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DEFENDING HUMAN RIGHTS IN COLOMBIA:

The battle of Rios Vivos Antioquia Movement against the Hidroituango dam

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To human rights defenders at risk around the world and RVAM for their daily struggle

ABSTRACT

The construction of the Hidroituango- the largest dam in Colombia- has produced serious environmental and social impact on the population surrounding the project. That is why inhabitants affected by the dam founded the Rios Vivos Antioquia Movement (RVAM) to fight against this construction and defend the human rights of the community. This research analyses the strategies used by the movement in its opposition to the project, the support of external actors in the development of those strategies and the outcomes at the local and national level. To frame the empirical data, a review of the theoretical approach about social movements and human rights defenders is presented. In addition, the research explored tactics used by RVAM to persuade, socialise and pressure in human rights violations campaigns, according to Keck and Sikkink frames and the contentious politic defined by Tilly and Tarrow. To analyse the movement's strategies, this thesis used data from RVAM's website and is based on interviews with leaders of the movement and external actors that have supported them.

This analysis concluded that although the social and environmental strategies developed by the movement have not succeeded in stopping the construction of the dam, these actions have resulted in the strengthening of social struggle in the area and the empowerment of women. In addition, these strategies exerted pressure on the government to set up collective protection measures for human rights defenders in risk in the whole country. Furthermore, the accompaniment of external actors has helped to develop networks with other organisations and to increase the international advocacy for the movement. The battle of RVAM is not only against the construction of the dam but also against the current development model that violates the human rights of individuals and groups around the world.

Key words: Social movements, human rights, human rights defenders, human rights violations, Rios Vivos Antioquia Movement, Hidroituango, dam, strategies, advocacy.

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LIST OF ABBREVIATIONS

CJL: Corporación Jurídica Libertad
CAJAR: Colectivo de Abogados José Alvear Restrepo
EIA: Environmental Impact Assessment
EPM: Empresas Públicas de Medellín
HRDs: Human Rights Defenders
IACHR: Inter American Commission on Human Rights
RVAM: Rios Vivos Antioquia Movement
SweFor: Swedish Movement for the Reconciliation
UNP: Unidad Nacional de Protección
UN: United Nations

CHAPTER ONE: INTRODUCTION

1.1 The Hidroituango dam and the birth of Rios Vivos Antioquia Movement

A record number of human rights defenders were murdered during 2018. According to Front Line Defenders, 321 defenders were killed for their work defending human rights and fundamental freedoms. At least three quarters (77%) of them were defending their land, environmental or indigenous rights, often in the face of large investments, extractive industries and big business activities, or what can be considered development contexts. Colombia and Mexico alone accounted for 54% of the total killings.¹

The Information System on Attacks against Human Rights Defenders in Colombia of the ‘Somos Defensores’ non-governmental program reported 155 killings of human rights defenders in 2018. In addition, the Information System reported 805 individual assaults, such as threats, attacks, disappearances, detentions, judicial proceedings and information thefts. According to the report, 66.4% of the 155 murders were committed in rural areas and most of the cases happened in Antioquia and Cauca departments.² Michel Forst, the United Nations (UN) special rapporteur on human rights defenders said last year during his 10-day official visit to Colombia that the situation in the country is ‘really dramatic’.³ And this year the situation seems worse. Civil society organisations, state institutions and the national human rights institutions reported that in the first four months of 2019 recorded a total of 51 human rights defenders and activists have been allegedly killed.⁴

¹ Front Line Defenders, Global Analysis 2018. Accessed April 10, 2019
https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf

² Somos Defensores, Annual report 2018: Clockwork Orange, p 85

³ Anastasia Moloney, Human rights activists say hitmen are targeting them in Colombia: U.N. Accessed June 10, 2019
<https://www.reuters.com/article/us-colombia-rights-killings/human-rights-activists-say-hitmen-are-targeting-them-in-colombia-un-idUSKBN1O22OW>

⁴ UN News, Colombia: ‘Terrible trend’ of rights defenders killed, harassed; UN calls for ‘significant effort’ to tackle impunity. Accessed June 10, 2019
<https://news.un.org/en/story/2019/05/1038281>

Colombia is a country with a vast array of legislation for the protection of human rights defenders and institutions that should be involved in effectively protecting them. Nonetheless, institutional and legislative advances have turned out to be paper promises that have no real impact on the lives of defenders. Human rights defenders work in a coercive and unsafe environment. “They are often depicted by different sectors of society as ‘guerrillas’, ‘the internal enemy’, ‘informants’, or as being ‘anti-development’”, said Forst.⁵ This is the situation faced by Rios Vivos Antioquia Movement (RVAM), a social and environmental movement that fights against the construction of Hidroitungo, the largest dam in Colombia. This movement is composed of fourteen associations (about 1200 families) of peasants, fishermen and *barequeros*⁶ who, because of their denounces about human rights violations and their opposition of this project, have been labelled as ‘anti-development’.

Construction on the Hidroitungo dam began in 2009. It was expected to generate 17 percent of the country’s energy supply by 2018, but its construction was delayed and is now expected to be completed by 2021. The main construction areas of the project are located on both banks of the Cauca river (the second largest river in Colombia), between the mouths of the San Andres River and the Ituango River, to the north of the Department of Antioquia, 170 km by road to Medellin (the capital of Antioquia and the second largest city in Colombia)⁷. The dam is being developed by the Antioquia Government and EPM, which is the largest company in that region and the most important service company in Colombia.

Although this project is primarily funded with national funds, international capital has been key for Hidroitungo’s start-up operations. Some of the countries that have companies, banks or insurers with investments in or contracts with the project are: Germany (KfW IPEX-Bank,

⁵ OHCHR, Colombia must act to stop killings and attacks against human rights defenders - UN expert. Accessed June 11, 2019

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23968&LangID=E>

⁶ Term used to refer to artisanal miners in the Cauca river region. The traditional artisanal mining method (barequeo) does not cause pollution to the environment. See further, section 4.5.

⁷ Edward Burgos, Hidroenergía, ecología política y relaciones humano naturaleza. Un análisis sobre los medios de vida y las transformaciones ambientales y territoriales en la vereda Orobajo en el contexto de la construcción de la Hidroeléctrica Ituango en Colombia. Tesis de maestría, Flacso Ecuador. 2018, pp 4

Allianz, Muenchner Rueck and Hannover Rueck); Brazil (Banco Nacional de Desenvolvimento Econômico e Social do Brasil, Camargo Correa); Canada (Caisse de dépôt et placement du Québec); China (Industrial and Commercial Bank of China); Spain (BBVA, Banco Santander and Ferrovial Agroman consortium); France (BNP Paribas); Japan (Sumitomo Mitsui Banking Corporation); and Sweden (Atlas Copco and Scania); as well as the Inter-American Development Bank.⁸

This international investment has been highlighted by the Antioquia Government and EPM as a major support aspect for the project. They have tried to persuade the Colombians about the importance of the dam for the development of the region and the country, framing it as a symbol of ‘entrepreneurship’ and pride for the Antioquian people. This rhetoric has become mainstream and thus, accepted by the majority of the population. Because of this, communities who oppose the project are accused of being ‘enemies of progress’, causing the stigmatisation of social groups that fight against the dam’s construction.⁹ These critical communities are concerned about the negative environmental effects of the dam’s construction, the disappearance of the activity of the *barequeo*, the impact on fishing activities, the threat of uprooting the inhabitants of the surrounding territory, among other issues.

The situation is more worrying because many of the people affected by the dam were previously displaced by the armed conflict. During the last two decades, the violence in that territory has increased. This area is used as a strategic corridor by illegal groups (guerrillas and paramilitaries) who seek the control of coca crops and weapons trafficking.¹⁰ One of the most serious events in this zone was the El Aro Massacre on October 22, 1997, during which paramilitary groups, with support from members of the Colombian Army, displaced 900 people and murdered 15 people accused of being supporters of the guerrillas. On May 31, 2018, the Colombian Supreme Court of Justice declared this massacre as a crime against humanity.

⁸ Swefor en Colombia, Informe Misión de observación de la situación de derechos humanos y de seguridad de las comunidades en los municipios de influencia del Proyecto Hidroeléctrico HidroItuango, 2018, pp 10

⁹ Astrid Ulloa and Sergio Coronado (Ed.), Extractivismos y posconflicto en Colombia : retos para la paz territorial / Universidad Nacional de Colombia, 2016, pp 306

¹⁰ Alejandra Gomez, Conflictos socio-ambientales alrededor de la hidroeléctrica Hidroituango, tesis de pregrado en sociología, Universidad de Antioquia, 2015, pp 73

Furthermore, the Hidroituango dam threatens to flood a large part of the rural area in Antioquia where unidentified bodies from the ongoing conflict are buried. Thus, the hydroelectric project can also undermine future investigations of human rights violations that occurred during the armed conflict, investigations that are currently carried within the Transitional Justice System.

Civil society and official entities paid little attention to these problems until last year, when an emergency brought the issues out into the open. In April 2018, landslides in the project's zone and technical problems with the dam set off an alarm in the region, leading to the evacuation of hundreds of inhabitants. The maximum alert level was used because of troubles on the upper part of the dam and variations in the downstream river flow that, as the National Comptroller maintained, caused harm to over 25,000 people in the 14 municipalities affected by the emergency, along with incalculable environmental damage.¹¹ Furthermore, in February 2019, new dam failures led to EPM closing two of the dam's floodgates as an emergency precaution. As a result, water levels dropped to 20%, drying the river for one week and causing the death of thousands of fish and in addition to ecological damages that have not yet been calculated.

Despite the several conflicts over the dam construction and the negative effects on inhabitants and the environment, the construction of the dam continues. Within this complex scenario, RVAM keeps fighting against this project. In the ten years that the movement has been operating, they have developed different ways of organising themselves. At first, they held big meetings, but once they realised that it was very difficult to make decisions in this way, they chose leaders to represent the whole community. Today, each of the fourteen associations that is part of the movement has two representatives who make up the RVAM coordination team. These representatives are responsible for discussing proposals, making decisions and communicating the strategies to the affected communities.

RVAM has denounced that the risks for the group have increased in the last years. In September 2013, the first movement member was killed and two months later, the second. In 2018, two

¹¹ Swefor en Colombia, Informe Mision, Op. Cit, pp 11

more members lost their lives, which meant four RVAM leaders killed by May 2019. According to RVAM, its members also have been victims of threats, harassment, surveillance, smear campaigns and criminalisation.

Due to these attacks, the movement has looked for the support from national and international organisations to protect itself and to develop several strategies that have brought important recognition to its work. For example, last year, they won the National Award on Protection of Human Rights in Colombia. Likewise, they have gone to the Inter American Commission of Human Rights hearings, they brought the Hidroitungo case before the Latin America Water Tribunal, and they have advocated for their cause in Europe, among other strategies that are described in next chapters.

1.2 Literature review on the Hidroitungo case

Previous research papers about the Hidroitungo case has focused on the environmental effects of the dam and the social consequences for the communities. To date, no research has been conducted on the role that RVAM has played in the fight against the dam construction, the protection of the environment and the defence of human rights in the territory (all of which is addressed in this research). Investigations reviewed here have been useful in understanding the context of this project and the surrounding dynamics.

One of the most complete studies is ‘Hidroenergía, ecología política y relaciones humano naturaleza. Un análisis sobre los medios de vida y las transformaciones ambientales y territoriales en la vereda Orobajo en el contexto de la construcción de la Hidroeléctrica Ituango en Colombia’^{12*} by Edward Burgos. This research reveals how the spatial, social and environmental transformations produced by Hidroitungo were minimized in the study of Environmental Impact Assessment of its construction.

¹² ‘Hydro-energy, political ecology and human-nature relations. An analysis of livelihoods and environmental and territorial transformations in the Orobajo village in the context of the construction of the Ituango Hydroelectric Dam in Colombia’ *(Translation to English of all titles in Spanish is mine)

The author also analyses the social conflict in this region because of the problem of land ownership, where many people do not have official documentation that certifies the property of these territories. Due to this, private capital has taken advantage of these problems by dividing the inhabitants and paying them less for compensation. This investigation contributes to the understanding of the local practices and perceptions of the inhabitants of the Cauca river and the relationships established between peasants, fishermen and *barequeros* that shaped their cultural and historical contexts.

Another investigation on this topic is ‘Conflictos socio-ambientales alrededor de la hidroeléctrica Hidroituango’¹³ by Alejandra Gómez. Similar to the research mentioned above, this investigation analyses how violence and displacement facilitated the execution of this project with the expropriation of land and the deterioration of social relations in the region. In addition, the author talks about the importance of civil society to defending territory and counteracting the negative effects of extractive projects.

For its part, ‘Análisis de nuevas dinámicas territoriales por proyectos de infraestructura y su influencia en la generación de conflictos socio ambientales. Caso de estudio: Hidroituango’¹⁴ by María Adelaida Torres refers mainly to the lack of information provided to inhabitants about the environmental effects of the dam’s construction and the consequences for peasants, fishermen and *barequeros* in regards to the change in the land use. Likewise, Torres points out that neither the local authorities nor the executors of the project seem to be clear about the changes in the territorial dynamics caused by the dam.

Finally, the most recent research on this issue is ‘Colombia Nunca Más: extractivismo - graves violaciones a los Derechos Humanos. Caso Hidroituango. 1990 - 2016’¹⁵ by Astrid Torres. This investigation talks about the violence and armed conflict in this territory that occurred between

¹³ ‘Socio-environmental conflicts around the Hidroituango hydroelectric dam’

¹⁴ ‘Analysis of new territorial dynamics for infrastructure projects and their influence on the generation of social and environmental conflicts. Case study: Hidroituango’

¹⁵ ‘Colombia never more: extractive industries and massive violations of human rights. Hidroituango case 1990-2016’

1990 and 2016, where guerrillas, paramilitary groups and even the State committed grave human rights violations. Torres analyses the impact this had on the population and how these people tried to defend their territory. She also focuses on the victims of armed conflict who deserve reparation measures and guarantees of non-repetition.

1.3. Objective and structure of the study

The objective of the present investigation is to analyse the strategies used by Rios Vivos Antioquia Movement to opposing the Hidroituango dam construction and to defend the human rights of the community affected by the project. In order to make this study aim possible, this research will address the following questions:

- What strategies has the RVAM developed to fight against the Hidroituango project and the lack of attention from the Colombian government? How did they develop those actions?
- What external support has mobilised the movement to strengthen those strategies, and how have they done it?
- Which are the outcomes of those strategies at the local and national level?

The research examines these questions in six chapters. After this introductory chapter, the framing of human rights defenders risks and activities, as well as the mechanism to protect them around the world, are addressed in chapter two. The third chapter is a theoretical discussion dealing with social movements and its internationalisation. The chapter fourth looking at RVAM's in-depth strategies. The chapter fifth analyses the findings in the social and environmental strategies, the external support to the movement and the outcomes at the local and national level of those actions. Finally, chapter sixth contains the conclusions.

This investigation is helpful in the human rights field because it addresses, through a case study, the threats faced by human rights defenders in Colombia and how because of the lack of attention of the state they are forced to develop strategies to claim their rights and to protect themselves. Understanding how human rights defenders carry out their actions in Colombia can be useful for

other defenders around the world who face similar risks and who could take into account the strategies created by RVAM to develop their own.

