of families voted for individual indemnity packages and not to go with a collective resettlement. In the final community meeting, many residents accused Wilman of selling them out. Wilman reminded them he had voted for a collective agreement, but was in the minority. In the end, the majority of families chose to accept individual compensation based on the matrix rather than push for a collective resettlement. Category A families who received \$333,000 USD and even category B families who received \$83,000 USD, had the possibility of buying land and returning to an agricultural way of life. Category C families received \$20,000 and Category D

families only received \$10 000 USD.¹²³ The majority of people accepted these payments because they did not see another viable alternative.¹²⁴ From the beginning, Cerrejón officials made it clear that they did not believe that all 48 families named in the lawsuit deserved a collective resettlement. They created an environment in which they doubted people's claims of their rural livelihoods, their Afro-descendant history, and their rights to compensation. After accompanying the process for many months, I was sadly not surprised that there was no lasting collective movement or organization when the Prior Consultation ended.

¹²³ As of 2019, these payments have not been completed because to receive the full amount, the Ministry of the Interior requires that the community and other participants come up with a "Life Plan" (Plan de Vida) to ensure that the outcomes of the consultation are in line with community values and development goals. Due to conflicts within the community and bureaucratic mismanagement of the process, families are still awaiting the majority of the money in order to rebuild their lives.

¹²⁴ When I returned to La Guajira in 2018, the Community Council in Old Chancleta and Old Patilla had virtually dissolved. Without an active negotiation, most people did not see a reason to remain organized. Their Community Council turned out to be a temporary organism used to negotiate an agreement, rather than a permanent community political movement. Most families had signed agreements and moved in 2017, leaving only four families in the old site who refused to sign the agreements. After the Prior Consultation, many people turned on Wilman, accusing him of negotiating the agreements behind closed doors. Rumors of the Palmezanos' involvement in the FARC, which had plagued his brother Adolfo years earlier, circulated as a means of discrediting his leadership. Political violence left its mark in the communities and continued to impact where people trusted their neighbors

The 48 families in Chancleta and Patilla involved in the Prior Consultation waited a long time for their lawsuit to be approved in the courts.¹²⁵ By the time they sat down to negotiate with the company, their existence was ever more precarious as the company had begun its expansion of the Patilla pit. During the consultation, the mine never stopped encroaching on their land. The families were reliant on lawyers and state institutions to help decide their future, but quickly found that the company controlled this process. After the majority of families signed agreements, they continued to wait for the Ministry of the Interior to approve the settlement and for the company to pay out. When I visited in 2018, families were still waiting for their last payments. When people are constantly waiting for benefits or aid, they experience doubt and uncertainty over collective

¹²⁵ In 2016, Roche's Community Council won a tutela filed against the Ministry of the Interior, Ministry of the Environment and Sustainable Development, ANLA, and the Cerrejón company filed in the La Guajira Judicial Court system (Torres Ormaza 2016). In 2017, a similar tutela passed the national constitutional court system. The tutela was ambitious claiming violations of Prior Consultation rights, the rights to a new set of Prior Consultation negotiations, a demand to recognize Roche as a collective territory, a demand for compensation for community suffering, a new resettlement for the 275 families not resettled, a payment for prices for land bought by the company, and resources from Cerrejón to implement of educational, cultural, social, and health programs (Torres Ormaza 2016, 1–2). The Guajira court did not find a violation of Prior Consultation, but did order a consultation over the community's cemetery considered an ancestral site, that still remains in Old Roche. The court saw the tutela as being too far reaching, endowing Cerrejón with responsibilities that the state should take on. Nonetheless, the justices did demand the creation of a new roundtable as part of Prior Consultation to resolve these issues. The court also acknowledged the poor quality of life in resettled Roche, especially the lack of access to land (Torres Ormaza 2016). However, the court also sided with the company that the resettlement census was legitimate because community members themselves decided who was eligible for resettlement. Roche began a process of Prior Consultation with Cerrejón the Ministry of the Interior in June 2017.

In Roche, the original 514 families who hoped to be part of the tutela were reduced to only 33. Those who sold their land after 2003 and/or were resettled were not eligible to participate. Roberto Ramirez reported receiving threats from three community members who opposed this plan. He filed a complaint against them with the attorney general's office. The Roche members denied these accusations and called Roberto a sellout for accepting cash payments from the mine instead of negotiating for more people to participate. Eder and Yoe, who had been at odds over the resettlement negotiations, worked together to try to open up the Prior Consultation to resettled families. Similar to the process in Chancleta and Patilla, the negotiation began with aspirations for rebuilding community and recuperating Afro-descendant identity, but ended with individual cash payments for damages. Being Afro-descendant had a cash value that earned them improved compensation, but it did not allow them to regain power over their future. Prior Consultation made them more reliant on lawyers, the state, and the corporation than before. By asserting their legal rights as Afro-descendant peoples, they negotiated a better, if still minuscule, share in the profits generated by coal mining.

action (Auyero and Swistun 2009). The outcomes of the Prior Consultation reinforced that people had no choice but to accept the limited benefits the company would give out. This waiting reinforced how their ability to survive was tied to the company.

Tamaquito II's resettlement process stood out. Residents took ownership of planning. They took time to do internal consultations, which made the process slower initially, but led to more satisfactory results. At the same time, they were critical of the company making them wait. The community was united in its message, and leveraged their connections to Colombian and international activists to threaten the company's image. In doing so, they prevented the company from completely dominating the resettlement process.

Fighting for autonomy in Tamaquito II

I arrived on a breezy December morning to Tamaquito II. My *motocarro* driver putted along the dirt road between houses with brightly colored roofs; the blue, green, red, and yellow color schemes of the houses represented the four clans in Tamaquito. We pulled up to the meeting pavilion at the far end of the community's communal territory where the *fútbol* field stretched out to the Sierra Nevada de Santa Marta foothills in the distance. Clouds rolled over the mountains in the background. December is one of the only months that brings much needed cooling rain, breezes, and cloud cover to the parched earth. The arrival of the rainy season provided more forage for the goats, helping them fatten up in time for the end of the year feasts.

I arrived dressed in a *manta*¹²⁶ since the women asked me to "dress like a Wayúu." It was a special occasion: the closing ceremony for post-resettlement negotiations in Tamaquito. I greeted Jairo and others from Tamaquito. I saw residents from the other resettled communities: Chancleta, Patilla, Roche, and Las Casitas. Other guests included officials from the mayor's office, NGO representatives, and Wayúu from regional NGOs and social organizations. The speakers sat at a table in front of the meeting pavilion's small stage, which featured paintings of a bow and arrow, and all of Tamaquito's clan symbols and names. For the day's event, Cerrejón

¹²⁶ A billowy dress worn by Wayúu women. Women spend hours embroidering the dresses, especially ones they use for special occasions.

hung a banner with its logo. The community hung a woven *chinchorro*¹²⁷ that partly covered Cerrejón's logo. This was a fitting symbol for the day: Cerrejón's communication team could take photos and videos of this event for positive publicity, but Tamaquito was the protagonist.