1.4. Methodology

This research has a qualitative methodological approach with a case study that facilitates an investigation of a real-life contemporary phenomenon in its natural context and with it is possible to get a more comprehensive understanding of the current state of that situation.¹⁶ This investigation collects data from multiple sources to aim triangulation that assists the researcher not only to collect more comprehensive relevant information but also to cross-check their consistency to enhance the robustness of findings.¹⁷

Data Analysis

In qualitative research data collection are primarily text-based. That means data management in such qualitative research and qualitative contents analysis concentrates on portraying reality by discovering meanings from the textual data¹⁸. For this research, a thematic analysis was conducted by identifying patterns and themes in documents, reports, communications, press articles and videos. In the first part, a review of each one publication on the movement's website was carried out from January 2013 to May 2019. The main documents were selected and a list of the most recurrent claims made. In the second part, these issues were compared with the newspaper pieces and NGOs' reports referred to similar themes to complement the list of claims. Following this method, research labelled the strategies used by the movement in its struggle against the dam construction.

Semi-Structured Interviews

The main feature of an interview is to facilitate the interviewees to share their perspectives, stories and experience regarding a particular social phenomenon being observed by the

¹⁶ Dina Wahyuni, The Research Design Maze: Understanding Paradigms, Cases, Methods and Methodologies, *Journal of Applied Management Accounting Research*, 2012, p 72

¹⁷ Ibid, p 73

¹⁸ Ibid, p 75

interviewer. A semi-structured interview, also known as the non-standardised or qualitative interview is a hybrid type of interview which lies in between a structured interview and an in-depth interview. Therefore, it offers the merit of using a list of predetermined themes and questions as in a structured interview, while keeping enough flexibility to enable the interviewee to talk freely about any topic raised during the interview.¹⁹

In this research, interviews structure was planned taking into account the main claims of the movement according to the data analysis. A questionnaire with fourteen questions was elaborated, and it sent by email to a person who manages the movement's communications. Before continuing with is important to describe how the researcher took over two months to conduct the first interview.

I got in touch with the movement's spokesperson in February to explain to her the purpose of the investigation, but she did not show much interest and told me to contact her afterwards. After three attempts to speak with her and two months after the first message, she gave me the phone number of the movement's vice president. I contacted her, and she replied to me a week later agreeing to answer an interview.

In that early conversation, we talked about the social struggle of the movement and I asked for the possibility to communicate with other leaders, so she was the bridge to connect with more members of RVAM. She gave me the contact numbers of them and during the last week of April and the early weeks of May; I did the interviews by phone because it was the best way to talk with them due to their geographical location (In a Colombian rural zone). Finally, the movement's president also agreed to answer the interview in the third week of May.

This research also sought information about external actors who have supported the movement like NGOs and lawyers. The interviewees were selected according to their support in different strategies to strengthen the movement actions. Nine interviews were conducted: five leaders of

¹⁹ Ibid, p 73

the movement and four people from external assistance, with an average duration between 45 minutes and 60 minutes per each one (to an exception of President of the movement with a conversation of two hours).

The researcher started off the interviews by briefly explaining the aim of the interview and emphasising the confidentiality, anonymity and the voluntary nature of the study. Each conversation with the participants' was recorded with their permission and they authorised to use the information and their names for this research. After transcribing these interviews, the information was triangulated with the data analysis.

CHAPTER TWO: FRAMING THE DISCUSSION ON HUMAN RIGHTS DEFENDERS

2.1. Human Rights Defenders (HRDs): activities and risks

Since the adoption of the Universal Declaration of Human Rights and the international treaties for protecting human rights, individuals, organisations and movements have reinforced their struggle for equality and social justice. Eguren has maintained that the figure of the human rights defenders emerged following protracted political discussion within the UN, a debate promoted by different actors from outside the institution on the need to protect and recognise those undertaking human rights work defence.²⁰

In 1998, the UN adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In this declaration, the term human rights defender is used to describe people who, individually or with others, act to promote or protect human rights and fundamental freedoms at the national and international level.²¹

Human Rights Defender definition has been mainly addressed by the UN and there are few works in this field, so the theoretical development of this concept is still limited. In this research, the UN Declaration on Human Rights Defenders and the UN Fact Sheet on Human Rights Defenders: Protecting the Right to Defend Human Rights (henceforth Fact Sheet 29) are both used to better understand the main characteristics of the work of Human Rights Defenders (HRDs). This chapter focuses on the HRDs actions, the risks faced by them and the protective mechanisms for HRDs.

²⁰ Luis Enrique Eguren Fernández & Champa Patel, Towards developing a critical and ethical approach for better recognising and protecting human rights defenders, *The International Journal of Human Rights*, 2015, p 896

²¹ UN Declaration on Human Rights Defenders

According to Fact Sheet 29, “A Human Rights Defender can be any person or group of persons working to promote human rights, ranging from intergovernmental organisations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds.”²² Human Rights Defenders can be paid for their human rights work, but they can also do it voluntarily. In the same way, Amnesty International understand that “anyone, regardless of their occupation, can be a human rights defender: they are identified primarily by what they do rather than by their profession”.²³

Following Fact Sheet 29, three characteristics are key for human rights defenders standards: First, human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights. A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.²⁴

Second, the validity of the HRDs arguments. It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The critical test is whether or not the person is defending a human right. For example, a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all of the lands in the area. They may or may not be correct about who owns the land. However, whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders.²⁵

Third, the actions taken by human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders.

²² OHCHR, Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29, 2004, p 6

²³ Amnesty International, Defending human rights in a changing world, 2008

²⁴ OHCHR, Human Rights Defenders, Op. Cit, p 8

²⁵ Ibid, p 8

Enrique Eguren and Champa Patel point out that given the broad scope for definitional interpretation for HRDs, states sometimes define them as those inimical to their own interests or exclude those who are seen as a threat to state practices. In this regard Euguren and Patel suggest “current basis for this definition does not provide enough guidance to determining if a specific individual, organisation, group or community is a human rights defender”.²⁶ For example, Alvaro Uribe former president of Colombia, branded some HRDs as ‘terrorism spokesmen’ when they pointed to the human rights violations committed by his security forces.²⁷ In this sense, the lack of major precision in the definition of who is a human rights defender increase the judicial insecurity to develop special measures for his recognition and protection.

HRDs activities

Human rights defenders are interlocutors in the diffusion of human rights norms from global spaces to local realities so actions they carry out are diverse. Fact Sheet 29 described some of these activities:²⁸

Collecting and disseminating information on violations. Human rights defenders investigate, gather information regarding and report on human rights violations. They may, for example, use lobbying strategies to draw their reports to the attention of the public and of key political and judicial officials to ensure that their investigative work is given consideration and that human rights violations are addressed.

Supporting victims of human rights violations. A very large proportion of the activities of human rights defenders can be characterized as action in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts.

²⁶ Euguren and Patel, *Toward developing*, Op. Cit. p 889

²⁷ *Ibid.*, p 897

²⁸ OHCHR, *Human Rights Defenders*, Op. Cit., pp 3-5

Action to secure accountability and to end impunity. Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties.

Supporting better governance and government policy. Some human rights defenders focus on encouraging a Government as a whole to fulfil its human rights obligations, for example by publicizing information on the Government's record of implementation of human rights standards and monitoring progress made.

Contributing to the implementation of human rights treaties. Human rights defenders make a major contribution, particularly through their organisations, to the material implementation of international human rights treaties.

Human rights education and training. A further major action undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of a professional activity, for example by judges, lawyers, police officers, soldiers or human rights monitors. In other instances, education may be broader and involve teaching about human rights in schools and universities or disseminating information on human rights standards to the general public or to vulnerable populations.

Risks and threats faced by HRDs

Human Rights Defenders face several threats: criminalisation, persecution, arbitrary arrest and detention, torture, harassment and defamation, and in the worst of the cases the death. In addition, all the above violations of the rights of HRD have been compounded by a culture of impunity which exists in many countries. State authorities are the most common perpetrators of violations against human rights defenders at the same time they bear the primary responsibility for assuring their protection. However, a variety of “non-State” actors also commit or are implicated in, acts

against the work of human rights defenders such as security services, paramilitary and other armed groups, right-wing groups, the media, and corporations.²⁹

Peace Brigades have remarked on criminalisation as “the process by which behaviours and individuals are transformed into crime and criminals”.³⁰ According to this defenders' group, it is a “process to derive from the intent to discredit, sabotage or impede the work of HRDs through the misuse of the legal system, and through the adverse and cynical manipulation of public discourse”³¹. HRDs facing different strategies of criminalisation as³²:

Spurious charges, arbitrary detention, and baseless prosecutions: A wide variety of national laws are invoked in order to bring charges against HRDs. For example, rebellion, terrorism, invasion of private property, illegal assembly and others. In most cases, the charges are unfounded or based on unreliable evidence.

Weakness of the judicial system: False charges against HRDs are often accompanied by apparent administrative inefficiencies and failure to uphold due process.

Misuse of law and legal instruments: Existing laws can be misinterpreted in a way contrary to the legislation’s original intent in order to target HRDs, where the actions of those HRDs conflict with government policy or strategy.

Stigmatisation: Allegations against HRDs in public statements by government officials, business enterprises, and ‘independent’ commentators in the media undermine HRDs’ work and delegitimize human rights work in general.

Threats and risks for HRDs around the world depend on the context of each country. Some HRDs are particularly vulnerable—such as those who work on contested issues (such as sexual and

²⁹ Alice M. Nah, Karen Bennett, Danna Ingleton, & James Savage, A Research Agenda for the Protection of Human Rights Defenders, *The International Journal of Human Rights*, 2013, p 402

³⁰ Peace Brigades International UK Section, *Criminalisation of Human Rights Defenders*. Accessed April 19, 2019 https://www.peacebrigades.org/fileadmin/user_files/groups/uk/files/Publications/Crim_Report.pdf

³¹ Ibid

³² Ibid

reproductive rights or human rights violations related to extractive industries, land and the environment) as well as those who hold particular identities and come from specific communities (such as human rights defenders women, LGBTI defenders and indigenous people).³³

Margaret Sekaggya, former UN Special Rapporteur on Situation of Human Rights Defenders, claimed that environmental and land rights defenders are targeted because of their peaceful activities to protect natural resources and the livelihood of their communities, not just by governments but also by the private sector. She also affirmed security problems are particularly acute when they engage in action against the construction of dams, mining or tourism development”.³⁴ In the same way, the IACHR affirmed groups that have been identified as being more vulnerable to risk are those working in the defence of the environment, land rights, and indigenous peoples’ rights, which amounted to 41% of the killings of defenders in 2017.³⁵

2.2. Protection mechanisms for HRDs

The first major step to protecting HRDs was the recognition of human rights defence as a right in itself and to recognise persons who undertake human rights work as “human rights defenders”, which was achieved with the UN Declaration in 1998. Even though this not a legally binding instrument itself, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding—such as the International Covenant on Civil and Political Rights³⁶. The second step to strengthen the protection of HRDs was taken by UN on April 2000 with the resolution 2000/61 that led to the creation of the Office of Special Representative for Human Rights Defenders. In 2008, resolution 7/884 led to a renewal of the mandate on the special procedure for the situation of human rights defenders but this time appointing a Special Rapporteur.

³³ OHCHR, Who will protect environmental human rights defenders? Accessed April 15, 2019 <https://www.ohchr.org/EN/NewsEvents/Pages/EnvironmentalHumanRightsDefenders.aspx>

³⁴ Ibid.

³⁵ Inter American Commission on Human Rights, Towards Effective Integral Protection Policies for Human Rights Defenders, 2017

³⁶ OHCHR, Human Rights Defenders, Op. Cit., p 18

Different protection mechanisms have been implemented in Europe, Africa and America. The European Union (EU) adopted in 2004 the EU guidelines on HRDs outline concrete measures for protecting HRDs at risk, including the provision of emergency aid, and encourage the EU diplomats to take a more proactive approach towards HRDs. The aim to provide guidance to member states on how to engage in the protection of HRDs around the world.³⁷ Besides, the EU has another tool, ProtectDefenders.eu that is the European Union Human Rights Defenders mechanism, established to protect defenders at high risk and facing the most difficult situations worldwide. This initiative is led by a Consortium of 12 NGOs active in the field of human rights.

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In Africa, the African Commission on Human and Peoples' Rights established the mandate of the Special Rapporteur on HRDs in Africa in 2004 with a similar mandate to the UN Special Rapporteur on HRD. In America, the Organization of American States (OAS) adopted in 1999 the resolution 1671 "Human Rights Defenders in the Americas: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights. In 2001, OAS Executive Secretariat established the Human Rights Defenders Unit, which focused on receiving information on the situation of human rights defenders in the region. In 2011, this Unit turned into the Office of the Rapporteur on the Situation of HRDs that depends on the Inter American Commission of Human Rights (IACHR).³⁹

Additionally, protection has featured in the Inter-American human rights system through provisional measures issued by the (IACHR) and the precautionary measures provided by the InterAmerican Court of Human Rights (IACtHR). The purpose of these measures is to prevent irreparable damage to persons who, due to their association with an organisation, a group or a community, face urgent and grave danger.

³⁷ European Parliament Think Tank, EU support for human rights defenders around the world, Accessed April 15, 2019

[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2018\)630267](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)630267)

³⁸ International civil society implementing the EU human rights defenders mechanism. Accessed April 15, 2019

<https://www.protectdefenders.eu/en/about.html>

³⁹ OAS, Rapporteurship on Human Rights Defenders. Accessed April 15, 2019

<https://www.oas.org/en/iachr/defenders/default.asp>

Over the past decade, the international community also has developed a range of resources for HRDs at risk. These include toolkits, guides and training programmes (both face-to-face and online) on areas such as security management, digital security, and the use of protection mechanisms and measures. Likewise, international solidarity has been used to increase the visibility of HRDs at risk, in order to increase the political cost of aggression against them.⁴⁰

Tactics and strategies that defenders use to manage their own security and to respond to risk are diverse, creative and highly adapted to local contexts. These strategies vary a lot depending on their environment (rural, urban), the threat, the social, financial and legal resources available, among others. “As HRDs challenge the boundaries of state oppression and violence, they invent creative tactics in order to counter attacks and respond to the political constraints imposed on their work. In some cases, HRDs use direct action and civil disobedience to further their goals, meanwhile, others use their vulnerability strategically, as a way of drawing attention to their issue”.⁴¹ For example, some movements have developed its own protection manual that has in account the specific context and problems. In addition, HRDs strengthen their networks with other groups at the national and international level to share strategies that lead to more recognition of their work, a major level of protection and increase their capacity to take collective actions.

As Alison Brysk commented, “solidarity and the freedom to advocate for others is now itself a human right. And decades of activism have created an institutional legacy and culture of human rights that is honoured in principle worldwide. Human rights defenders are now global heroes- but they still often lack local recognition and tools. As the Vienna Conference affirmed, human rights are indivisible and interdependent- and the right to defend rights is intertwined with every struggle for human dignity and self-determination”.⁴²

⁴⁰ Nah, A Research Agenda, Op. Cit., p 413

⁴¹ Ibid., p 406

⁴² Alison Brysk, Human Rights Defenders and activism, in The SAGE handbook of human rights. Volume 1 Ed. Anja Mihr and Mark Gibney, Sage Reference, 2014. pp 350-351

2.3 Protection mechanisms for HRDs in Colombia

Colombia adopted the definition of human rights defenders contained in the international doctrine of the UN and in the provisions of the Inter-American System, but the term ‘social leader’ is also used commonly in the country to refer to human rights defenders (this research uses both concepts). Colombia has one of the most advanced normative frameworks in the region for the protection of HRDs. Since 1997, Colombia has a program for HRDs who are at risk. Law 418 of 1997 ordered the Ministry of the Interior to put into operation a protection plan for people at risk because of the armed conflict and political violence. This mechanism has undergone several modifications, through successive decrees and resolutions, to adapt to HRDs demands, administrative requirements and decisions of the Colombian judicial system.⁴³

The Early Warning System of the Ombudsman's Office of Colombia is another mechanism focused on the protection of HRDs. This tool monitors and issues warnings about the potential risk facing the civilian population due to the effects of the armed conflict and violence. This system also promotes humanitarian prevention action with the aim of protecting and guaranteeing the fundamental rights of people at risk.