Jairo was dressed in a hand embroidered white cotton shirt that has the name and symbols of 8 Wayúu clans cascading down both sides made by one of the many women in the community who are expert weavers and embroiders. He also wore a woven straw hat in red, blue, and taupe, and carried his *cabildo* staff. He opened the ceremony, first by addressing his community in Wayuunaiki. Next, he switched to Spanish to welcome the non-indigenous guests. He called this occasion "the beginning of the second chapter of resettlement." He said:

The most important thing for us has been unity, the one voice we have, the participation of everyone. Participation is not just of the authorities, it's from everyone: wise elders, youth, women, and children who all must be part of our future to bring development and sustainability to the community in the long term. For us as a community, unity is the first thing.

This is a principal within our dialogue as well, we have always had differences. As a community we defend our rights and the company defends its interests, we know that. The company has its politics, we have our autonomous politics within the community. We have our rules: the principal of dialogue is the most important one. We must sit down, look at our principles and values to create a dialogue that arrives at agreement. We know that in all of these discussions there are always stumbling blocks, but we have always been willing to move forward and negotiate in good terms without involving a judicial process. Because I believe if they listen to us and we make proposals, we will arrive at a good agreement.

We are capable as a community. Today we are closing the resettlement agreements so that we can be autonomous and have the capacity to not ask for more accompaniment.

This is my message for the other communities who are in processes, that you sit down to negotiate in a good way, but before sitting down you should have some principles of respect and respecting communities' rights, and the community has to respect everyone's opinions without anyone feeling offended.... I don't want you to take Tamaquito as the only model, but to use us as an example of good dialogue (Transcribed from recording, December 16, 2016, translation by the author).

¹²⁷ The loom-woven hammocks made by Wayúu people. They generally have a decorative crocheted band around the outside. Typically, they are made with multiple bright colors. Traditionally, Wayúu sleep in *chinchorros* instead of beds. They consider *chinchorros* a connection to the earth, which allows them to dream.

Jairo's words captured why Tamaquito II had maintained unity and achieved a collective rural resettlement: the entire community was invested in a future in which it would be autonomous from the corporation and the government. From the beginning of their process, the community recognized that state institutions were not reliable. They used the principle of prior consultation to convince the company to resettle them, but never held an official consultation with state mediators. The residents of Tamaquito II understood the principal of compromise: they could not halt the expansion of the mine, but they could fight for better benefits from the company in order to gain control over their future. By drawing on Wayúu traditions of reparations, they insisted that a rural resettlement was the least the company could do for them. Cerrejón officials wanted to avoid a most costly legal process with Tamaquito II as much as the community did, which meant they became willing to negotiate directly with the community. The people of Tamaquito II took advantage of these negotiations to extract the maximum benefit they could, to set them up for a future in which they would no longer be reliant on Cerrejón. They tried to create a future in which they would not always be waiting.

Residents of Tamaquito II were united in wanting to be autonomous from the company. In chapters five and six, I showed how Tamaquito II appropriated concepts like the impact matrix to do resettlement on their own terms. They created a vision for the future which held them together, and prevented them from succumbing to the uncertainty and doubt that plagued the other communities. Community members presented their plans for resettlement as the minimum they were owed by Cerrejón for decades of enclosure and displacement that had cut them off from their traditions and territory. In their resettlement, they found ways to recreate some of what they had lost: access to communal lands, the ability to produce for themselves, and a connection to their culture and history. The people of Tamaquito II designed their resettlement in order to be autonomous from the company one day. They had a sense of agency over the process, which helped them maintain unity, rather than always feeling like they were waiting for the state or corporation. This foresight actually aligned with Cerrejón's officials goals for resettlement: to empower communities to make the best of their situations. The people of Tamaquito II understood the logic of corporate resettlement and designed a plan that combined their aspirations to remain a rural Wayúu community with Cerrejón's desire to make communities independent from company handouts.

One of the keys to Tamaquito's success was their ability to tarnish Cerrejón's corporate image. Cerrejón's public relations team repeatedly used Tamaquito II to showcase the company's CSR programs, and the community used that position to push back. Tamaquito worked with a group of German filmmakers in 2013 to document the resettlement process from the negotiations to the physical relocation. The resulting documentary *La Buena Vida* has made an impact on Cerrejón's Public Relations campaigns. Eduardo Fuentes, Jairo's brother, told me in an interview:

It's been one of the tools that helped us a lot. For us, it's very important that the whole world sees it, it's been very important for us because this has been hard, this is the reality. They say it was not like this, that this was a set-up, that's what they wanted to be true. But that is pure reality, because we are not where we came from. For example, here we do not have work because there's no water. In comparison, there was rain there, we cultivated, we went to town to bring things to market to sell them, we went up. It was peaceful, but here it's difficult, it's hard. (Interview with the author, Feb. 13, 2017).

Activists in Colombia, North America, and Europe have all used the film to raise awareness about Tamaquito. Embassy officials and delegates have watched the film at special screenings to prepare them to visit La Guajira. Whenever the community and company were at an impasse over issues like building a water treatment plant, Tamaquito II would use these international connections to shame the company into fulfilling its agreements.

Cerrejón's public relations team also liked to use Tamaquito II's relatively successful resettlement to showcase the company's CSR projects. The people of Tamaquito II used their position as the jewel in Cerrejón's crown to make the company and its shareholders listen to other communities. In November 2016, I found myself waiting in the mid-day heat alongside a group of community leaders and activists in Tamaquito. It was the middle of the afternoon, and the roof of the meeting space provided much needed shade. Nonetheless, we were all clearly uncomfortable, sitting in our plastic chairs with sweat sticking to our legs. Generally, people in La Guajira have the good sense of not scheduling meetings between noon and 2 pm. But today, people were willing to brave the heat to meet with three representatives from Energie Baden-Württemberg AG (EnBW), a Germany energy company that buys coal from Cerrejón. Johannes Laubach, Lothar Reith and Dirk Keller were on their way to visit the resettled Wayúu community as part of a tour of Cerrejón's operations and CSR projects. The Cerrejón administrators arranging the Germans' visit intended to bring them only to Tamaquito without visiting other resettled communities. However, leaders from several communities communicated the day before the Germans' visit to arrange a delegation of representatives to attend the meeting. The resettled

communities of Las Casitas, Roche, Chancleta, Patilla, and Nuevo Espinal all sent representatives. Samuel Arregocés came to speak for the displaced people of Tabaco. Two Wayúu leaders from El Rocio, facing the threat of the diversion of the Bruno tributary stream by Cerrejón, also attended.