In addition, in 2011, the government created the ‘Program for the prevention and protection of the right to life, freedom, integrity and security of individuals, groups and communities’ This program was implemented by the National Protection Unit (UNP in Spanish), which is attached to the Human Rights Office of the Ministry of the Interior. Its aim is to “articulate, coordinate and execute the provision of the protection service to those people determined by the National Government. This protection is for people in a situation of extraordinary or extreme risk because of the exercise of public office or other activities such as union leadership and human rights defence.”⁴⁴

⁴³ Luis Enrique Eguren, *Es tiempo ya: Políticas públicas eficaces para el derecho a defender los derechos humanos*, Protection International and Cejil, 2017, pp 23

⁴⁴ UNP, Decreto No. 4065 de 2011

The UNP divided the protection measures into soft and hard measures: The soft measures include bulletproof vests, cell phones and economic support. The hard measures include escorts and armoured cars. However, social leaders mainly receive protection through soft measures that are, alone, not enough for their protection. However, according to Somos Defensores, the actions for protecting defenders carried out by UNP are not enough for several reasons: (1) it is based on a logic of material protection that forgets political action to protect HRDs; (2) there is no due prevention against aggressions and impunity of assaults against HRD prevails; (3) there is a significant lack of knowledge of legislative changes and how to implement protection measures (especially by local and regional authorities); and (4) there are not enough resources and this delays requests for security measures.⁴⁵

In the last years, human rights defenders in Colombia asked the government to make up a collective protection plan because the risks are not only for an individual but also for communities. For In 2015 the Ministry of the Interior created the Collective Protection Route. This program is addressed to groups and social communities politically determined from legal or social recognition. According to resolution 1085 of 2015, “legal recognition will be accredited through certification of existence and representation by the competent authority, and social recognition will be verified, prior to the start of the risk assessment, in the Committee of Risk Assessment and Recommendation of Measures (CERREM in Spanish) from the UNP.”⁴⁶

In addition, it will be verified that petitioners meet requirements such as having a defined the aim, sharing cultural, social and/or political features, being geographically located in a certain place, being organised and cohesive and having a spokesperson to represent the collective. The collective protection measures may materialise through⁴⁷:

- Support for the infrastructure for protection
- Organisational and community strengthening

⁴⁵ Eguren, Es tiempo ya, Op. Cit. pp 25

⁴⁶ Ministerio del Interior, Resolution 1085 of 2015

⁴⁷ Ibid

- Strengthen the institutional presence
- Establishment of communication, participation and interaction strategies with entities to reduce collective risks.
- Promotion of legal and administrative measures that counteract the risk factors.
- Formulation and implementation of strategies aimed at counteracting the causes of the risks and the threats.

For its part, the current government adopted last year the Action Plan for the Prevention and Protection of Human Rights Defenders, Social and Communal Leaders and Journalists (PAO in Spanish). This Plan understands that a person can be a defender of human rights in different areas of leadership like: community leader, land restitution leader, peasant leader, social leader, union leader, environmental leader, women leader, Afro-descendant leader, an indigenous leader, leader of victims or displaced persons, youth and childhood leader, cultural leader, LGBTI leader, health leader, artisanal mining leader, communicator (a) human rights defender, lawyer (a) defender of human rights, defender (a) or leader associated with non-governmental organisations (NGO), a leader in the peace's implementation agreement, a leader in terms of crop substitution, leader of political movement and religious leaders.⁴⁸

The government affirmed that this is a strategy based on the identification, prevention of situations of risk, and with articulated response of the different state entities to improve the human rights defenders protection. However, Somos Defensores said this programme does not attack the roots of the problem. “This plan is insufficient because it does not consider the dismantling of armed groups in the territories, the structural fight against organised crime and the improvement of the well-being of the communities, which are situations that feed the cycle of violence; the PAO uses old formulas from a coercive approach”⁴⁹.

Somos Defensores also noted that “going back to stressing on physical protection, as the current

⁴⁸ Ministerio del Interior, Plan de acción oportuna de prevención y protección para los defensores de derechos humanos, líderes sociales, comunales y periodistas. Accessed April 20, 2019 https://www.mininterior.gov.co/sites/default/files/plan_de_accion_oportuna_de_prevenccion_y_proteccion_0.pdf

⁴⁹ Somos Defensores, Annual report: A Clockwork Orange, 2019, pp 60

Government does, it will increase the demand for protection and therefore the budget will have to be increased. That means that there will be no substantive policies to avoid risk growth, and on the contrary, it will continue with the cruel trick of saving lives with vests, armoured cars, escorts and telephones prolonging the problem, rather than solving it”.⁵⁰

Despite the programs created by the Colombian government for the protection of social leaders, the killings of them continued increasing in 2018 with the murders of 155 of them, as reported Somos Defensores. Here is important to highlight the role of this NGO that not only report the aggressions and killings of HRDs in Colombian but also provides protection support to social leaders who must leave to other cities in the country or abroad, temporarily because of threats and attacks.

In addition, Somos Defensores has developed a pedagogical methodology for self-protection through workshops and advice to social organisations in Colombia. Likewise, they make advocacy in entities of the Colombian State, multilateral organizations, embassies and the international community to promote the adoption of political measures that protect HRDs, organisations and communities. Currently, the Program is one of the most recognised civil society spaces inside and outside Colombia for the protection of social leaders.

⁵⁰ Ibid. pp 78

CHAPTER THREE: FRAMING THE DISCUSSION ON SOCIAL MOVEMENTS

3.1. Social movements: A look from the approaches by Tilly, Tarrow and Pleyers

This section deals with the concepts of social movements and its internationalisation. The first term is addressed taking into account the definitions and characteristics pointed out by sociologists Sidney Tarrow, Charles Tilly and Geoffrey Pleyers. This theoretical framework is used to understand the complexity that surrounds social movements, from the first movements to those occurring today, and how they change and improve the strategies to reach more attention to their claims.

According to American sociologist Sidney Tarrow, social movements are expressions of collective challenges, based on common purposes and social solidarities, in which elites, opponents, and authorities interact⁵¹. Tarrow's approach for characterising social movements has four empirical properties (1) collective challenge, (2) common purpose, (3) social solidarity, and (4) sustained interaction.

Collective challenge refers to movements that characteristically mount contentious challenges through disruptive and direct action against elites, authorities, other groups, or cultural codes. Having a *common purpose* is key to mounting common claims against opponents, authorities, or elites. This common purpose does not necessarily need to arise out of class interests, but only common or overlapping interests must serve as the basis for common actions. *Social solidarity* means that leaders can create a social movement only when they tap into and expand deep-rooted feelings of solidarity or identity among participants. *Sustained interaction* reaffirms that it is only by sustaining collective action against antagonists that a contentious episode becomes a social movement. In other words, unless they can maintain their challenge, movements will evaporate.⁵²

⁵¹ Sidney Tarrow, *Power in movement: social movements and contentious politics*, Cambridge University Press, 2011, pp 10-12

⁵² *Ibid.*, pp 10-12

American sociologist Charles Tilly described social movements as global organisations formed by different interest groups in which ordinary people employ contentious performances, displays and campaigns to make collective claims against opponents. Tilly established three elements that, when combined, form the distinctive character of social movements: Campaigns, Repertoire and WUNC displays⁵³.

1. **Campaigns:** Sustained, organised and public efforts to make collective claims against target authorities. A campaign always links at least three parties: a group of claimants, some object(s) of claims, and a public.
2. **Repertoire:** The employment of different forms of political action, such as: rallies, demonstrations, public meetings, petition drives, pamphleteering, statements to and published in public media, and the creation of special-purpose associations and coalitions.
3. **WUNC displays:** The participants' concerted public representation of themselves. This includes Worthiness (the way people within the movement present themselves), Unity (the way that a social movement expresses that it is united around a cause [e.g., by using identical badges, like songs or hymns]), Numbers (the number of people participating in the events), and Commitments (the sacrifices that people are willing to make for the movement).

According to Tilly, the British abolitionist movement was the first movement that exhibited all the above social movement characteristics. Among the most important moments in this movement is largely began with the request of Manchester's abolitionists in 1787. Later, in 1791, thousands of pamphlets were printed which urged people to boycott sugar produced by slaves. Then, in 1806, the second wave of petitions to the Parliament against slavery were sent and finally, in 1833, Parliament abolished slavery in the British Empire.

Contentious politics

Tarrow and Tilly defined the concept 'contentious politics' that involves interactions in which

⁵³ Charles Tilly and Lesley J. Wood, *Los Movimientos Sociales, 1768-2008 : Desde Sus Orígenes a Facebook*. Barcelona: Crítica, 2010, pp 22-23

actors make claims bearing on other actors' interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims, or third parties. Contentious politics thus brings together three familiar features of social life: contention, collective action, and politics. Contention helps challengers to form a social movement when it permeates into embedded social networks and connective structures and produces vivid collective action frames.⁵⁴

They also defined the following concepts related to contentious politics:

- Contentious performances: relatively familiar and standardized ways in which one set of political actors makes collective claims on some other set of political actors.
- Contentious repertoires: arrays of contentious performances that are currently known and available within some set of political actors.
- Political actors: recognizable sets of people who carry on collective action in which governments are directly or indirectly involved, making and/or receiving contentious claims.
- Political opportunity structure: features of regimes and institutions that facilitate or inhibit a political actor's collective action. There are six dimensions of opportunity: (1) the multiplicity of independent centers of power within the regime, (2) its openness to new actors, (3) the instability of current political alignments, (4) the availability of influential allies or supporters for challengers, (5) the extent to which the regime represses or facilitates collective claim-making, and (6) decisive changes in any and all of these regards.⁵⁵
- Coordinated action: two or more actors' engagement in mutual signaling and parallel making of claims on the same object.⁵⁶

Today's social movements

Social movements have gone through different phases, following the rhythm that marked the political history of each country. With the movements in France in May 1968, many began to speak of new social movements that defended the autonomy, self-affirmation and criticism of the

⁵⁴ Charles Tilly and Sidney Tarrow, *Contentious politics*, Oxford University Press, 2015, p 236

⁵⁵ *Ibid.*, p 237

⁵⁶ *Ibid.*, p 31

postindustrial society. Soon, the expression new social movement included mobilizations in the name of feminism, the environment, the rights of homosexuals and indigenous peoples and many other causes.⁵⁷

For Belgian sociologist Geoffrey Pleyers, today's social movements have a variety of nuances. These influence concrete policies, transform culture, daily life, produce knowledge, shape our society and open new scenarios⁵⁸. The 'Arab revolutions', the movements of 'Outraged' and 'Occupy' or movements that claimed for more democracy in Russia, Turkey, Brazil, Bulgaria, Senegal or Mexico are examples of these new expressions.

According to Pleyers, the political subjectivities and the actors of today's social movements arise from the reciprocal articulation and fertilization between everyday life and political life, between the world of the internet and that of public squares, between social networks and coexistence in militant spaces.⁵⁹ Thereby, to understanding better contemporary social movements "we must overcome the separation between the 'virtual' world and 'real' politics. It is precisely in the hybridization between everyday life and politics, between virtual spaces and public squares, where new subjectivities arise policies and new forms of citizenship, characteristics of contemporary social movements".⁶⁰ One of these new features is the alter-activism.

Pleyers uses the term 'alter-activism' to define a contemporary conception of activism, marked by the daily commitment, the lived experience and the prominence of the individuals. It is a form of commitment highly personalised but very supportive. Alter-activists are connected by the social-digital networks and by global resonances and, at the same time, they are very active at the local level, since this allows them to carry out concrete alternatives".⁶¹ Thinking about social movements, not as mere objects of study -as is still the case in the hegemonic literature- but as political subjects that tell us a lot about our societies is one of the fundamental purposes of

⁵⁷ Tilly, Los movimientos sociales. Op. Cit. pp 144-145

⁵⁸ Geoffrey Pleyers, Movimientos sociales en el siglo XXI : perspectivas y herramientas analíticas, libro digital, Clacso, 2018.

⁵⁹ Ibid., p 89

⁶⁰ Ibid., p 94

⁶¹ Ibid., pp 16-17

Pleyers' research.⁶²

From the first social movements to those occurring today, the construction of collective identity has been one of its most central tasks. Likewise, the leadership in the social movements has been studied to understand the success of their campaigns.

3.2. Collective identity and leadership of social movements

Collective identity is an individual's cognitive, moral and emotional connections with a broader community, category, practice or institution. It is a perception of a shared status or relation, which may be imagined rather than experienced directly, and it is distinct from personal identities, although it may form part of a personal identity. A collective identity may have been first constructed by outsiders, who may still enforce it, but it depends on some acceptance by those to whom it is applied. Collective identities are expressed in cultural materials- name, narratives, symbols, verbal styles, rituals, clothing, among others.⁶³

Likewise, collective identity is a cultural representation, a set of shared meanings that are produced and reproduced, negotiated and renegotiated, in the interactions of individuals embedded in particular sociocultural contexts. Collective identity is not only negotiated by way of the protagonist-antagonist interactions, but it is also negotiated during the course of collective action and over the life course of a social movement.⁶⁴

Collective identity of a social movement is not permanent or impervious to external influences. Just as there is an evolution in their repertoires of protest, their programs and their emotional values, identities do not respond to a single influence, but to changes in political constraints and opportunities as well as in strategic needs and cultural materials available.⁶⁵

⁶² Ibid., p 204

⁶³ David A Snow., Sarah Anne Soule, and Hanspeter. Kriesi, *The Blackwell Companion to Social Movements*. Blackwell Companions to Sociology, 2004, pp 440-441

⁶⁴ Ibid., pp 447-448

⁶⁵ Tarrow, *Power in movement*, Op.Cit, p 152

Promoting a collective identity is a challenge for leaders of social movements. In addition, they need to create organisational models that are sufficiently robust to structure contention but are flexible enough to reach out to the informal networks and communities of protest that connect people to one another.⁶⁶ Social movement leaders are strategic decision-makers who inspire and organise others to participate in social movements. They inspire commitment, mobilize resources, create and recognize opportunities, devise strategies, frame demands, and influence outcomes.⁶⁷ Social movement leaders need to be charismatic and have a good relationship with the rest of the members for guarantee good communication. “Charismatic voices can bring connection, credibility, and compassionate consciousness to human rights struggles”.⁶⁸

For the sociologist Joseph R. Gusfield, the leaders have two functions: mobilization function and the articulation function. Mobilization refers to reaffirming the goals and values of the organisation and building members commitment to the goals, while articulation means linking the organisation and its tactics to those of other organisations and to the larger society.⁶⁹ Hence, the importance that leaders generate connections with other groups to create wider strategies, promote campaigns and encourage inter-organisational cooperation and coalition work.