When the EnBW delegates first arrived, they announced that they had only come to talk to Jairo about progress in Tamaquito. EnBW had provided some of the financing for Tamaquito's water plant, which at the time was not functioning. The company has used Tamaquito as an example to counter negative press against the company by German anti-coal activists, particularly after the release of *La Buena Vida* in 2015. Jairo told the delegates he would be happy to speak to them, but only after the other community leaders had the chance to speak. Jairo commanded authority, telling the delegates that they were guests in his territory, and would have to do things his way. Several times throughout the meeting, the Germans asked to hear from Jairo. He continued to make them wait. Jairo recognized that waiting was a powerful tool, and became the authority by forcing the EnBW representatives to wait for him.

At the very end of the meeting with EnBW, Jairo did speak on the situation in Tamaquito. He started out speaking calmly, but soon his voice rose and became sharper as he scolded the EnBW delegates as if they were petulant children. He told them, "Next time you come to my territory, come with enough time to talk or you will not be welcome" (Transcribed from video by the author, November 29, 2016, translation by the author). As the EnBW delegates got up to leave, he continued:

You need to come with enough time, because the idea is that you make improvements and demand that of the Cerrejón Company, because how many years, how many, in 2015, how many tons of coal? So you must also demand that Cerrejón improves, for example: that they respect the law, that they respect the right to a healthy environment, that they pay the settlement for an impact, that there is 24-hour potable water, right? And what's more for example, not just that - the problem of the electrical system. There's an electrical problem here, and you as the company should look for solutions to it with a solar panel and not ignore problems like this (Transcribed from video by the author, November 29, 2016, translation by the author).

The men scurried back on their bus, into the air conditioning and cushioned seats, and away from the heated atmosphere. Jairo had pointed out that his community was tired of waiting for a solution for their basic necessities. Given how rich energy companies were getting off of Colombian coal, and how little it would cost in comparison to provide water and electricity to Tamaquito II, Jairo

shamed the EnBW officials for denying his community these basic rights. No one in Germany would have to wait years to be connected to water or electricity.

The people of Tamaquito II did not wait for the state to fulfill their rights; instead, they used a human rights lawyer to make the company agree to respect their rights to save getting the state involved. They crafted a vision for their future that combined the confines of resettlement planning with their own aspirations. They took their time designing their resettlement plan. The people of Tamaquito II also felt the violence of waiting, but stayed committed to a plan that would free them from that waiting in the future. They did not succumb to pressure from corporate officials to change their demands nor rely on the intervention of state institutions. Instead, they used their position of the company's favorite community to criticize Cerrejón for making them wait to fulfill agreements. This unity and vision allowed them to challenge Cerrejón's image, and better balance power between themselves and the company. Tamaquito II residents still often had to wait, especially for projects that involved all the resettled communities. The court order to improve water access in all communities led to many stalls and delays that hurt Tamaquito's vision for a macro-project and caused friction with other communities.

The Roundtable reunited and re-divided

Roundtable Leaders reconvened in early 2017 to address a shared problem: the lack of potable water in resettlements. The Constitutional Court case used its decision on Prior Consultation in Chancleta and Patilla to order an additional process: implementing potable water across the Southern Guajira.¹²⁸ In 2017, the company began negotiations with the leaders of the resettled communities to implement this order. While people in the communities had a common goal, 24 hour access to potable water and water for agricultural use, they had distinct ways they wanted to address this project. Some objected on principal to the plans made by Cerrejón's resettlement team, because they wanted to design their own water systems. Other leaders wanted to resolve the issue as quickly as possible. They were tired of relying on outside lawyers and negligent state institutions. They had waited years for reliable access to water, and did not want

¹²⁸ In Colombia, it is common for the Constitutional Court to expand its sentence on a specific case to address a broader systemic problem. The lack of potable water in resettlements was one of the most frequent problems observed during the Court's 2015 investigation.

to face any more uncertainty. Other leaders used delays to send a message: they were entitled to greater participation and respect in planning.

Following the Constitutional Court Sentence, Cerrejón's resettlement team approached leaders in Chancleta, Patilla, Roche, Las Casitas, and Tamaquito II in order to fulfill the order to implement potable water in the Southern Guajira.¹²⁹ Leaders had drastically different ideas for a solution to their water problems. One group wanted water tanks to deliver potable water, another group wanted the mine to finish its plans to construct a small dam on the Ranchería Rivers, and another still wanted part of the water to come directly in bottles or bags to each family. Rosa Galván from Chancleta and Yoe Arregocés from Roche refused to cooperate on the construction of the dam and water lines because the infrastructure would pass through Roche and Chancleta. They insisted that as Afro-descendant communities, the company had to do a Prior Consultation with them. A Prior Consultation process could take many months or years. Resettled people were critical of the outcomes of the Prior Consultation in old Chancleta and old Patilla, which had created more community division. Many leaders feared waiting any longer to have reliable water access. At the time, Tamaquito II was negotiating the final details of its macro-project and needed this water line for agricultural irrigation. Rosa and Yoe were willing to wait to prove a point; they knew that stopping negotiations could be a powerful tool to send a message to the mine. But, because Rosa and Yoe were making others wait, it also increased tensions between leaders.

During my fieldwork, I frequently observed Cerrejón officials using the lack of community solidarity to delegitimize certain leaders and their ideas. In several meetings with Tamaquito II, one resettlement team member openly criticized Yoe and Rosa to the entire community, noting how their decisions were harming other communities. She likened their strategy to make people wait for negotiations to communities cannibalizing each other. A community member told her in response that these political differences came from the resettlement process. What he captured was that although many people in Tamaquito II were frustrated with Yoe and Rosa, they recognized that resettlement was the cause of these tensions. The critical resettlement team member gave me a ride home after one of those meetings. She asked me my opinion as an anthropologist on why Rosa and Yoe refused to cooperate. I told her that many people in

¹²⁹ The Constitutional Court named several institutions as having joint responsibility in executing this order: the regional water company, municipal and departmental governments, national state institutions, the Cerrejón Corporation, and community water associations.

resettlements do not trust the company, which created distrust between leaders. I said that leaders have very little power in these negotiations other than to refuse what the company offered.

Some leaders saw waiting as necessary to make the company listen. One Sunday afternoon, I visited Rosa Galván in Chancleta. She, her husband, and their son were relaxing at home after a hectic week. We started chatting about the water issues. She told me how tired she was of the way that Cerrejón officials treated her and other leaders by pretending that the company was gifting the communities necessities like water, when in reality, the company was fulfilling its legal obligation laid out in the original resettlement plans. She was well aware that resettlement officials were saying bad things about her behind her back. She called one Cerrejón official “the town gossip.” She pointed out that she was trying to think in the long term. When the company proposed connecting them to a dam on the Rancheria River, she objected because the part of the river that runs by the communities is downstream from rice farms cause toxic runoff from heavy pesticide use. She emphasized that she was willing to negotiate and she made that promise in front of all community members. But she also emphasized that the conditions of negotiation were fundamentally unfair because the company had all the power: “Is La Guajira a department with a multinational corporation or a multinational corporation with a department? People Like Lina Echeverri¹³⁰ blaming us for being opposed to development, but that’s just to justify what they are doing. Who is coal good for? Politicians, the central state, the business. But the grassroots? Nothing” (transcribed from fieldnotes, April 2, 2017).

Rosa realized that resettled communities had to wait for water because of the company, and reasoned that waiting a little longer to implement a better system was worth it. Rosa related this situation to a larger structural problem. She explained that she had halted the construction of more pipes that ran through Chancleta because other people in the community asked her to do so. She told me, “They have the right to make decisions in their chicken coop, but in my chicken coop, I am the leader and I have the final say” (transcribed from fieldnotes, April 2, 2017). She made an analogy to explain why she could not trust Cerrejón employees:

It’s like being a vulnerable woman who is engaged to a rich man. He says he’s going to build you a new, nicer house that will have everything you need: potable water, land, and electricity. But then he says he needs your house to build a new building. And you think it’s ok. And you let him have it and you move. And he helps you with money and gives you some things for your kids. But once you’re

¹³⁰ Lina Echeverri is currently Cerrejón’s Vice President of Public Affairs and Communications.

married you see his other side. He's not so sweet. The house isn't what you wanted and you can't go out with your friends anymore. And after four years, he still hasn't given you what he promised. So you're in a bad marriage now. But where do you go? Because you're dependent (Interview with the author, April 2, 2017, translation by the author).

This kind of dependency on Cerrejón made some leaders want to rebel. They resented being made dependent by resettlement. Rosa wanted her community to be independent from the company. But she did not believe that productive projects or employment would be enough. Along with leaders from Roche and Patilla, she began to protest the company.

At a meeting with other leaders, I learned why many disagreed with Rosa. The leaders I met with felt that Rosa and Yoe were being unreasonable and misinterpreting the Constitutional Court order. Sentence 256-15 demanded that Cerrejón and the state provide water, not that they consult with communities on how to provide the water. They were worried that the longer Rosa and Yoe stalled the process, the greater the likelihood that the mine would never have to complete the order at all. Indeed, the company officials told me they could not complete the order if the communities would not let them. One leader put it even more bluntly, saying they had to get the maximum benefit from Cerrejón now, because the company's concession was up in 15 years. Furthermore, Yoe and Rosa had suggested they might make an official legal demand against the company for not following Prior Consultation rules. Some of the leaders objected to these legal maneuvers because they did not trust state institutions or lawyers, and did not want to wait for years to find a solution. The Prior Consultation in Chancleta and Patilla proved that state mediators would not intervene to balance the power between communities and the company. The more uncertainty people felt about their future, the more willing they became to accept solutions handed down by the company. Waiting for the state is a way in which marginalized people experience subordination (Auyero 2012; Auyero and Swistun 2009). For people in resettled communities, waiting reinforced how their world could easily be reduced to their relationship with Cerrejón.

While the joint water infrastructure was stuck, Tamaquito II moved ahead on its plans for a potable water plant. While residents would have to wait for water for their macro-project, they would at least have water for household use. Throughout my fieldwork, at every meeting with Tamaquito II and resettlement officials, they discussed water. Cerrejón had built a potable water

plant in Tamaquito II in 2013,¹³¹ which stopped working after only two years, and there was only one company in all of Colombia that could come to fix it. The replacement parts for this well came from Europe, meaning long delays for maintenance. The community had to wait for specially trained technicians to help them and for the company to pay for repairs. This experience reinforced their subordination to the company, which was contrary to their aspirations for autonomy. After the special water treatment plant failed, Tamaquito insisted that Cerrejón build a new plant that the residents of Tamaquito II could operate on their own.¹³² Jairo developed a hilarious and poignant trope for shareholder and company visitors to the community, in which he would ask them to drink one liter each of water, since Cerrejón's experts had insisted their tests showed the water was safe to drink, despite the bad odors and spike in gastrointestinal disease in the community. In March 2016, Jairo invited delegates from Glencore and the German Embassy to try the water, and they refused. Jairo loved to tell this story to community allies. He has used this line to call out shareholder and company public relations material that announces the completion of the water project in Tamaquito. Residents of Tamaquito II used their ability to influence the company's image to negotiate the construction of a new plant that finally went into operation in June 2017. The community asked that this time residents be trained to manage the plant themselves. They took steps to get what they needed from Cerrejón while they still could, while planning to manage water autonomously in the future, making them less subordinate to the state and company in the long run.

Cerrejón officials respected the leaders of Tamaquito II, and stopped questioning the community's rights as indigenous peoples. They had a much more critical attitude about the rebellious leaders in Chancleta, Patilla, and Roche. One day in 2017, I met with Juan Carlos Garcia, the head of the resettlement team at the time, and Juan Carlos Forero, an anthropologist who worked under Garcia. The day started off as many of my mine meetings had. I arrived at security, handed over my identification to the guard, and found my driver among the white pickup trucks waiting for passengers inside the mining complex's gates. The driver took me to one of the austere grey buildings inside the complex, where I met in the team in a windowless room with

¹³¹ When the community designed its own impact matrix, they insisted that their access to streams and the Ranchería River be replaced by a functioning water plant. The original plant relied on a deep well system, which was over 60 meters deep. The

¹³² Indepaz carried out a year of water testing in 2016 that confirmed the wells needed better treatment to fit standards for human consumption.

white walls, white tiles, and white ceilings. I intended to interview Forero and Garcia, but then I handed out Institutional Review Board permission forms, they scoffed. I soon realized they had planned to steer the conversation in a certain direction. Throughout the meeting, they questioned my objectivity as a researcher. Forero, who has an undergraduate degree in anthropology, and took it upon themselves to explain the difference between “etic” and “emic” anthropology, stating that I could never be objective because of my activism. This critique was coming from the same person who published a study for Cerrejón disproving that Roche was Afro-descendant.

I asked them to talk about water, but after a few minutes, they steered the conversation to talk about corruption. They referred to the leaders in communities as always complaining about corruption, not recognizing that they themselves are corrupt. I asked why leaders are corrupt, and they told me “they are making false claims about being Afro-descendant to get benefits” and “they are using their position for individual gains not common good.” Forero continued to tell me that Community Councils are part of “a political process not an ethnic movement.” He was clearly questioning the motives of leaders like Wilman, Yoe, and Rosa. Referring to the two Prior Consultation processes in Roche, Chancleta, and Patilla, he told me families brought Constitutional Court cases against the company just to receive greater individual compensation. He said that creating a Community Council for individual economic gains undermined the purpose of a Council, going so far as to call it “political corruption” because people are making false claims about their identity. His words reiterated how much control over collective organizing the company had; people in Roche, Chancleta, and Patilla needed the company to recognize them as Afro-descendant in order to use their identity for greater benefits. By questioning communities’ claims of Afro-descendant identity, Cerrejón’s administrators reinforced that the communities were subordinate to the company. The long-drawn out negotiations over whether or not people would be recognized as Afro-descendant made people feel this subordination, and drew people away from collective organizing. By blaming leaders’ corruption for delays in negotiations, they also distracted from the failure of the company to complete its legal responsibility to provide water in resettlements.