Leaders are also in charge of managing the relationships of social movements with the media. “Social movements leaders, as the actors most centrally engaged in movement framing, devise media strategy, make judgments regarding the information provided to media, conduct press conferences, and are usually sought out by media to serve as movement spokespersons”.⁷⁰

The success of leaders to mobilise political will for social change depends on a combination of different elements: credible and charismatic speakers, resonant frames, powerful explanations of urgent problems, performance in public space, accessible and salient media, and a match with a receptive audience. Likewise, studies of social movement campaigns show how all kinds of

⁶⁶ Ibid., p 124

⁶⁷ Snow, *The Blackwell Companion*, Op. Cit. p 171

⁶⁸ Alison Brysk, *Speaking Rights to Power : Constructing Political Will*. Oxford University Press, 2013, p 76

⁶⁹ Goodwin, *Social Movements*, Op. Cit. p 90

⁷⁰ Snow, *The Blackwell Companion*, Op. Cit. p 186

social movement messages must first gain visibility, then resonance, and finally legitimacy. Successful human rights campaigns deliver a message of empathy with victims, a connection with suffering, a causal narrative susceptible to global intervention and empowerment of audience response.⁷¹

3.3. Internationalisation of social movements

Abolitionist and suffrage movements played an important role in the social movement's internationalisation. The 1833-65 Anglo-American campaign to end slavery in the United States and the efforts of the international suffrage movement to secure the vote for women between 1888 and 1928 helped to set up the struggle of modern social movements and international advocacy networks.⁷²

Tilly described three aspects of internationalisation: (1) The proliferation of international specialised organisms that support the work of social movements, e.g., Amnesty International or Human Rights Watch. (2) Multiplication of different contacts between social movements around the world with similar purposes, e.g., Environmental groups, feminists groups, etc. and (3). The growth of coordinated repression between different countries, e.g., police exchange strategies for avoiding social mobilisation.⁷³

Internationalisation of social movements is strengthened thanks to the 'advocacy' that is an activity that promotes causes, principled ideas, norms, among others to produce influence and changes in decisions within political, economic, and social systems and institutions. Advocacy networks are significant transnationally and domestically, building new links among actors in civil societies, states, and international organisations. Transnational advocacy networks must be understood as political spaces, in which differently situated actors negotiate- formally or informally- the social, cultural and political meanings of their joint enterprise.⁷⁴

⁷¹ Brysk, *Speaking Rights*, Op. Cit, pp 38- 40

⁷² Goodwin, *Social Movements*, Op. Cit. p 407

⁷³ Tilly, *Los Movimientos Sociales*, Op. Cit., p 116

⁷⁴ Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders : Advocacy Networks in International Politics*,

Advocacy strategies use 'blame and shame' tactic that is the threat of international public opinion to coerce recalcitrant states to stop abuses. International advocacy has proved to be an effective strategy, it can be useful to support petitions before international bodies such as the Inter-American Commission on Human Rights of the Organisation of American States, human rights treaty bodies of the U.N., the U.N.'s special mechanisms; or to release reports abroad, sometimes in conjunction with international NGOs.⁷⁵ In addition, today, cultural and technological changes have contributed to the growth of social movements' internationalization. New dynamics have been created with tools like Facebook and Twitter, which have become an important element in the different campaigns closing the distance between groups with similar claims and purposes around the world.

To assess the influence of advocacy networks it is necessary to look at goal achievement at several different levels. These levels of network influence are: (1) issue creation and agenda setting; (2) influence on discursive positions of states and international organisations; (3) influence on institutional procedures; (4) influence on policy change in target actors as states, international organisations, private actors etc (5) influence on state behavior.⁷⁶

The ability to generate and use information strategically is the main asset of transnational advocacy networks. In addition, social movements can generate more effective mobilization when they provoke media attention, hearings, and meetings on issues that previously had not been a matter of public debate. For example, the environmental issues call specially the attention because involve displacement of traditional peoples or destruction of their livelihoods. These make for powerful appeals, and not surprisingly some of the best- known transnational networks have arisen to oppose deforestation and/ or large dams.⁷⁷

The internationalisation of social movements in this research has mainly taken into account the

Cornell University Press, 1998, pp 1

⁷⁵ James Cavallaro and Mohammad Mohamedou, Public Enemy Number Two? Rising Crime and Human Rights Advocacy in Transitional Societies, Harvard Human Rights Journal 18, 2005, p 159

⁷⁶ Keck and Sikkink, Activists beyond, Op. Cit, p 25

⁷⁷ Ibid., pp 132-133

concepts proposed by Margaret Keck and Kathryn Sikkink in their book ‘Activist beyond borders’, which describes the work of activists and social movements across national frontiers to influence in their own countries. Within social movement internationalisation, the ‘boomerang pattern’ has a key role. Keck and Sikkink defined it as a method used by domestic groups to internationalise their struggle and echo back at the national level. When a government violates or refuses to recognize rights, individuals and domestic groups often have no resource within the domestic political or judicial arena. They may seek international connections to express their concerns and even to protect their lives and a boomerang pattern of influence may occur, that gives more pressure to the states from outside.⁷⁸

3.4 Persuasion, socialization, and pressure tactics

This investigation focus on persuasion, socialization, and pressure tactics used by social movements to reach their goals. These are: information politics, symbolic politics, leverage politics and accountability politics.

Information politics: Refers to the production of information about the problems and claims produced by networks and which must be reliable and well documented. It's important to use testimonial information with technical and statistical information for persuading public and policymakers to change their minds. In addition, is essential that social movements achieve the participation of media in this diffusion of the information. Some human rights activist call this as ‘human rights methodology’: promoting change by reporting facts⁷⁹.

Symbolic politics: It is part of the process of persuasion by which networks create awareness and expand their constituencies. It is a way to “call upon symbols, actions, or stories that make sense of a situation for an audience that is frequently far away”.⁸⁰

⁷⁸ Ibid., p 12

⁷⁹ Ibid., p 16

⁸⁰ Ibid., p 16

Leverage politics: To gain influence the networks seek leverage over more powerful actors and for this reason the identification of the material or moral leverage is a crucial strategic step in network campaigns. For example, “moral leverage involves what some commentators have called the 'mobilization of shame', where the behaviour of target actors is held up to the light of international scrutiny. Network activists exert moral leverage on the assumption that governments value the good opinion of others”⁸¹. In this way, social movements put pressure in their governments and claim for a change.

Accountability politics: With this element, social movements look for government's answers and positions and they try to convert these statement into opportunities for accountability politics. “Once a government has publicly committed itself to a principle -for example, in favour of human rights and democracy-networks can use those positions, and their command of information, to expose the distance between discourse and practice. This is embarrassing to many governments, which may try to save face by closing that distance”⁸².

To sum up, this research takes into account the concepts proposed by Tarrow, Tilly and Pleyers to analyse how Rios Vivos Antioquia is organised, how is operating and how are the dynamics within the social movement; such as the leadership and the collective identity. Likewise, this investigation considers the dynamics related to the concept of contentious politics described by Tarrow and Tilly and persuasion, socialization, and pressure tactics presented by Keck and Sikkink to analyse the strategies used by the movement in its process opposing to the Hidroituango dam.

⁸¹ Ibid., p 23

⁸² Ibid., p 24

CHAPTER FOUR: LOOKING IN-DEPTH AT RVAM'S STRATEGIES

4. 1 Social issues: Reporting and communicating human rights violations

Strategies used by RVAM in its battle against the Hidroituango project was separated into two categories: social and environmental issues. Each category included the strategies to denounce at the national and international levels the human rights violations and environmental effects in that zone because of the dam's construction.

The social category has more strategies (Five) than environmental category (Three) (See annexe 1) and is related to social impacts for the communities living around the Cauca River. These strategies are: (1) Reporting and communicating human rights violations, (2) Asking the government for collective protection measures (3) Participation in the Inter-American Commission on Human Rights hearings, (4) Claim to recover the bodies of forced disappearance victims and (5) Petition to include the barequeo in the Colombian List of Intangible Cultural Heritage.

According to Fact Sheet 29, collecting and disseminating information on human rights violations is one activity carried out by human rights defenders around the world. RVAM members have led this activity in the Hidroituango zone despite the risks and threats that they have faced. President of RVAM, Isabel Zuleta, has focused her speech on human rights violations and she has broadcasted the social movement's work on diverse platforms. In a recent video, she made a balance of 2018 for the movement, and she pointed out this was the worst year for RVAM because of the increase of attacks, threats and the death of two of its members.

RVAM often report information about what happens in its territory. In 2013, they published their first report: 'Violación de Derechos Humanos en la zona afectada por Hidroituango, municipios del Norte y Occidente de Antioquia'.⁸³ For that year confrontation between different armed

⁸³ 'Human rights violations in the zone affected by the Hidroituango project, North and West Antioquia's

groups was constant, including actions of the former FARC guerrilla (demobilised in 2016 after the signature of the peace agreement) so the document described how the violence in that zone led to increasing the threats and attacks against RVAM members.

The movement also denounced that local media, particularly Teleantioquia, a news channel from the Antioquia Government, often make statements that delegitimize the actions of its social leaders. Furthermore, RVAM reported the first killing of a member of the group, Nelson Giraldo, who was murdered on September 17 on the banks of the Cauca river. The report also referred to the increase of mining by international corporations as Continental Gold that affected the *barequeros* and produced new social and environmental conflicts. Unfortunately, RVAM had another hard blow in November 2013 with the killing of Robinson David Mazo, the second member of the collective killed in that year.

Criminalisation and stigmatisation

In the report of 2013, RVAM showed concern about the safety of the movement members because of the publication of pamphlets and graffiti with messages of intimidation and violence. After the day of the assassination of Nelson Giraldo, pamphlets with false accusations appeared in the Ituango municipality which affirmed that the FARC has convoked protests and demonstrations against the Hidroitungo project. According to the movement, those declarations increased the risks for its members. Thus, they proposed a high-level dialogue with the government to create a route to avoid the impunity in human rights violations cases and to stop the criminalisation against the movement.⁸⁴

RVAM also reported the criminalisation of some members, as the case of Isabel Zuleta that had an inquiry for obstruction of track and retention of a public vehicle; violation of the right to work and damages to third parties in 2013. In addition, Zuleta faces currently other legal proceedings for his opposition to the Hidroitungo project, among which are: insult and slander in an

municipalities’.

⁸⁴ Reporte: ‘Violación de Derechos Humanos en la zona afectada por Hidroitungo, municipios del Norte y Occidente de Antioquia’

investigation opened in 2015, and disturbance of official acts aggravated by violence, threats, sedition and robbery; in an investigation opened in June 2016⁸⁵.

In a report of 2014⁸⁶, the movement described several facts in which leaders of the collective received threats; they were victims of robbery in their houses and other ways of intimidation for their struggle against the dam. RVAM members also have been victims of spurious charges, arbitrary detention, and baseless prosecutions often accompanied by apparent administrative inefficiencies and failure to uphold due process. All of these are criminalisation strategies used commonly to undermine the social struggle as described the chapter two.

In fact, human rights defenders criminalisation was one point addressed by Michel Forst, the UN special rapporteur on human rights defenders, during his visit the last year to Colombia. Forst reported that criminalisation of HRDs in the context of social protest is dangerous because they might be prosecuted for the crime of rebellion, conspiracy to commit a crime, terrorism, public road obstruction, attempted homicide, etc. Likewise, the rapporteur said to be concerned because environmental defenders have been particularly affected and criminalised for their participation in peaceful assemblies against extractive and business projects for the defence of the environment.⁸⁷

Forst affirmed that unfortunately, there is a list of shocking quotations by political leaders, public officials, and influential people, who tend to stigmatise and marginalise human rights defenders. Additionally, he pointed out “labelling HRDs as guerrilleros of this or that group, the internal enemy, terrorists, anti-development, or informants (so called “sapos”) seriously increase their exposure to risks and violations”⁸⁸. Hence, he recommended to judges, prosecutors and public

⁸⁵ Fondo de Acción Urgente, Impunidad de las violencias contra mujeres defensoras de los territorios, los bienes comunes y la naturaleza en América Latina, 2018, p 38

⁸⁶ Han venido por el agua: Informe semestral Movimiento Ríos Vivos Antioquia, 2014

⁸⁷ United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst Visit to Colombia, 20 November to 3 December 2018, End of the mission statement, p 11

⁸⁸ Ibid, p 11

officials should receive the necessary training on human rights issues and on the UN Declaration on Human Rights Defenders to avoid criminalise social leaders.

The severity of the actions that stigmatise the work of human rights defenders and social movements was pointed out by Front Line Defenders. The vast majority of killings of defenders (a full 90%), were preceded by specific threats directed at them or other defenders in the area. This means that seemingly low-level incidents, such as defamatory news stories or vague warnings, must be taken seriously and addressed not only for their direct impacts, but for the escalating attacks that could likely follow.⁸⁹

Forced displacement and forced evictions

RVAM affirmed in its report of 2013 that multiplication of army presence protecting the dam produced an intensification of the armed conflict due to clashes with guerrillas and paramilitary groups. In addition, RVAM reported forced evictions occurred in the area because of irregularities with the census conducted by EPM and the movement said this company violated the international principles for forced evictions.

According to the ‘Basic principles and guidelines on development-based evictions and displacement’ from the UN, “forced evictions constitute gross violations of a range of internationally recognised human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement”.⁹⁰ The guidelines add that evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.

Likewise, the guidelines stand that evictions are often planned or carried out under the pretext of

⁸⁹ Coalition for Human Rights in Development, *Uncalculated Risks: Threats and attacks against human rights defenders and the role of development financiers*, 2019, p 15

⁹⁰ Basic principles and guidelines on development-based evictions and displacement of the United Nations

serving the public good, such as those related to development and infrastructure projects (including large dams, industrial or energy projects on a large scale, or mining and other extractive industries)⁹¹. Considering these guidelines, RVAM denounced that the Colombian state and EPM did not apply these principles and, therefore, violated the fundamental rights of those affected.

Violence and forced evictions were the reasons for over 400 members of RVAM to be displaced to the city of Medellín. They lived in the Coliseum of Antioquia University for six months, claiming that the dam construction displaced them. However, in Colombia, forced displacement is only recognised when it is the result of the armed conflict according to Law 1448 of 2011. Hundreds of peasants, fishermen and *barequeros* said they were victims of forced displacement because of the Hidroituango project, but they faced the lack of legislation on that subject.

RVAM published in its website articles with pictures that showed forced evictions cases. Moreover, reports about strikes, protests and mobilizations in different municipalities were published and in those acts, people used posters with messages like ‘Ríos para la vida, no para la muerte’ or ‘El río Cauca nos abraza y EPM nos desplaza’.⁹² Using videos with victims telling social and environmental effects because of the dam construction were also often.

RVAM also has highlighted the importance of historical memoir for the community, so one of his most recent publications was ‘Un tejido a muchas voces, el sentir de una resistencia por el agua y por la vida’.⁹³ This document was created with the support of the National Centre for Historical Memory and it is a fanzine of 32 pages with illustrations, photographs and poems in honour to the Cauca river. Likewise, it is a resource used by RVAM to tell its story of the social struggle against the dam's construction and its deep connection to this river.

The movement not only writes its own reports but also collaborates with external publications. Last year, Isabel Zuleta wrote the chapter ‘Una tierra que no deja de doler’ in the report ‘¿Cuáles

⁹¹ Ibid

⁹² 'Rivers for life, not for death' or 'The Cauca River embraces us and EPM displaces us'.

⁹³ ‘A network with many voices, feelings of resistance for water and life’

son los patrones? asesinatos de líderes sociales en el postacuerdo'⁹⁴. In that document, she talked about the life story of Hugo Albeiro George, a member of the collective who was murdered in May 2018. The report also referred to the current situation of social leaders in Antioquia according to data of Nodo Antioquia from the Coordination Colombia - Europe- United States.

The document noted that in Antioquia department paramilitaries have strengthened their presence and territorial control after the FARC demobilisation which increased the risk to the population. Oscar Zapata, represent of the Nodo Antioquia said the aim of those reports to understand the realities, context and to draw attention to the situation of human rights defenders: “We have touched doors at the national and international level because we are concerned about the lack of political will to clarify and to avoid guilty actors, including the State, continue in impunity”.^{95*} In addition, the report pointed out that despite the complaints of social organisations to protect social leaders, the Colombian state has not taken the measures to stop those aggressions.

4.2 Asking the government for collective protection measures

Since the killing of the first member of the movement in 2013, RVAM started a battle against the Colombian state to claim the protection of its members not only receiving individual security measures but also collective protection measures. Thanks to the claims and petitions of rights carried out by RVAM, the government set up the resolution 1085 of 2015 mentioned in chapter two. In addition, Ministry of Interior supported to the group with the elaboration of a Prevention Plan presented in November 2017. This report was named ‘Plan de prevención y protección del Movimiento Rios Vivos Antioquia. Escenarios de riesgo, acciones y medidas de prevención, protección, reparación y garantías de no repetición’⁹⁶.

⁹⁴ 'A land that does not stop hurting' in the report 'What are the patterns? assassinations of social leaders in the post-agreement'

⁹⁵ Telephone interview to Oscar Zapata from Nodo Antioquia of the Coordination Colombia - Europe- United States, April 29, 2018 *(Translation of all the quotes from the interviews is mine)

⁹⁶ ‘Prevention and protection plan for the Rios Vivos Antioquia Movement. Risk scenarios, actions and preventive measures, protection, reparation and guarantees of non-repetition’

The Prevention Plan described the main claims and denounces made by the movement to the Colombian State, the risks and threats faced by its members and the proposals of collective protection measures. RVAM reported the persecution to the group: Until the date (November 2017) over 29 members have requested protection measures. One leader receives often multiple threats, she has been a victim of a try to forced disappearance and she is a target of several legal proceedings. She has hard protection measures with escorts and armoured car since 2016 because of paramilitary groups threats.⁹⁷

The lack of attention to strengthening human rights defenders protection has been criticised by Somos Defensores which presented in the research ‘Stop Wars’⁹⁸ the modus operandi and patterns in the attacks against social leaders in Colombia. The report concluded that (1) human rights defenders living in rural remote zones faced greater risks than defenders living in urban zones (2) Most of the killings of human rights defenders was perpetuated in the path to their own houses and places near to their homes. The report also detected surveillance and monitoring actions that put in risk families of HRDs.

According to Mauricio Madrigal, executive secretary of RVAM, they designed this special prevention plan due to that most of its members live in rural zones and they need particular protection measures: “We analysed state protection, and we realised that it did not focus on the communities living in the countryside. We had to rethink the fact that social leaders in rural zones need others prevention and protection measures. That was the reason to design that plan and talk about different contexts that human rights defenders face in their daily struggle”.⁹⁹

Fifty recommendations proposed the movement in this plan and over 80% of these are politics

⁹⁷ Plan de prevención y protección del Movimiento Rios Vivos Antioquia. Escenarios de riesgo, acciones y medidas de prevención, protección, reparación y garantías de no repetición, p 12

⁹⁸ Somos Defensores, STOP WARS – Paren la guerra contra los defensores(as) EPISODIO I:Crímenes contra defensores y defensoras: La impunidad contraataca, 2017

⁹⁹ Telephone interview to Mauricio Madrigal, RVAM executive secretary, April 30, 2018

protection measures. For example, they recommended public statements and rectifications from official institutions that aim to decrease the attacks, stigmatisation and threats to RVAM members. According to the movement, those actions are easy to carry out because many of them are related to the recognition of human rights defenders activities of RVAM and it just requires the political will from the government.

The UN special rapporteur Michel Forst, said the provision of non-material measures (political measures) is vital that guarantee a comprehensive State response to the risks faced by human rights defenders, their families and communities. For example, the development of public communications and social media campaigns to promote and recognise the important role of human rights defenders. In addition, Forst asked the Government to adopt a “zero-tolerance” policy against the stigmatisation of defenders by public officials or non-State actors, including the private sector, and media¹⁰⁰.

The members of the movement informed that the material measures refer to 20% of the total measures that need investments and they affirmed that these measures are low cost. For example, the movement requested a training course on security and self-protection for two members of each of the fourteen associations that make up RVAM and they asked to strengthen the security of the leaders who have been threatened. In addition, they demanded the installation of solar panels to improve communications in that region because some areas have a poor electrical connection.

Forst said given that the highest risk situations for human rights defenders are concentrated in non-urban areas with greater State fragility and institutional weakness, the Colombian state should prioritise collective protection mechanisms. Likewise, he demanded to involve defenders in the development, choice, implementation and evaluation of strategies and tactics for their

¹⁰⁰ United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst Visit to Colombia, 20 November to 3 December 2018, End of the mission statement.

protection, affirming that the participation of defenders is a key factor in their security.¹⁰¹ Without ignoring that sometimes material measures, police protection or bodyguards provision can be useful and necessary for guaranteeing the safety of a human rights defender, it is imperative that States take into account and implement other protection measures tailored to the reality of the life and work of the defenders, as well as to take preventative actions,¹⁰² noted the UN rapporteur.

The movement continues demanding to the national authorities the implementation of the collective protection measures and they are hoping to the UNP set up those actions by the end of this year.

4.3 Participation in the Inter-American Commission on Human Rights hearings

According to article 60 of the Rules of Procedure of the Inter-American Commission on Human Rights (IACHR), the hearings are intended to receive information from the parties regarding a petition or case that is being processed before the Commission, the follow-up of the recommendations, precautionary measures or general or specific information related to human rights in one or more Member States of the Organization of American States (OAS)¹⁰³. In the last years, this mechanism has been used by human rights organisations to showcase their cases and be heard by the States and to get attention to civil society groups and international organisations.

RVAM has taken part in five IACHR hearings on different topics representing cases of human rights violations in Colombia. The representative of the movement before the IACHR hearings has been Isabel Zuleta, the RVAM president. The first intervention of RVAM was on October 31, 2013, and the name of the panel was ‘Human rights, development, and extractive industries in Colombia’. In that hearing, petitioners representing various Colombian human rights groups presented their concerns regarding the environmental and cultural impact of large industrial projects, such as hydroelectric dams and mining. Zuleta spoke on behalf of the people affected by

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ IACHR, Rules of procedure of the Inter American Commission on Human Rights. Accessed 20 May, 2019. https://www.oas.org/xxxivga/english/reference_docs/Reglamento_CIDH.pdf

‘El Quimbo’ and ‘Hidroituango’ dams and she denounced the environmental leaders’ judicialization. She also asked the Government to create a public policy for attention to people affected by megaprojects in the country.

Second participation of RVAM in a IACHR hearing was on October 27, 2014, and the subject was ‘Reports of forced displacement and development projects in Colombia’. During her presentation, Zuleta referred to exhaustion of dialogue with the government and the fear of human rights defenders for the threats they receive because of their work in violent zones. Unlike the participation in 2013 where she spoke about the problems generated by different dams in the country, in this audience, she focused only on the Hidroituango dam, the problems of forced displacement and the re-victimization of the war victims in that territory. She also pointed out the lack of attention in the claims to seek for the corpses of the forced disappearances victims in the Cauca river and the lack of implementation of protection measures for social leaders. Finally, Zuleta complained about the use of public force for the security of this hydroelectric project and the gross and systematic human rights violations in the region.

The third intervention of the movement was on October 15, 2015, in the panel of ‘Human rights situation of defenders of the environment in the context of extractive industries in America’. During her speech, Zuleta denounced the forced evictions in the territory and she said that was a victim of an attempted kidnapping along with other members of the movement. In addition, she pointed out an increase in stigmatisation to RVAM members because of their struggle against the construction of the Hidroituango and the development of mining projects in that zone. She also called for greater protection for environmental defenders and demanded a government policy that takes into account the rural conditions of the social leaders because UNP is more focused for protecting who lives in urban areas than for who lives in rural zones.

On March 2, 2018, RVAM had the fourth participation in those hearings which topic was ‘Business and human rights: Input for the preparation of the Inter-American Guidelines’. During her intervention, Zuleta highlighted the importance of collective processes in the decision-making

that affect the work of human rights defenders in the region. In addition, she called for denouncing multinational corporations because of their direct or indirect involvement and investments in territories where violent dynamics or armed conflict happened. Likewise, she spoke again the need to establish a policy to find the bodies of forced disappearance victims in that area, as well as she requested the accompaniment of the inter-American human rights system in those cases of human rights violations carried out by States and by the national and international corporations.

The last intervention of the Movement in that IACHR space was on May 9, 2018, under the panel ‘Measures for the protection of evidence in forced disappearance cases in Colombia’. In that hearing, Zuleta denounced the murder of two members of the movement in previous days. In addition, she reported an increase of stigmatisation to RVAM members pointed out as ‘enemies of development’ for opposing the Hidroituango project and the lack of protection measures by the State. She also denounced that the government had not implemented the collective protection plan. Zuleta reiterated once again that RVAM has led the pressure to recover the bodies of forced disappearance victims in the region. Finally, she denounced the technical errors committed by EPM that left hundreds of people displaced in April and May 2018.

4.4 Claims to recover the bodies of forced disappearance victims

According to RVAM, the 79-kilometre flood of the Cauca river canyon because of the dam’s construction means the irremediable loss of the bodies of forced disappearance victims. This violates the rights of the families of the victims to measures of truth, justice and reparation and for these reasons, the movement has requested the Colombian state to guarantee the recovery of those bodies. The Prosecutor's Office said that it was investigating 502 cases of forced disappearance in that zone (of which only three were in the trial stage) and also indicated that 159 bodies had been exhumed.¹⁰⁴

¹⁰⁴ Afectados por Hidroituango conmemoran a sus víctimas y piden rescatar su memoria. Accessed April 30, 2019 <http://www.centrodememoriahistorica.gov.co/noticias/noticias-cmh/afectados-por-hidroituango-conmemoran-a-sus-v>

To drawing attention on this topic, RVAM promoted an Observation Mission to aim verify the situation denounced in that region with the participation of an interdisciplinary and independent team formed by national and international experts on forced disappearance. The mission was integrated by Latin America lawyers known by their job on human rights issues in Chile and Argentina and it also had the participation of a Colombian team of forensic experts (Equitas organisation).

The team conducted on-site visits between January 15 and 24, 2018 to municipalities of Sabanalarga, Peque, Liborina, Toledo, Ituango and Valdivia and they met with the community to determine zones where there would be bodies buried. The mission indicated the existence of bodies without identification in that zone and proposed actions to seek the remains and protect the rights of the families of forced disappearance victims. The Mission also made some recommendations the government to document and investigate the human rights violations in that region, develop a participatory search plan to recover the bodies, and to carries out a dignified delivery of these corpses to families. Likewise, the team recommended the international community promote and accompany this process to aim to guarantee the right to truth, memory and non-repetition measures to the victims' families.

During the Observation Mission, the community expressed the commitment of having a part in the search plans and providing the experts with all the information they know. According to *barequeros* testimonies, they buried corpses for ethical and spiritual reasons; they did it on the banks of the river and marked signs on the trees to remember those places because they believed about the possibility of identifying the victim after. However, the community coincided in its fear of denouncing these events - including the disappearance of their loved ones - because of the armed conflict and the violence that persist in that zone.

Madrigal pointed out that the Cauca river has many stories, particularly the Pescadero bridge because many killings happened there: “Most of the people murdered by armed groups were

thrown to the river, but fishermen and *barequeros* did not report those killings because the judicial body could blame them to commit those crimes. Hence, most times, they just buried the bodies and put signs to identify where the corpse was. Now, we ask the government support to families to recover the remains of their loved ones and that they could carry out the mourning”.

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Zuleta said that a few years ago, the movement was afraid to talk about the forced disappearances cases because of the threats in this war zone and because it was very painful for families who have lost their relatives. However, after a performance in 2017 called ‘Siembra de cuerpos gramaticales’, they elaborated several strategies to discuss this issue. The performance was an exercise of cartography in which the movement identified different points in the Cauca river canyon where corpses could be found.

During that event, the families of the victims were symbolically buried, and they put plants on their graves with commemorative messages for their missing loved ones. The participants said that it was an exercise of reconciliation: “This was like healing the soul a bit, the performance helped me to join the movement more and was an opportunity to know deep about our problems. Planting means that we have roots in this land and that we resist leaving it, for example, I planted myself in the name of my two murdered brothers”.¹⁰⁶ (See picture of this performance in the annexe 2).

For its part, the Special Peace Jurisdiction (JEP, in Spanish) - which was created as a transitional justice mechanism to investigate and judge the crimes of former FARC and other actors of the Colombian armed conflict- said that a report from international experts is necessary to verify the situation of forced disappearance in that zone. In addition, the JEP requested information about the activities of the Socya company which was contracted by EPM and the Prosecutor Office to locate exhumation sites in the Hidroituango zone.

The JEP also asked the authorities to inform them if that process contracted with Socya included

¹⁰⁵ Madrigal, interview

¹⁰⁶ Telephone interview to Estela Posada, RVAM member, April 30, 2018

the family participation of forced disappearance victims and if the State took into account, the request not to allow the operation of the dam until EPM clarifies the cases of missing bodies in the region. Additionally, the JEP requested the Equitas organisation all the information on the technical concepts of forced disappearance that the team collected during the visit to the Hidroituango zone in January 2018. JEP asked this work to Equitas because this group has consultative nature with the UN and has the recognition of ten years of experience in forensic investigation and search of missing people.

4.5 Petition to include the *barequeo* in the Colombian List of Intangible Cultural Heritage

The *barequeo* is a technique to extract gold from the river with craft tools. The *barequeros* remove the earth and washing it with water until separate the gold from other minerals and for it; they use the juice of leaves, stems and fruits original from that region. This activity has been practised for hundreds of years by people living in the Cauca river canyon and they learnt it from indigenous people. Taking into account this ancestral practice, the anthropologist Neyla Castillo - who has worked over 20 years in cultural research in that zone - presented in 2012 a petition to the Ministry of Culture to recognise the *barequeo* as National Intangible Cultural Heritage.

The *barequeros* communities have ways of relating to each other, their own oral customs and traditions, forms of healing based on roots and plants; traditional meals, religious and recreational parties, and an ancestral territory which the Cauca River is their main reference. The *barequeo* distinguishes them from other communities in the countryside and from the city; it marks their way of being and their way to understanding the world.¹⁰⁷ In her petition, Castillo focused on the impact of how they extract the gold. “They do not use chemical substances and in this way; they are not harming to the environment. The *barequeros* don’t destroy nature, they don’t use mercury or cyanide to separate gold; they do it with plants, so they don’t contaminate water or soil with

¹⁰⁷ El barequeo como patrimonio cultural inmaterial. Accessed April 25, 2019
<https://debatehidroituango.blogspot.com/2013/04/el-barequeo-como-patrimonio-cultural.html>

toxic substances”.¹⁰⁸

Castillo looked for support from RVAM members to socialise the proposal with the inhabitants. For that, she did workshops and pedagogical activities: “When several RVAM members arrived in Medellin in 2013 and they lived for some months in the Coliseum of Antioquia University, I could talk directly with them and I could explain the petition. People understood that their practice is a cultural heritage and this had an impact on the identity of communities. The partnership with Rios Vivos allowed me to reach many people and make a petition with more legitimacy”.¹⁰⁹

The movement adopted this proposal as one of its strategies to fight against the Hidroituango project and to protecting inhabitants of that zone. They supported the Castillo’s petition, helped to spread it, and they took part in the administrative process before the Ministry of Culture. According to Madrigal, the *barequeo* has been the economic sustenance of the region. Shops, bars, supermarkets among other business has been sustained with the money from this activity: “When we realised the possibility of declaring this activity as Colombian heritage, we promoted this strategy because for us the *barequeo* is part of our history and culture”.¹¹⁰

The petition affirmed that *barequeo* complied with all the requirements under article 9 of decree 2941 of 2009 about the conditions to recognise intangible cultural heritage in Colombia. Likewise, they denounced that this activity was at risk because of the construction of the Hidroituango dam and the mining projects. “Because of the hydroelectric project, we will lose our territory and the river that gives us the two most important resources for our life: gold and fish. The *barequeo* and the culture that we have inherited from our ancestors and we keep until the present, it will disappear, and with it our identity. So, we believe that we must defend our ancestral rights and we want the Government to recognise our right to live from this activity”,¹¹¹ pointed out the petition document.