Solidarity

Sustained collective action was difficult in the resettlement, but I did witness moments of solidarity. Despite divisions, community members are connected by deep bonds of kinship and

shared history. Within and between communities, people are connected by family lines and friendships. They lived as neighbors over many generations. Moreover, they shared an experience of losing their control over land and their means of survival. Over more than 30 years, all the communities in Cerrejón's impact zone were forced to urbanize. All families are doing what they can to survive those conditions.

I thought about these commonalities as I left La Guajira in April 2017. Jairo and Eduardo's nephew, who lived in Roche and it related to Idilia, Tomás Ustate's wife, died after a motorcycle accident. He was only 19. Tomás and Idilia's daughter was also on the motorcycle and she broke her leg in several places. I attended the funeral for the young man in Roche that Saturday. Arriving at 9 am as the day was heating up, I saw hundreds of people were already gathered in the plaza. Family and some friends of the deceased were crying, some openly wailing. Other people greeted each other as we waited for the church to open for the mass. I stood with Angélica and Samuel. I greeted Rocheros from both the resettlement and outside of it. I hugged Doña Rosita from Tamaquito II. Everyone was dressed in their *costeño* funeral best: women in white mantas and embroidered dresses and men where in white embroidered shirts. Their bright starched clothing contrasted with the somber feeling of attending the funeral of a young man taken well before his time.

We followed the casket into the church where the priest led a generic mass. He spoke of the evils young people face including drugs and sex. I am not sure anyone absorbed this part of the sermon. I thought about how I had messaged Yoe the day before saying how sad I was to hear a young person from Roche passed. He commented that this is proof that resettlement brings nothing but "poverty and death." For many here that is the real evil young people are facing, they are being forced to join a precarious workforce without a community to help them survive. This generation is growing up in a different world from their parents.

At the end of the mass, the guests embraced each other. I was able to hug Eduardo and Jairo, which was good since I wanted to pay my respects without being intrusive. They both looked so ashen and sad. I spoke with Angélica about this mass later. She said that Jairo and many others think something is just wrong about resettlement. People are losing their connection, and thus protection, from the spirit world. The mother of the boy had already lost two other children in accidents. There have been other accidental deaths in Tamaquito of this sort. It was not, as the

priest had said drugs and sex that posed a danger to the young generation, tether, the precarity of living in extractive capitalism made their futures uncertain and unpredictable.

This funeral occurred in the midst of fighting between leaders over the implementation of the water infrastructure. Yoe and Jairo were at odds, yet at the funeral, they shared a common loss and a common purpose. This moment spoke volumes to what solidarity and community can look like. The experience of waiting for the company to fulfill its promises had driven people apart. Despite all these difficulties, people do not cease to be part of a community or in this case, a network of communities. Roche, Chancleta, Patilla, Las Casitas, Tabaco and Tamaquito II shared family. They shared history. They shared tradition. They shared space. They also shared a struggle to survive.

Resettled people's experiences were defined by waiting. They waited for the company to build infrastructure and implement livelihood replacement projects. They waited for the state to fulfill their rights. This waiting reinforced their subordination to the company and to the state. Some leaders decided to resist this subordination by refusing to negotiate. Others were afraid that delaying any longer would only cause their communities to suffer and wait. Under these circumstances, resettled people often became ambivalent about collective action because resisting the mine or relying on state intervention involved more uncertainty and waiting. Tamaquito II residents stayed united because they created a shared goal to free themselves from their dependence on the company in the future.

Marginalized people experience their subordination through waiting for powerful actors to decide their fate (Auyero and Swistun 2009). Before resettlement, communities could rely on their land, social relations, and communal resources for survival. Their displacement by the extractive economy turned formally productive rural people into ecological refugees (Chomsky 2008; Guha 2002). Resettlement planners promised to incorporate people into the benefits of the coal mining economy, but people found themselves always waiting for those benefits to materialize. The divisions and solidarities in resettlements were another shift in a series of community organizations beginning with the arrival of the Cerrejón coal mine. Resettlement reinforced people's dependence on the company to survive, which created both acquiescence and resistance among resettled people.

Chapter 8: Conclusion

I was last in La Guajira during the summer of 2019. As I expected, life in resettlements had not dramatically changed. Community leaders complained about the same unfulfilled promises: no potable water, failed productive projects, a lack of employment, and crumbling infrastructure. Roche was in a particularly bad state. When I toured the community, Yoe Arregocés showed me cracks in the foundations of several houses. We visited a home that had been completely gutted for repairs. I walked in, stepping carefully on the boards laid between the foundations beams to survey the work. The walls were stripped down to the pillars, the foundation was exposed, and most of the roof was removed. The house was only seven years old. If the damaged was this severe after such a short time, what would become of it in the long-term?

I find the image of a gutted house emblematic of the struggle faced by displaced communities in La Guajira. People who have been forced from their homes and promised a better life once they move. But the foundations on which those new opportunities are built is uneven. The presence of a coal mine forced people to abandon their rural livelihoods and seek opportunities in their peri-urban settlements. Once there, they found those foundations were precarious; their shiny new houses crumble around them. When I visited Tamaquito II on that same trip, life was improving. The community macro-project was getting off the ground; Jairo Fuentes showed me the Tamaqpollo chicken raising project and the herd of growing *chivo*. There was still much work to be done in creating a project that could provide all 29 families with a sustainable income. The displaced people I know are resilient. They might have quarrels and conflicts but they all want stability and justice. They are always hustling to make life better for their families and their communities. Rebuilding takes dedication and drive, especially with such uneven foundations to start with.

This dissertation showed how coal mining and political violence disrupted the lives of thousands of people, and how those people organized and argued with each other in order to survive in their ever changing reality. The second chapter explored how Wayúu and Afro-descendant people formed enclaves in La Guajira. Through carefully negotiated social and territorial relations, they maintained a system of subsistence, trade, and wage work. Their access to land, water, and forest resources built their social networks. In chapter three, I described how enclosure and displacement that forced people from the land, and fractured their social organizations. People began organizing in the early 1990s to fight back against enclosure and

displacement using their constitutional rights. Local people struggled to forge new relationships with each other to survive this violent capitalist shock.