¹⁰⁸ Ibid

¹⁰⁹ Telephone interview to Neyla Castillo, Anthropologist, May 4, 2018

¹¹⁰ Madrigal, interview

¹¹¹ El barequeo como patrimonio cultural inmaterial, Op., Cit.

Two years after the presentation of that petition, the Ministry of Culture sent to the territory a Special Verification Commission to explore detailed that request in the field with the petitioners. Commission members talked with *barequeros* in their in situ visit of eight days in different municipalities and they described the activities and customs in that region. The final outcome was a report of fifty pages which the Commission recognised this practice as an intangible cultural heritage according to the Colombian normative framework and did some recommendations to the Government.

Commission pointed out the need to make a deep analysis with experts on cultural law. The report affirmed *barequeo* is a collective activity that joins people and strengthens their networks and values as a community, which life is determined by their relationship with the Cauca river. The document also highlighted that it is a cultural practice that requires institutional actions to preserve it. Finally, the Commission suggested to the Ministry of Culture adopt measures to safeguard that heritage present in the Cauca river canyon. “We consider fundamental that from the Ministry of Culture a deep and concerted reflection be carried out with the communities on the mode of action to advance in an urgent process to safeguard this intangible cultural heritage in Colombia”,¹¹² said the commission team.

After three years of several procedures, the Ministry of Culture published the resolution 2636 of September 7, 2015, and said include the *barequeo* in the list of cultural immaterial heritage was not possible. The negative answer was justified because two reasons: first, that the request had a political use (because RVAM which is an official opponent to Hidroituango took part in that petition) and it could be interpreted as an adverse action against the government by the Ministry of Culture. Second, the Ministry considered that it was more workable to consider that patrimonial declaration at the national level and not only in that region.

For Castillo, the Ministry of Culture decision was a political statement against Rios Vivos for its

¹¹² Ministerio de Cultura, Informe de verificación :Solicitud de inclusión a la Lista Representativa de Patrimonio Cultural Inmaterial del ámbito nacional de la manifestación “Barequeo como forma tradicional de producción en el cañón del río Cauca”, en Antioquia, 2014, p 47

opposition to the Hidroituango project. “The Ministry believed the petition was only a strategy of RVAM, and this became in something political and legal. It was very painful that the Ministry of Culture did not recognise culture as a fundamental right and like a tool to protect other collective rights”.¹¹³ Currently, Castillo continues working on this initiative with other experts and they are trying to carry out again the request to the Ministry of Culture to include the *barequeo* as a cultural immaterial heritage of Colombia but this time the petition is framing at the national level.

The Institute of Regional Studies of Antioquia University also has supported the efforts to recognise the importance of the *barequeo*. In 2017, the institute elaborated a documentary film that showed the *barequeros*’ concerns because the construction of the Hidroituango dam and the impacts in their daily life. The documentary film also pointed out that the *barequeros* do not see gold as a source of wealth but as a method that allows them to meet their basic needs. “Community bases its worldview on using only what they need and leaving the rest for other people and future generations. In this way, the Cauca River is an open space for everybody that respect it”, noted the documentary.

4. 6. Environmental issues: Reporting and communicating environmental effects

Rios Vivos Antioquia Movement has defined itself as an environmental movement promoting the defence to its territory and the economic, social and cultural rights. They look for changing mining and energy politics in the country because according to them this is one of the main current reasons for displacement and banishment in Colombia. Hence, strategies of RVAM about environmental issues are related to its social claims. “For us, the defence of the Cauca river is nothing else than the struggle for life itself, for the right to stay in the territory and for the right to preserve our culture”,¹¹⁴ pointed the movement.

¹¹³ Castillo, interview

¹¹⁴ Astrid Torres, Colombia Nunca Más: extractivismo - graves violaciones a los Derechos Humanos. Caso Hidroituango. 1990 - 2016, CJL, 2018, p 428

According to Luis Montenegro from Lawyers Collective Jose Alvear Restrepo (CAJAR, in Spanish), members of RVAM fight for the fulfilment of rights for all living beings: “They believe that when demand the animals, forest and Cauca river rights, they are demanding their own rights. They understand that if the river is sick, they get sick too. They do not separate the rights, they see themselves as part of the canyon of the Cauca river and everything that happens there affects them”.¹¹⁵

Developing strategies has been hard work to this environmental movement in a country like Colombia that counts 128 social conflicts around environmental issues, according to the Environmental Justice Atlas Platform¹¹⁶. Nevertheless, they have sought international support to work out actions that show the environmental effects caused by the Hidroituango dam and to strengthen their opposition to this project. They developed the environmental strategies on three issues: (1) Reporting and communicating environmental effects (2) Petition before the Latin America Water Tribunal (3) The complaint in the Inter American Development Bank.

The struggle of RVAM against the construction of the Hidroituango project is related to the worldwide fight against the construction of the dams. The movement has referred in its documents to the Report of World Commission on dams that affirmed large dams generally have a range of extensive impacts on rivers, watersheds and aquatic ecosystems – these impacts are more negative than positive and, in many cases, have led to irreversible loss of species and ecosystems. In addition, the average lifespan of a large dam is about 35 years old, so these are just a short-term solution to solve a growing demand for energy.¹¹⁷

In 2016, RVAM members took part in the International Day of Action against Dams and for Rivers, Water and Life, in Medellin. They expressed their rejection of the Hidroituango dam and

¹¹⁵ Telephone interview to Luis Montenegro from Lawyers Collective Jose Alvear Restrepo (CAJAR) May 9, 2018

¹¹⁶ Environmental Justice Atlas, Environmental Conflicts in Colombia. Accessed Mayo 30, 2019
<https://ejatlas.org/country/colombia>

¹¹⁷ The report of World Commission on dams, Dams and Development: A New Framework for Decision-Making, 2000. Accessed Mayo 20, 2019.
https://www.internationalrivers.org/sites/default/files/attached-files/world_commission_on_dams_final_report.pdf

claimed policies to protecting the rivers because, according to them, “defending the rivers is defending the identity, the life and well-being of Colombians”¹¹⁸. In that year, RVAM developed a network with other social and environmental movements in Latin America to exchange experiences.

The movement also drawing attention to the report of the Hidroitungo Environmental Impact Assessment (EIA) published in 2007. According to that report, almost 4,000 hectares of dry and humid tropical forest would lose with the dam construction. In addition, the project would contaminate and damage the quality of the waters, change the landscape, reduce vegetation cover, fragment and destroy habitats, increase the pressure for natural resources, and affect the migration of fish.¹¹⁹ The EIA reported 27 effects, only 3 positives and 24 negatives. In spite of serious environmental effects, Colombian official entities granted in 2009 the environmental licensing to developers of the project.

RVAM affirmed the EIA did not take into account collateral damage in the area, so they published an alternative report in 2016. This document ‘Llamado a la razón ambiental en el ecosistema ribereño del río Cauca en el entorno del proyecto Hidroitungo’¹²⁰ pointed out the importance of the tropical dry forest because of the number of endemic species inhabit it. RVAM used figures from the report ‘Living Planet Report 2016 Risk and resilience in a new era’ by World Wide Fund (WWF) to explain the risks for the tropical forest because of the dam construction: “In terms of species diversity, tropical forests are among the richest ecosystems on Earth and they have suffered the greatest loss of area. Between 1970 and 2009 almost 41 per cent overall decline in tropical forest species occurred, this translates to an average annual decline of 1.3 per cent”.¹²¹

¹¹⁸ RVAM, ‘Un tejido a muchas voces, el sentir de una resistencia por el agua y por la vida’, 2018

¹¹⁹ Aida, Behind the dams: investments of the BNDES in Belo Monte and Hidroitungo, learnings towards responsible financing, 2018, p 12

¹²⁰ ‘Call to the environmental reason in the ecosystem of the river Cauca River in the environment of the Hidroitungo project’

¹²¹ WWF, Living Planet Report 2016 Risk and resilience in a new era, 2016, p 25

The movement showed concern by these alarming figures and they used pictures of vegetation and animal living in it to highlight the diversity of this forest. In addition, the environmental effects of dams were one of the topics addressed in that report and they again used figures of WWF: “At least 3,700 major dams are either planned or under construction for hydropower and for irrigation, primarily in countries with emerging economies. Almost half (48 per cent) of global river volume is already altered by flow regulation, fragmentation, or both”.¹²²

RVAM recommended in the report set up specific programs for protecting endemic and/or endangered wildlife species and asked EPM to give local associations the management of these programs: “People from this region are the only ones actually having a sense of belonging to the territory and they know these lands. In this sense, these programs can be a compensation measure for them”.¹²³ The movement also asked advancing the rescue and recovery of flora from massive plantings and seedbeds that should be in charge also of the community who know well ecological characteristics, properties, uses, etc of this. Finally, RVAM demanded to EPM stop of cutting trees to safeguard the tropical forest.

Members of RVAM said that they are environmentalists because they reject environmental injustice: “We do not want to live in a world where waters are contaminated, animals are sacrificed and the trees are cut. We fight against those things and each association works in its territory for a healthy environment. We are joined in this land with the animals and the river because the whole nature is our family”.¹²⁴

In another report¹²⁵, the movement affirmed armed conflict caused serious environmental damage as contamination of water and destruction of jungles and forest. Therefore, RVAM proposed to the government the creation of environmental truth commission to generate actions of reparations in affected territories by the conflict. In the same way, they requested changes to the government

¹²² Ibid., p 43

¹²³ RVAM, 'Llamado a la razón ambiental en el ecosistema ribereño del río Cauca en el entorno del proyecto Hidroituango' 2016, p 6

¹²⁴ Telephone interview to Cecilia Muriel from RVAM, May 2, 2018

¹²⁵ RVAM, Colombia: Víctimas de megaproyectos y la naturaleza como víctima, 2016

in the mining policy and stressed the importance of responsible mining making by *barequeros* who do it without polluting the rivers.

National complaints

Since the environmental licensing for the dam was granted in 2009, it has changed at least 12 times, according to the resolutions of the National Authority of Environmental Licensing (ANLA in Spanish). This shows the failures in the Environmental Impact Assessment since a good investigation could have identified these impacts before the dam's construction, not during or after.¹²⁶ Because of this, RVAM carried out mobilizations, demonstrations and judicial processes against the environmental licensing of the Hidroituango project, achieving its suspension in three times. The last time was in June 2018 and the environmental authority ordered to EPM suspend the development of the dam and only doing with works related to overcoming the emergency because of the dam collapse risk.

This year, the Office of the General Procurator presented a popular action in defence of communities rights affected by the Hidroituango dam. In the document, the Office said the decrease of the flow of the Cauca river on February 2019 produced serious social, economic and environmental damage in the ecosystem of several municipalities of Antioquia, Sucre and Bolivar: "This emergency generated the death of more than 65,000 species such as fish, reptiles, amphibians and other organisms such as plankton and phytoplankton, among other microorganisms that are necessary to the ecosystem".¹²⁷ According to the popular action, EPM, ANLA and the Ministry of Environment would have violated four collective rights: the enjoyment of a healthy environment; the existence of ecological balance and the rational management of natural resources; the right to public safety and health; and the right to safety and prevention of technically foreseeable disasters.¹²⁸

¹²⁶ Aida, Behind the dams, Op., Cit, pp 55-56

¹²⁷ Leonardo Botero, Información que ha dado Hidroituango no es ni veraz ni confiable: Procuraduría. Accessed June 05, 2019

<https://www.elespectador.com/noticias/judicial/informacion-que-ha-dado-hidroituango-no-es-ni-veraz-ni-confiable-procuraduria-articulo-843932>

¹²⁸ Ibid.

The battle of the movement in the judicial system continues. Last June, a Colombian judge issued a historic ruling recognising the grave danger to local communities presented by the Hidroituango dam. To protect the rights of communities in the region, the judge ordered that precautionary measures be immediately put into place to prevent further damage and to address ongoing risks from the dam project. This decision was the result of a criminal environmental complaint filed by RVAM.¹²⁹

Among the precautionary measures ordered is the urgent creation of a commission to assess the viability of the dam project. Notably, the ruling provides that representatives of affected communities should be included in this commission, which will assess the stability of the dam and whether its construction should be allowed to proceed. Given the urgency of the situation, the judge required to hold public hearings regarding its progress every ten days until it makes a final determination on the project's viability – at most in two months' time.¹³⁰In addition, the judge ordered that contingency plans be put into place to prevent the continued violation of victims' rights, including their rights to life, the environment, public health, minimum living standards, and human dignity. The judge added: "The victims in this process are not only the inhabitants of that region but all Colombians because the environment belongs to all of us."¹³¹

Proposals

RVAM's concern about environmental issues has led to the movement in the last years develop sustainable projects in the region. One of them is the bio-digesters that optimise biogas production using organic wastes and attaining clean and low-cost renewable energy. They also asked the government to get them the resources to install solar panels, and they taught the community about the importance of recycling to reduce the pollution in the region. Likewise, RVAM has carried out environmental workshops with inhabitants to recognise several animals

¹²⁹ CIEL, Colombian Judge Intervenes to Address Dangers Posed by Hidroituango Dam. Accessed June 16, 2019 <https://www.ciel.org/news/colombian-judge-intervenes-to-address-dangers-posed-by-hidroituango-dam/>

¹³⁰ Ibid

¹³¹ Redacción judicial, Juez ordenó creación de mesa técnica para evaluar el estado de Hidroituango. Accessed June 13, 2019 <https://www.elespectador.com/noticias/judicial/juez-ordeno-creacion-de-mesa-tecnica-para-evaluar-el-estado-de-hidroituango-articulo-865608>

and plants to aim to learn about the diversity of the tropical forest.

In addition, the Association of Women Defenders of Water and Life (AMARU, in Spanish) that is part of the RVAM published a fanzine called ‘Plantas Medicinales y Mágicas Religiosas’¹³² to show the importance of flora in this zone and the need to protect it. This initiative aimed at recovering the names and uses of plants and seeds, that are in the Cauca river canyon, and that are used especially to cure diseases.

“Every person in this country must feel pain because of what goes on with the people in this zone, but also because of what goes on with every being such as forest, plants, and animals in the Cauca river canyon. Our plants are precious, so we want to report in this document our knowledge about them”,¹³³ wrote AMARU in the fanzine.

4.7. The Hidroituango case in the Latin American Water Tribunal

Latin American Water Tribunal (LAWT) is a non-judicial body looking for being alternative justice instance for the analysis and search of solutions to social and environmental conflicts related to the water in Latin America. Last year, RVAM present its case against the Hidroituango dam to before this organisation and to expose the environmental damage caused by the project.

In a public hearing on 23 October 2018 in Guadalajara, Mexico, Isabel Zuleta presented the case before the LAWT. In the first part of the hearing, she showed the testimony of anthropologist Neyla Castillo to contextualise the *barequeo* in this zone and the need to protecting it. Then, Zuleta made a brief of the Hidroituango project, mentioned the municipalities affected by the dam and she criticised the failures in the EIA. Next, she referred to risks for the biodiversity in this zone and the social conflicts because of the Hidroituango construction.

Afterwards, Zuleta presented a lawyer who exposed case legal instruments and criticised the lack

¹³² ‘Medicinal and magical religious plants’

¹³³ AMARU, Plantas Medicinales y Mágicas Religiosas, 2018

of attention the Colombian institutions to investigate faults on this project. Likewise, he mentioned the judicial actions against the Hidroituango environmental licensing. Then, he talked about the human rights violations of minorities such as Nutabe indigenous people because the government and EPM didn't do prior consultation to this community. Finally, the lawyer asked the jury to consider the ecological moratorium in that zone, the dam dismantlement as well as the compensation to affected communities.

In its verdict¹³⁴, the Latin American Water Tribunal blamed the Colombian State, EPM and the Antioquia Government because of the severe environmental, social, economic and cultural damage that the Hidroituango project has produced to inhabitants of that zone. Likewise, LAWT accused these actors to expose the population to permanent risks due to the seismic-geological conditions and for technical deficiencies on the project construction.

The jury recommended dismantling the Hidroituango dam and establishing a special program with the participation of the affected inhabitants. This organism also requested the actors responsible for that project to comply with the international obligation to apply reparation and restitution measures to affected people as well as develop plans to relocate displaced persons. In addition, the jury claimed to EPM to support the recovering the bodies of forced disappearance victims in the surrounding zone of the project.

4.8. The complaint in the Inter-American Development Bank

The Independent Consultation and Investigation Mechanism (MICI) from the Inter-American Development Bank (IDB) is an accountability body to improve the Bank's transparency and effectiveness. The MICI purposes are: Investigate allegations by complaints of harms in IDB financed projects caused by the IDB failures to comply with its own operational policies; provide information to the Board of Executive Directors regarding such investigations; and be a

¹³⁴ Veredicto del Tribunal Latinoamericano del Agua sobre el caso Hidroituango. Accessed May 25, 2019 <https://riosvivoscolombia.org/wp-content/uploads/2018/10/Veredicto-TLA-caso-Hidroituango.pdf>

last-resort instrument for addressing the complaints concerns¹³⁵

Taking into account the MICI aims, in 2018 RVAM took its case before this mechanism to show the deficiencies and irregularities in the Hidroituango dam which the IDB is an investor. Center for International Environmental Law (CIEL), Interamerican Association for Environmental Defense (AIDA), and International Accountability Project (IAP) accompanied RVMA in this complaint.

IDB Environment and Safeguards Compliance Policy comprises ensuring all operations and activities of the Bank are environmentally sustainable, but according to RVAM's petition the IDB did not comply that purpose and failed in these specific issues: a) Integrated evaluation to identify the environmental effects, risks and opportunities of the projects; b) Integrated evaluation to identify social impacts, risks and opportunities; c) Effective citizen participation; d) Efficiency of resources and pollution prevention; e) Health and safety of the community; f) Conservation of biodiversity and sustainable management of natural resources; and g) Impact of cultural heritage.

¹³⁶

According to the complaint document, the deterioration of water quality and degradation soil because of the loss of its fertility increased in the areas of the direct influence of the project. In addition, the report pointed out collapses are permanent in the canyon of the Cauca river, which implies another great risk for the surrounding communities and the environment. The works construction and transit of vehicles also affected also air quality, generating the emission of gases and noise pollution. RVAM mentioned that they reported these impacts to official authorities and that currently, eight environmental sanction processes are in the stage of the administrative investigation.¹³⁷

Another argument to blame IDB for its investment in the Hidroituango project, in accord with the

¹³⁵ IADB, The Independent Consultation and Investigation Mechanism. Accessed June 02, 2019
https://www.iadb.org/en/mici/our-mandate?open_accordion=1

¹³⁶ Reclamo ante el mecanismo independiente de consulta e investigación del BID. Accessed June 02, 2019
<https://riosvivoscolombia.org/wp-content/uploads/2018/09/Reclamo-MICI-BID-Hidroituango-MRVA.pdf>

¹³⁷ Ibid

complaint, is because flooding and destruction of the tropical dry forest will affect the whole environment. For example, it will alter flora and there will be changes in the structure and composition of plant cover. In addition, it will reduce the high amount of forest area that acts as a carbon sink. Likewise, the survival of different species of plants and animals will be affected, which is worrisome considering the high rates of endemic species of this tropical forest.¹³⁸

The report pointed out that the environmental effects on the Cauca River and in the biodiversity of the tropical forest because of the dam's construction, contradict the Convention on Biological Diversity ratified by Colombia. In addition, the complaint mentioned that according to the Environmental Assessment Policy IDB, an adequate assessment of environmental risks, including cumulative and environmental risks, should have been carried out to prevent or manage the damage. However, these impacts were not correctly identified before investing in the project and today there is a crisis that showed the lack of an appropriate environmental assessment.

RVAM and the environmental organisations supporting this complaint affirmed that in either case, the IDB should not have approved the loan for a project with serious risks for the Cauca River, the environment and for the communities in that zone. They pointed out IDB didn't follow its evaluation requirements of environmental effects according to its operational policy. The movement sent this complaint to MICI in June 2018 and currently; the request is in the Consultation Phase (Conflict resolution process) to start the assessment stage by the mechanism.

¹³⁸ Ibid.

CHAPTER FIVE: FINDINGS

5.1 RVAM: ten years of changes and evolution

This chapter reviews changes and evolution of RVAM throughout these years and analyses the strategies developed by the movement which were described in the previous chapter. This analysis takes into account the dynamics related to contentious politics defined by Tarrow and Tilly; and the tactics of persuasion, socialisation, and pressure presented by Keck and Sikkink discussed above in chapter three. Additionally, it explores the support mobilised by RVAM to strengthen the movement's strategies and the outcomes at the local and national level.

According to Isabel Zuleta, the violence in Antioquia Department made it more difficult to set up the social movement because many people were afraid of the consequences of opposing the Hidroituango project. In the beginning, they started with meetings in parks and coffee shops talking about how the dam construction was affecting them. Zuleta said that they organised in associations and then as a pacifist movement to demand the Colombian state to stop the abuses of mining-energy projects: "We learned the best way to resist was to be organised and united. However, this resistance has been very expensive, we have lost the lives of some members, others have been displaced and others have been threatened and intimidated".¹³⁹

Although the first actions of RVAM started in 2009, it was not until August 2012 when the first big demonstration happened, according to president of the movement. She said this mobilisation was a key moment for RVAM because people from different municipalities affected by the Hidroituango dam took part in it and they compromised to fight against this project. In addition, the movement joined other social organisations, including Rios Vivos Colombia which is a coalition of environmental groups fighting against other dam's construction in the country.

The experience of living in the Coliseum of the Antioquia University in 2013 was another key

¹³⁹ Telephone interview to Isabel Zuleta, president of RVAM, May 14, 2018

moment for RVAM because of the members increasing awareness of this group as a social movement that was fighting to defend its human rights. “We were in that place (Coliseum) because of the threats in the territory. We arrived in Medellin to talk about our problems and seek alliances and after these activities, we got the recognition as victims of this dam because, before it, nobody recognised us as affected by the Hidroituango project. In addition, living with over 400 people was very difficult, but we did it and was an example of coexistence. We gained experience working collectively, and we learned from each other”¹⁴⁰ said Milena Florez, vice president of RVAM.

Communal living in that militant space helped RVAM members to strengthen its collective identity developing a bond of trust, love and mutual respect. These kinds of acts lead to the “development of solidarity and an oppositional consciousness that allows a challenging group to identify common injustices, to oppose those violations, and to define a shared interest in opposing the dominant group”.¹⁴¹ During that period, RVAM developed campaigns, repertoire and WUNC displays, the three elements that form the distinctive character of social movements according to Tilly, emerging as a new social movement in Colombia. In this sense, they defined to EPM as the main enemy to configuring the contentious politics against this actor.

Contentious politics frequently involves the mechanism of identity shift, as people who formerly thought of themselves in a variety of distinct social roles come together and realize a unified—if temporary—identity.¹⁴² In this case, RVAM members created a collective identity as victims of the Hidroituango project. They expressed their unity and solidarity taking the movement as a big family that resists to the destruction of its territory. In addition, they developed through these years a coordinated action to making claims on different issues.

Last year, they decided to stop being a part of Rios Vivos Colombia because they wanted to have total autonomy over their actions and their territory. “Although we participate in national and

¹⁴⁰ Telephone interview to Milena Florez, Vice president of RVAM, April 30, 2018

¹⁴¹ Snow, *The Blackwell Companion*, Op. Cit. pp 269-270

¹⁴² Tilly and Tarrow, *Contentious politics*, Op. Cit., p 241

international networks this does not diminish the autonomy we have to make our decisions. We appreciate solidarity but we do not accept that it is conditioned”, said the movement in one public communication on its website. In 2018, they also establish a board of directors to improve their daily organisation. This body is made up of the president, vice president, two secretaries, treasurer and two representatives who are in charge of carrying out operative tasks of the movement.

Tarrow points out that social movements depend to a varying extent on three levels of organisation: the social networks at their base, the organisation of collective action, and some degree of formal organisation – however rudimentary. The key to movement dynamism is the social networks that lie at the heart of the formal organisation and can survive even when these organisations disappear or are repressed.¹⁴³ RVAM has shown this dynamism mentioned by Tarrow because the movement has changed its organisation in the last years taking into account the context and needs to develop its strategies.

The movement went from having informal meetings to organising a coordination team and a board of directors in order to have more control over their decisions and actions. Likewise, they changed their contentious performances. In the beginning, they only made demonstrations and strikes but afterwards they developed different strategies and used tools such as official complaints and international advocacy. Zuleta said a few years ago RVAM members were afraid to travel outside the country and denounce the human rights violations in that region but now they are more confident to talk about these problems in Colombia and abroad. These changes and evolutions have made RVAM key political actor in that zone:

“There was a lot of fear because many of the leaders had never left the country, many of them had not travelled to Bogotá and some of them had not even visited Medellín. Taking that jump to go to another country was very frightening but the coordination team of the movement decided in 2017 that members should participate in abroad spaces. We have had an international agenda

¹⁴³ Tarrow, Power in movement, Op.Cit, p 183

based on invitations to specific events, but also on scheduled meetings. Last year, we participated with the CAJAR in a project of protecting environmental leaders and we developed advocacy strategy with the United Nations and civil society organisations”.¹⁴⁴

Here it is important to highlight the leadership of Isabel Zuleta. Since the movement’s foundation, she has developed networks with different actors that have been useful in the struggle of RVAM and she has strengthened the relationships between each one of fourteen association that make up the movement. Zuleta knows the value of strong leadership that inspires and organises others to take part and support actively the movement actions. She is charismatic and the way she expresses ideas has led her to be the most notable member of RVAM, to be the president of the movement and the main spokesperson. She has shown this leadership during her five participations in the IACHR hearings, her intervention on the platform of Dublin, her discourse before the Latin America Water Tribunal and on other spaces where she has represented the people affected by the Hidroituango project.

5.2 Analysing social and environmental strategies

The ability of networks to generate information quickly and accurately, and deploy it effectively, is their most valuable currency; it is also central to their identity.¹⁴⁵ In this way, RVAM has develop several strategies to reporting and communicating human rights violations. The movement often used the tactic of information politics trough official complaint letters, petitions, communications, reports among other publications, which they showed those violations in their territory. They also used testimonies of victims to accompany the statistical information. In addition, symbolic politics was a tactic used by the movement mainly with mobilizations, performances and strikes.

The movement affirmed that is undeniable that socio-political violence on the Hidroituango

¹⁴⁴ Zuleta, interview

¹⁴⁵ Keck and Sikkink, *Activists beyond*, Op. Cit. p 200

project zone has produced a big number of selective killings, forced disappearances and thousands of displaced. Therefore, RVAM and another's social organisations have demanded to official authorities to investigate the relationship between paramilitaries groups and companies in the region. Likewise, the movement has expressed that if the State does not recognise the influence and impact of the armed conflict in that territory; they are violating the rights of victims to justice and the guarantees of non-repetition¹⁴⁶. RVAM members have been often described as 'anti-development' by EPM and defenders of the project because of their opposition to the Hidroituango dam, which has led to an increase the stigmatisation for the movement who has denounced the lack of attention of these issues by the Colombian state.

The lack of attention to strengthening human rights defenders protection has been criticised also by Somos Defensores which presented in the research Stop Wars¹⁴⁷ the modus operandi and patterns in the attacks against social leaders in Colombia. The report concluded that (1) human rights defenders living in rural remote zones faced greater risks than defenders living in urban zones (2) Most of the killings of human rights defenders was perpetuated in the path to their own houses and places near to their homes. The report also detected surveillance and monitoring actions that put in risk families of HRDs.

Hence, the importance of RVAM's strategy to ask the government for collective protection measures. They used information politics tactic in the elaboration of Prevention Plan that took into account information collected by the movement and the reports of NGOs about human rights defenders self-protection. They also used the strategy of accountability politics because after judicial institutions confirmed in a statement the need to implement collective protection measures in the country, they exerted pressure on official entities to listen to their claims and their proposals for protection.

¹⁴⁶ Zuleta, interview

¹⁴⁷ Somos Defensores, „STOP WARS – Op., Cit.

In addition, leaders of the movement mentioned that they took advantage of the meetings in which the Plan was created (paid by the government) to deal with other issues of the movement since it is difficult for them to meet because of lack of financial resources. Here is materialised the political opportunity structure defined by Tilly and Tarrow because of RVAM recognised the availability of influential allies or supporters during the process of elaboration of this Plan and they realised that this facilitated their collective claim-making.

The third strategy was related to RVAM participation in IACHR hearings. Most of the panels which the movement took part were about the relationship between extractive industries and threats faced by human rights defenders that opposed to those projects. It is important to talk about these issues because threats and attacks against human rights defenders in the context of development activities are widespread – involving a broad range of countries, types of defenders, sectors, types of investments, and development financiers.¹⁴⁸

Zuleta affirmed the IACHR always has accepted the movement's petitions to participate in the hearings and she said they have achieved the presence in that space in different ways. "Some of our interventions in the IACHR was with the support of lawyers from different organisations and other interventions have been initiatives of us", said the leader of RVAM.¹⁴⁹ After analysing this strategy can be concluded that leverage and accountability politics were the tactics used by the movement with its participation in the IACHR hearings. They put this case in the Inter American system of Human rights to show the fails of the Colombian State to protect people affected by the Hidroituango dam and they led to Colombian official entities to the light of international scrutiny due to their negligence in this case.

In the strategy of RVAM to recover the bodies of forced disappearance victims, they used all tactics of persuasion, socialisation and pressure: Information politics to report the situation and figures of forced disappearance cases in the region; symbolic politics through symbolic events such as the performance carried out in 2017 with families of victims. In addition, they used

¹⁴⁸ Coalition for Human Rights in Development, *Uncalculated Risk*, Op., Cit., p 7

¹⁴⁹ Zuleta, interview

leverage politics tactics to call for the support of external actors to put more pressure on the targets institutions; and finally, they explored accountability politics to show before the international community the lack of protection of the Colombian state to armed conflict victims whose are being re-victimised by the Hidroituango project.