In the fourth chapter, I showed how Tabaco's 2001 expropriation became a catalyst for community resistance and international solidarity. Tabaco and its neighboring communities confronted a combination of a powerful corporation, a repressive state, and violent paramilitaries. To contest their dispossession, they turned to their Afro-descendant and indigenous roots. But forging solidarity was an uphill battle as many families feared the violent consequences of resisting displacement. The company also interfered in communities' ability to exercise their legal rights by denying the authenticity of their ethnic identities. Some displaced people began to cooperate with the company in order to receive compensation and indemnities. Chapter five focused on the outcomes of the 2007 OECD complaint made by solidarity activists and local communities that led to Cerrejón adopting international guidelines for resettlement. I showed that resettlement was a gentler, but still violent, form of displacement; resettlement removed people from their lands and forced them into marginal urban areas. The Cerrejón Coal Company made limited concessions to local people by relocating them, but coal mining continued to dominate people's lives. The company's use of impact matrixes reduced communities in territory and population. Tamaquito II insisted on making its own resettlement plan, which helped the community stay united. Resettlement made it clear that communities' fates were linked to decisions made by company officials.

Chapters six and seven focused on life after resettlement. As people negotiated their post-resettlement needs with the company, they also confronted their place in extractive capitalist relations. In chapter six, I examined the impact of livelihood replacement projects on community organizations. I showed how the majority of projects made families focus on their success rather than on communal well-being. People fell into deep poverty after resettling, which drew them away from collective organizing when all they could do was survive. Livelihood projects were doomed to fail because no development planning could make up for the decades of enclosure and displacement that turned autonomous rural peoples into an urban precariat. By designing a collective agricultural project, Tamaquito II residents hoped to recreate their rural livelihoods and maintain community unity. Chapter seven examined the violence of waiting that tore apart resettled communities. After years of waiting for benefits to materialize, leaders became divided over demanding structural change or trying to make the existing resettlement plans work. As

communities underwent legal processes to hold the mine accountable for their dispossession, they found themselves disappointed by a legal system that allowed the company to dominate how they expressed their rights as indigenous and Afro-descendant peoples.

Contributions

This dissertation makes five interventions in the literature. First, I contribute to literature on social relations and land by demonstrating that before coal mining arrived, local people in La Guajira had autonomous social organizations built around an ethos of cooperation. Second, I described how environmental conflicts and economic shocks force working people to reorganize their social relationships around global capitalism. Third, I contribute to the literature on violence by showing how coal mining companies wielded violence to implement extractive capitalism, and how this violence impacted community resistance. Fourth, I showed how the meanings of indigenous and Afro-descendant identities are intimately linked to struggles over extractive capitalism. Fifth, I contribute a community-focused model to the practice of resettlement.

My work demonstrated that people who rely on the natural world for survival form dense social relations to govern access to resources and resolve conflicts. Communities in La Guajira practiced what Joan Martinez Alier refers to as “environmentalism of the poor”: the ways in which indigenous and peasant populations protect natural resources and manage land to preserve their livelihoods (Martinez-Alier 2014). Communities grew out of settlements where people shared access to water, land, and forest resources. I attempted to not be overly idealistic in this portrayal, but still wanted to emphasize that individual families’ ability to thrive was tied to their entire community’s well-being. Rumachadra Guha calls these populations “ecosystem people,” because their security is directly tied to the well-being of the natural world (Guha 2002). I prefer this perspective to an ontological one that paints indigenous peoples as having a worldview of nature that is separate from that of the nation state or capitalism (Blaser 2014; De la Cadena 2015). I agree with otologists that Global North researchers must account for the ways in which indigenous peoples view the natural world and have alternative ways of knowing. Indeed, during fieldwork, I learned how both Wayúu and Afro-descendant communities had a spiritual and ancestral connection to their territories. I treated these non-material connections as vital, while also placing people’s experiences in a political and economic context.

This dissertation emphasized how coal mining rapidly disrupted people's way of life, a process I framed as extractive capitalism. Saskia Sassen describes how beginning in the 1980s the deregulation and privatization of the economy has created predatory forms of capitalism that ignore the well-being of impacted communities, the environment, and labor (Sassen 2014). People displaced by coal mining are one example of the millions of people worldwide driven into the margins by this extractive capitalism. As the company enclosed and displaced residents, they became what Rumachadra Guha calls "ecological refugees": formerly self-sufficient rural people thrust into a marginal existence when they lose their access to land and natural resources (Chomsky 2016a; Guha 2002). For Guha, this process reveals an inherent contradiction of economic development policies in the post-World War II era: exploiting nature does not lead to human progress, but instead to poverty (Guha 2002). The Colombian government promised that coal mining would be an engine of development, but for the most vulnerable people in the region, it was a machine of destruction.

To describe how displaced people survived, I drew on Guy Standing's notion of the precariat, which he refers to as a "class in the making," which consists of people who experience unstable labor and living, rely on money wages without non-wage benefits, and have limited access to political and civil rights (Standing 2011). The precariat faces economic insecurity and is generally on the brink of debt. Displaced people became part of the precariat when they lost their ability to produce for themselves, and were thrust into a wage-based economy with few opportunities. Standing writes, "precariatization is about the loss of control over time and the development and use of one's own capabilities"(Standing 2014, 1). While I rely heavily on Marxist scholarship, I find it important to distinguish between "precariatization" and "proleterization" (Marx 1867). Coal mining companies did not displace local people in order to turn them into workers; these companies needed the land that people occupied, and had little use for local people as labor. I found the idea of the precariat particularly useful for describing the people who resettled, many of whom had education, skills, and training to find wage employment or open a business, yet they found it almost impossible to achieve economic stability. Furthermore, they found themselves without a social safety net as the Colombian government rolled back social welfare, public health, and public education in La Guajira under neoliberal reforms. Through resettlement programs and the Red Tabaco, Cerrejón officials and contractors sold the idea that people could benefit from this change, while forcing them to become part of an unstable urban

workforce. The company itself provided scholarships and seed capital for small businesses. Productive projects, job fairs, and higher education opportunities could not account for the most basic problem: coal mining displaced people from their rural livelihoods but did not create stable employment opportunities for them.

I argued that precarity was one of the major challenges to creating community solidarity. People's dependency on the company made them feel how precarious their lives were; resettled people needed to negotiate while they had Cerrejón's attention in order to receive educational benefits, employment, and development funding. I showed how this experience led many residents to accept individual and short term solutions to their problems, drawing them away from collective actions. It is hard for the precariat to build solidarity because they have little access to civil and political rights (Standing 2011). In La Guajira, state institutions enforced the rights of coal mining companies to control wealth and land, while making minimal gestures to communities' legal demands for reparations. People's every day experiences had changed from an ethos of collaboration around a shared territory to individual survival in the urban periphery.

Many scholars have critiqued the idea of the precariat, because it lumps together very different population, ranging from underemployed millennials in the Global North to slum dwellers in the Global South (Bremner 2013; Munck 2013). Ronaldo Munck argues that the precariat does not apply to marginalized workers in the Global South (Munck 2013). For Munck, the precariat in the Global South may be better referred to as what Mike Davis calls the "global informal working class": people displaced from both rural livelihoods and formal wage labor who survive at the margins (Davis 2006). Indeed, resettled people in La Guajira have much in common with Davis' slum dwellers: they have faced mass dispossession, are marginalized by the government, engage in informal economic activities to survive, and live in peri-urban areas. Munck writes: "A perspective from the global South would understand precarity as part of the broader process of dispossession and the generation of new 'surplus populations'" (Munck 2013, 757). This narrative matches most of my description of rural producers turned urban precariat in La Guajira. There is nothing in Standing's work that prevents us from applying the precariat to places like La Guajira; one reason I used Standing was because I think his work explains what happens to displaced people as they try to adjust to their new peri-urban lives, particularly to the younger generation. While their parents and grandparents might be ecological refugees or surplus populations, the younger generation is educated, trained, and still unable to find work. They have

more in common with workers in the Global North than Munck states. In resettlements, families relied on the young adults to provide for the household. Precarious workers, like resettled people in La Guajira, experience a mismatch between what capitalist ideas promises they can achieve and the limits imposed on them as they confronted a shrinking and unstable labor market.

My research also troubled the distinction between formal and informal work. Hernando De Soto describes how people displaced from rural areas into urban peripheries do informal and extralegal work in order to survive (De Soto 1986). He sees this “extralegal” economies as generating social problems across the Global South. For De Soto, the extralegal economy exists in a separate sphere from the formal economy. I drew on labor scholars who show that informal and formal workers can be part of the same class structures and labor struggles (Gill 2016; Kalb 2015; Smith 2014). The precarious workers I described engaged in both contract wage work and informal small businesses. I showed how informal and formal economies went hand in hand: resettled people took out loans to purchase cars for informal transportation, salon, and commercial businesses, some of which served mineworkers. By illuminating these everyday experiences, I showed how extractive capitalism disrupts the lives of working people and forced them into the margins. At the same time, people dispossessed by extractive capitalism look for ways to be reincorporated into capitalist relations. De Soto sees the expansion of private property rights as essential for lifting the informal sector out of poverty (De Soto 2000). My work shows something else: how private property is a double edged sword for the precariat. Before coal mining displaced them, rural people had access to collective lands that sustained them without holding formal titles. Resettled people gained formal titles to their homes, which allowed them to take out loans that they then struggled to pay down. Systems of debt and bondage incorporate marginalized people into capitalist systems by promising better living through consumption (Bhattacharyya 2018; Kalb 2015). So private property did not solve people’s problems; at times it contributed to their precarity.

This dissertation also intervenes in the literature on violence and capitalism. I argued that all types of displacement: enclosure, forced expropriation, and resettlement were forms of violence. Mining companies needed their lands, water sources, and forests and took those resources by force, driving people into poverty and precarity. People lost their control over their lands, livelihoods, and labor as a result. One of the most prominent concepts to emerge in the literature on capitalism and violence is structural violence: the ways in which socioeconomic

structures prevent people from fulfilling their basic needs (Galtung 1969). Highly influenced by Bourdieu and Foucault, this paradigm denaturalizes violence by uncovering the social and political orders that produce it (Bourdieu 1977; Farmer 1996; Foucault 1980; Scheper-Hughes and Bourgois 2004). Structural violence is a powerful critique of the lived experience of people marginalized by capitalism who are blamed for their own poverty and suffering. Neoliberalism often makes self-help and individual economic success the only way to a better future, yet many who chose this path find themselves in situations that are dangerous, or even life-threatening (Bourgois 2001; Farmer 1996).

While the structural violence paradigm is a pervasive way through which to understand socioeconomic conditions, it is often politically and historically empty. Relying on Foucauldian ideas of violence privileges the discursive over the material. Violence is not merely a “byproduct” of social order, but a means of creating, enforcing, and transforming these structures (Grandin, 2010). Scholars who follow a dialectical approach to treat violence as a powerful tool of social, economic, political order (Fanon, 1963; Gill, 2000, 2009; Grandin, 2010; Harvey, 2005; Mayer, 2000; Mcallister, 2010; Narotzky & Smith, 2006). Lesley Gill’s work in Barrancabermeja, Colombia follows the making and unmaking of working class alliances as working people grappled with political violence, neoliberal reforms, and repression. Gill argues,

Violence is one of the major tools that forges the development of capitalist relations, propels the formation of competing projects of rule within and across space, and drives the pace of social change. The story of working-class Barrancabermeja offers insights into how violence becomes enmeshed within the interrelated processes of capital accumulation, state formation, and working-class organization and dispossession (Gill 2016, 8).

In La Guajira, rural people were subject to multiple kinds of violence: enclosure and displacement at the hands of the mining companies, displacement by the FARC and ELN as they secured smuggling routes, detention and harassment from the military looking for guerrilla collaborators, and threats and assassinations of leaders by the AUC paramilitaries. Displaced people experienced structural suffering when they found themselves living in poverty and precarity; but they also experienced coercion, threats, and dispossession as paramilitaries, guerrillas, the state, and coal companies sought to control capitalist relations. Local people’s experience of violence impacted their ability to act in solidarity, which also benefitted coal mining companies by squashing resistance movements, making people accept individual negotiations, and weakening legal processes that interrupted the company’s operations.

People also experienced violence in subtle forms that reinforced their subordination to the company and the state. Drawing on ideas about waiting as a form of subordination (Auyero 2012; Auyero and Swistun 2009), I showed that most organizing centered on making legal claims, which relied on waiting for the state to mediate. People experienced how much power the corporation had over their ability to claim their rights. People in Tabaco became disillusioned over waiting for resettlement. Residents of Chancleta and Patilla left Prior Consultation without a collective agreement. In La Guajira, resettled people experienced disillusionment with state institutions that did not balance the power between communities and the corporation.

This work also intervenes in debates about non-capitalist spaces and worldviews. Many scholars have treated rural indigenous and Afro-descendant communities, as existing outside of capitalism (See for example De la Cadena 2015; Escobar 2008b; 2011). In contrast, I framed indigenous and Afro-descendant peoples as working people, engaged both in subsistence work and commerce long before the coal mine arrived. In her work in highland Peru, Marisol de la Cadena describes two worlds: an indigenous one and the Peruvian nation state; these worlds are not mutually intelligible (De la Cadena 2015). She focuses on Quechua speaking people's belief in "earth beings": the living spirits of the natural world found in hills, mountains, and shrines. They defend these earth beings from a gold mine. De la Cadena claims that the nation state cannot recognize these earth beings properly, because it sees mountains as voiceless nature. I appreciate De la Cadena's insistence on the indigenous people's living relationship to the land, but I think she misses that indigenous peoples are savvy political actors who use their spiritual and ancestral attachments to their territory to make environmental and legal claims for protection. I argued that when local people formed resistance movements, they were not rejecting capitalism; they were trying to shape their place within capitalist relations. People experience of being indigenous and Afro-descendant is shaped by mobilization (see for example Golub 2014; Kirsch 2014; Sawyer 2004). My work used Jean Jackson's definition of identity as a flexible category that denotes a relationship between groups (Jackson 2019). I showed how indigenous and Afro-descendant politics were a legal and political tool that allowed people to reimagine their relationship to a coal mining corporation and to the Colombian state.

Indigenous and Afro-descendant worldviews exist in some sort of radical non-capitalist sphere; rather the meanings of indigenous and Afro-descendant identities are intimately linked to the struggle over capital. My work demonstrates how indigenous and Afro-descendant peoples

remake their kinship, community, and identity relationships around extractive capitalism. Arturo Escobar argues that Black Communities in Colombian's Pacific coast have a "shared ethnic and cultural alterity" formed around their attachment to place (Escobar 2008b). These are non-capitalist spaces that are radical alternatives to modernity. While I admire Escobar's attempts to understand people's deep connections to the natural world, his use of "flat ontologies" misses how communities like those on the Colombian Pacific and La Guajira organize to survive and shape capitalist processes. I agree with Lesley Gill and Sharryn Kasmir who critique Escobar's "flat alternatives" because this concept does not explain how power shapes the types of social organizations and relations that exist in places like the Colombian Pacific (Kasmir and Gill 2018).

The meaning of being Black or indigenous in La Guajira has long been shaped by economic relations. The term "indigenous" did not exist before colonizers arrived. Black people arrived in Colombia because they were brought there as slaves. Groups of people were called "Indians" because they occupied the land before colonizers arrived. Throughout Latin American history, powerful outsiders have justified seizing Afro-descendant and indigenous people's lands because they did not use them productively. Scholars (Loperena 2017; Pulido 2017; Sundberg 2008) have recently argued that environmental conflicts in Latin America are a process of racialized dispossession. In this view, race structures marginalized people's relationships to the means of production and to the natural world (Bhattacharyya 2018; Robinson 2000). I showed that struggles against a corporation shaped people's experiences of being Afro-descendant or indigenous. People chose whether or not to mobilize their identities based on their calculations of how doing so would help or hinder their ability to improve their relationship to the company.

This work also has an applied contribution to resettlement studies. Residents of Tamaquito were more satisfied with their resettlement than anyone in the other resettled communities. While Tamaquito II is unique, there are some key takeaways from its experience. First, scholars (Gow 2008; Oliver-Smith 2009) have argued that resettled people have to ask themselves the complex philosophical questions such as who they are and how they want to live. Autonomous consultation allowed Tamaquito to debate those questions before they resettled. The other communities faced pressure to make decisions about housing, productive projects, and location before they could answer those existential questions. This pressure drove community division and allowed company interests to dominate the resettlement process. Tamaquito's outcomes demonstrate that communities need time to consult internally, perhaps with the help of NGOs and other third parties,

before they make any decisions regarding resettlement. Second, Tamaquito's success demonstrates that IFC and other resettlement guidelines can be localized or indigenized. To do so, communities must have more authority and control over the resettlement process. By unifying as a community, they can use their pre-existing forms of social organization and conflict resolution. A third and related lesson from Tamaquito II is that people were invested in making resettlement work. Residents designed and participated in the building of their own resettlement, which gave them a sense of ownership. Their collective decision making gave them a sense of control. Lastly, for rural people, land provides a basis for forming social relations. I showed that one reason Tamaquito II maintained unity was that residents insisted on being resettled on a new collective territory. Their macro agricultural project relied on cooperating with each other to benefit every family.

Tamaquito has many unique characteristics that strengthened its resettlement process. However, if we privilege community ways of resolving conflict, valuing what they have, and deciding what they want, we can improve resettlement processes. Not all communities will unify the way Tamaquito did, but they should all be given the chance to make their own resettlement plans without pressure or scare tactics from mining companies. People awaiting resettlement need more time, more autonomy, and more power over the process.

A Future for La Guajira

One day, I asked Jairo Fuente Epieyu what a coal-free Guajira would look like. He told me:

How did La Guajira live? From what did La Guajira live ? La Guajira did not live from coal, nor from petroleum and gas exploitation. La Guajira lived from agriculture, there was a lot, but the government came and stopped it. They have their contract. It's going to be a problem for the Colombian state, because there are many desperate people, and delinquency is on the rise. Because what's happened in this moment is that the municipalities have not made a life plan for the future. What will happen when there is no more coal? From what are we going to live?...Coal has to run out eventually, it won't be stable, so given this, we have to recuperate territory and not allow more expansion. There are two parties we have to confront, the principal one is the government. (Interview with the author, January 20, 2017, translation by the author).

One of my main conclusions is that the resettled people constantly found creative ways to survive. Now, they face a new threat: the end of Cerrejón's concession in 2034.¹³³ For Jairo, the only solution is for people to take back their territories before there is nothing left. In order to take back their territories, they will have to take on the government.

Several leaders from Chancleta, Patilla, Roche, Las Casitas, and Tamaquito II have recently come together to form an Afro-indigenous political movement. They are resurrecting their common ties as neighboring communities to support political candidates as well as to run for local elections themselves. Vicente Berardinelli briefly ran for La Guajira's departmental congress in 2019. He promised to be a true grassroots leader, having some from humble origins on a rural homestead to become an educated urban professional. His Instagram account showed photos of him on listening tours in rural communities across La Guajira. Community leaders will make great political leaders because they know how to work with limited resources, how to address conflicts, how to fight tirelessly to get things done, and how to compromise. I often feel like La Guajira is doomed, but this movement gives me hope.

Every time I go back to La Guajira, I am astounded by people's resilience in the face of terrible hardships. Leaders refuse to be made invisible. Mothers manage to put food on the table for their children with less than a minimum wage income. Young people are going off to university to study law and architecture. The older generation is teaching their grandchildren their communities' history. A coal mine may have taken away their lands and displaced their livelihoods, but people refuse to be buried. My hope is that this work contributes to making their

¹³³ *A note on mine closures:* Often, the actual closing date of a mine is unpredictable. According to Luke Danielson, director of Sustainable Development Solutions Group and member of the International Bar Association, mines often close before or after the date given in the feasibility study (This summary is largely based on a personal correspondence but he has several publications as well. See (Danielson and Nixon 1999)). If market prices are low, mines often close early. In open pit coal mining, getting to the lowest seams decreases the profitability. Coal prices have steadily been on the decline. Cerrejón's projections for output are only 28 million metric tons this year, which is almost a 15 % decrease from 32 million (Montel News 2019). On the other hand, as Danielson explained to me in a conversation, many times mines find new deposits or have larger deposits than projected. In this case, mining companies will petition to extend their concession rights. This scenario could also happen in Cerrejón. Colombia has no national law or policy framework for a "mine closing agreement."

stories visible. The first step of opening a coal mine is to remove the people on top of it, but those people do not disappear. As the mine closes, I hope they will find ways to reclaim what is theirs.

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