One of the most important initiatives in this strategy was the Observation Mission on forced disappearances cases. RVAM sought with that mission to get international support and attention in the cases of the forced disappearance in its territory. According to Zuleta, the movement explored the voice of the legitimacy of international and independent authorities in that kind of cases: “A lawyer from CAJAR knew Colombian and Latin American forensic experts. So we promoted this mission and we decided to devote all our efforts to the forced disappearance issue before the dam filling. In addition, we requested the hearing of the IACHR and we gained support with the report of this Mission, which meant a great strategy to position this issue in the public opinion”.¹⁵⁰

This strategy was related to the first strategy of information and communicating human rights violations. It also is connected to the strategy of participation in the IACHR hearings, particularly with the panel ‘Measures for the protection of evidence in forced disappearance cases in Colombia’ developed on May 2018 in Bogotá. Supporting victims is another activity carried out by HRDs, according to Fact Sheet 29, thus, RVAM leaders have helped to collect information to investigate human rights violations in that territory and they have assisted victims in taking their cases to courts and accountability institutions.

In addition, the president of RVAM said that this strategy is very important to *barequeros* who has a special cultural relationship with the death. For that reason, they try to recover the bodies of forced disappearance victims. “I believe that these feelings connect every people with mothers that seek for their loved ones and due to this, the campaign to recover the remains is related to deepest emotions for all people in this region”,¹⁵¹ commented Zuleta.

¹⁵⁰ Ibid.

¹⁵¹ Ibid

The last strategy analysed within the social category was the petition to include the *barequeo* in the Colombian List of Intangible Cultural Heritage. The petitioners hoped that the recognition of this activity in that list allowed them to strengthen the tools to protect their territory and culture. Testimonies in this tactic were pretty emotional because *barequeros* talked about the uncertain future and the breaking of social ties generated by the dam's construction. The used of these testimonies remembers us the said by Keck and Sikkink about that credibility and drama are essential components of a strategy aimed at persuading the public to change their minds in human rights campaigns. Here, the idea was to evidence the lack of protection and attention to that community suffering from the radical changes in their daily life because of the Hidroituango project construction.

According to Madrigal, the reject of the Ministry of Culture to include the *barequeo* in that list was a decision influenced by the mining business: "I believe the State did not want to accept that the *barequeo* is a cultural heritage because of the extractive industries in the territory; obviously for the government is more profitable to give the lands to multinational companies than to communities to do mining artisanal. If they declared it patrimony, artisanal miners would have more rights and clearly, companies and the government didn't want it to happen".¹⁵²

Despite the negative answer for this petition, the anthropologist Neyla Castillo affirmed the whole process was useful for the community because they began to feel proud of their ancestral knowledge. RVAM members used the petition to include the *barequeo* in the list of Intangible Cultural Heritage as one of its politic information tactics. Thanks to this strategy, they got historical information about their cultural practice and they highlighted the importance of the *barequeo* for communities surrounding to the Cauca River. In addition, the reports, documents and videos elaborated to support this petition have been useful for other strategies of RVAM aimed to strengthen its social struggle.

¹⁵² Madrigal, interview

Environmental category

RVAM explored different tactics for reporting and communicating environmental effects because of the Hidroituango construction. The movement used information politics tactics through its own and external reports to show the environmental damage in that region. Additionally, RVAM used the tactics of accountability politics to denounce EPM because of failures in the dam construction and the lack of information about last year's emergency. These actions allowed the movement to win a judicial process and have a greater recognition of its work.

The second strategy of the movement on the environmental category was the discusses of the Hidroituango dam case in the Latin American Water Tribunal. It was relevant because of RVAM got the attention of the media that often have covered the news of the project without consulting the affected communities. In addition, using leverage politics, the movement looked for the mobilisation of shame against to the Colombian state and EPM and tried to exert more pressure at the national level thanks to the strategy of international advocacy before this Tribunal. RVAM used this verdict to point to the government as guilty of the environmental and social damage caused by the dam due to its lack of attention to these problems. In this strategy, the movement also sought for accountability of the actors involved.

The last strategy used by the movement was the complaint in the Inter-American Development Bank. It was similar to the strategy of the Hidroituango case in the Latin American Water Tribunal because both strategies expose the environmental and social effects of this dam to claim for accountability of actors involved in this project. Human rights defenders work to secure accountability for respect for human rights legal standards, so RVAM developed this strategy to IDB take responsibility for its investments made in this dam whose development has serious accusations of human rights violations. Likewise, the movement is developing similar strategies to make complaints to other investors from the Hidroituango project such as the Caisse de dépôt et placement du Québec (a Canadian pension fund).

To sum up, the defence of the environment carried out by RVAM cannot be separated from the

defence of human rights that the movement has developed, because in the end, the strategies of one side and the other are connected. In this regard, the Inter-American Court of Human Rights recognised in the Advisory Opinion OC-23/17 of November 15, 2017, the existence of an irrefutable relationship between the protection of the environment and the realisation of other human rights. This due to the fact that environmental degradation affects the effective enjoyment of other human rights. In addition, the Court emphasised the interdependence and indivisibility between human rights, the environment and sustainable development, since the full enjoyment of all human rights depends on a favourable environment.¹⁵³

5.3 The external support on the movement's strategies

According to the spokesperson of RVAM, they were looking for different spaces where they could be heard because of the refusal to talk with them of the local government and EPM. In that process, they took part in round tables about human rights violations issues and they got in touch with social organisations and human rights defenders lawyers. “Liliana Uribe, a lawyer from Corporación Jurídica Libertad (CJL), knew us because of our participation in those events. In 2012, she accompanied us to make the request for protection measures before UNP, she told us what we needed to do and to which institutions we needed to go for claims our rights. Likewise, she helped us to ask for the first hearing before the IACHR due to the lack of information and answers by the Colombian state to our problems”.¹⁵⁴

CJL and the CAJAR are two national organisations that have supported the movement for several years. Both are organisations of lawyers that have helped to RVAM with judicial advisory and juridical training courses. For example, the training of legal facilitators from CAJAR has been crucial for the movement because many members were illiterate and now they even write documents for judicial processes. “Before we realise what kinds of things we could do, we just

¹⁵³ Inter-American Court of Human Rights, Advisory Opinion OC-23/17 of November 15, 2017. Accessed June 02, 2019

http://www.corteidh.or.cr/docs/opiniones/resumen_seriea_23_eng.pdf

¹⁵⁴ Zuleta, interview

thought in mobilizations and strikes but now, for example, I'm part of the legal facilitators' group. We have received training from the CAJAR, and we have learnt to write documents such as Petition of Rights",¹⁵⁵ mentioned Cecilia Muriel.

Academic support

RVAM members have sought to develop networks with the academy to discuss the seriousness of the environmental effects caused by the Hidroituango project. They have taken part in academic debates and they have been supported by experts in geology and biology to show the negative consequences in the zone because of the dam construction. After last year emergency, some academic debates developed about the risks of the Hidroituango.

One of these debates was 'Conversatorio Río Cauca. Superar la crisis generada por Hidroituango. Alternativas de Solución'¹⁵⁶ carried out by the Antioquia University in Medellín. In that event, RVAM leaders and several academics talked for two days about the dam's structural problems and the possible solutions for protecting inhabitants. This dialogue was streaming online and is available on the Youtube channel of the movement.

Another debate was '¿Quién puede vivir en riesgo permanente?: Hidroituango, la zozobra de un megaproyecto mal planeado'¹⁵⁷ developed by the National University in Bogotá. In this dialogue, RVAM leaders, civil engineers and geologists talked about the failure of the EIA because particular geography conditions in the zone were not taken in mind with. The debate concluded the risk of dismantling the dam are minor and it is a better option than continue working on this project. In addition, professors compromised to design a strategy to give orientation to people affected and RVAM members offered as guides in the territory for carried out technical inquiries.

¹⁵⁵ Muriel, interview

¹⁵⁶ 'Conversation about Río Cauca. Overcome the crisis generated by the Hidroituango. Alternative solutions'

¹⁵⁷ 'Who can live in permanent risk?: Hidroituango, the anguish by a badly planned megaproject'.

The Institute of Environmental Studies of the National University also follows this case. According to them, the environmental effects of the Hidroituango dam can be classified as high risk, not only because of its consequences on rivers, forests and biodiversity but also because of its impacts on communities such as displacement over 300,000 inhabitants, lost jobs, mental and psychological health effects among others. The institute affirmed the deviation of the Cauca river in 2014 generated negative effects on the population mainly due to the decrease in fishing.¹⁵⁸

RVAM also diffuses in its website the academic research papers on the Hidroituango dam effects and the consequences on the environment. One of those papers is ‘El proyecto Hidroituango: reflexiones desde la Universidad’¹⁵⁹ that calls for investigation about the construction of large works in the country because of the technical deficiencies on the designs of the projects and failures in the EIA such as the case of this dam.

‘Hidroituango: ¿Qué sucedió, por qué sucedió, qué está sucediendo y qué podría pasar?’¹⁶⁰ is another report that analyses in detail the structural failures of the dam taking into account the geological and geographical conditions of that territory and possible future scenarios. That research was carried out by Modesto Portilla, a geologist and expert in risk assessment, who has accompanied RVAM in several activities. The support of the academy to RVAM's actions against the Hidroituango dam illustrates the need to connect it with communities affected to improve the ways that they conduct their claims.

International networks

The role of International NGOs has been also key for the movement to create networks that legitimate its social struggle and to that those actions get a greater impact on national authorities. In this path, SweFor (Swedish Movement for the Reconciliation) has widely supported the

¹⁵⁸ Observatorio de conflictos ambientales, Conflicto entorno a la Hidroeléctrica Ituango. Accessed May 15, 2019 http://oca.unal.edu.co/html/doc_opinion/oca_idea_20190207_Analisis_Hidroituango.pdf

¹⁵⁹ ‘The Hidroituango project: thoughts from the University’

¹⁶⁰ ‘Hidroituango: What happened, why it happened, what is happening and what could happen?’

movement. This NGO has developed workshops of self-protection for RVAM members and has accompanied them in meetings with official authorities. Likewise, SweFor supported to the movement in the creation of Prevention Plan in 2017 and it has helped to RVAM with the organisation of advocacy tours abroad.

In addition, last year, SweFor coordinated the 'Human rights verification mission in municipalities of the Hidroituango project' accompanied by organisations as Broederlijk Delen, ODHACO, Mundubat among others. The verification mission was carried out between November 11 and 15, 2018 and it observed the effects of the dam on economic, social, cultural and environmental rights on inhabitants of the municipalities of Sabanalarga, Toledo, Ituango and Valdivia. The final report denounced the serious impacts of the Hidroituango project on people from this region.

The mission demanded the Colombian state and EPM to respect the right to truth, justice, reparation and guarantees of non-repetition of the armed conflict victims who are being re-victimised because of the Hidroituango project. Likewise, the mission claimed integral compensation for all people affected by the dam, particularly for RVAM members and families of forced disappearance victims. According to Silvia Plana, coordinator of this report, the emergency of the May 2018 visualised the problems for RVAM but also increased the threats and attacks for the movement: "Having more visibility makes them gain more support but unfortunately, that does not always mean a decrease in risks and in fact, last year, RVAM suffered many attacks and the murder of two members".¹⁶¹

Additionally, the verification mission recommended the international community to create a dialogue with RVAM, EPM and Colombian state to look for solutions to different problems in this zone because of the dam construction. The mission also demanded that international investors, such as the Inter American Development Bank respect human rights and not make

¹⁶¹ Telephone interview to Silvia Plana: Swedish Movement for the Reconciliation (SweFor), April 30, 2018

negative impacts on the population with the projects that the bank finances. Finally, the report pointed out the need to present the Hidroituango case to the ‘UN Working Group on the issue of human rights and transnational corporations and other business enterprises’.

According to the coordinator of the SweFor's report, these initiatives support the recognition of this social movement in other spaces and help them to stake their claims outside of the country:

“We think international visibility is key, and it is very important to raise awareness about what happens with organisations that defend human rights, but pressure on the territory is also important, we need to be present in the zone. Many times is very ethereal what European Parliament says for a person living in El Aro (a rural zone in Antioquia). For this reason, face-to-face accompaniment is so important to us, because it complements everything that can be done in political advocacy and communications at the international level”.¹⁶²

Previously, in 2017, RVAM received in its territory a visit from representatives of the European Union delegation in Colombia who aimed to obtain detailed information about the situation of human rights in that zone. Likewise, RVAM got the support of some European parliamentarians in form of a letter addressed to the Colombian government and EPM in which they asked to respect the human rights of inhabitants in that zone due to the irregularities in the construction of the Hidroituango project.

Special protection for RVAM because of threats and attacks to its members was asked by the European parliamentarians and they demanded to the government to strengthen the social struggle of this organisation. In the letter published on the RVAM website, the politicians also asked the authorities not to carry out forced evictions and comply with requirements and guidelines of the UN on forced evictions. In addition, they demanded the Colombian government respect the right to the families of forced disappearance victims to recover the bodies of their

¹⁶² Ibid.

loved ones.

This kind of support has been achieved thanks to the international advocacy of the movement in the last years. In 2017, the Dublin Platform for Human Rights Defenders invited Isabel Zuleta to talk about the problems of her community. This space is a biennial event providing an opportunity for human rights defenders from almost every country in the world to gather and share strategies for advocacy and protection, build solidarity with colleagues around the world, and network with high-level decision makers from governmental and intergovernmental bodies.

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Zuleta exposed in this event the social and environmental impacts caused by the construction of the Hidroituango dam and she asked for the attention of the international community to stopping human rights violations in that zone. Besides, in 2018, Zuleta was for a month in different institutions in Europe to expose the cases of forced disappearance in her territory and the claims to recover the bodies of the victims. The movement also has received the support of influential organisations like Amnesty International that frequently informs through communicates about the human rights violations in that zone and the risks for RVAM.

Transnational advocacy networks are particularly helpful where one state is particularly immune to direct local pressure and linked activist elsewhere has better access to their own governments or to international organisations. Thus, linking national activists with activist abroad can then create a ‘boomerang effect’.¹⁶⁴In this sense, several campaigns develop by the movement had more influence at the national level thanks to the international actors' help. RVAM leaders highlighted the importance of showing their struggle outside the country and they also pointed out that international advocacy was useful because local authorities started becoming recognise their human rights defence. “For our movement is very important to reach international bodies because it is a voice of encouragement, is a support for us to continue in what we do. We have a path to follow and we are being recognised not only in the region or at the national level but also

¹⁶³ Dublin Platform. Accessed May 15, 2019

<https://www.frontlinedefenders.org/en/programme/dublin-platform>

¹⁶⁴ Keck and Sikkink, *Activists beyond*, Op. Cit. p 202

we are being visible internationally”.¹⁶⁵

In addition, last year, RVAM received the ‘Organisation of the Year award’ from the National Human Rights Prize in Colombia, delivered by Diakonia and the Church of Sweden International Mission. Awards in human rights area have one or more of the following purposes: protection (protective publicity for the winners); moral or psychological recognition; providing material support (such as money, lobbying, introduction to decision-makers, paid travel, access to project funding, training); and promotion of a specific cause or group.¹⁶⁶

In this case, the movement won that prize for its work related to environmental rights because RVAM focused on demanding responsibility from multinational mining companies regarding human rights and environmental legislation. This prize gave the movement the opportunity to increase the recognition of its work at the national and international level. Indeed, consequently to the award, one leader of RVAM participated last May in a European tour to raise awareness of the dangers and difficulties faced by people working for human rights in Colombia. Awareness tours offer opportunities for HRDs to spread the word about the dangers they face in their own voice. To that end, protection organisations facilitate meetings between activists and embassies, international organisations, and members of parliaments from different countries to increase their visibility and extend international support networks.

Existing opportunity structures and established repertoires shape the forms and degrees of contention, but these repertoires and relationships have limits. For example, Zuleta pointed out not always the movement has had good relationships with other organisations. “NGOs in Colombia, mostly believe itself ‘social movements’ dads’, who hold that experience, knowledge, infrastructure and logistic. That’s why there were many conflicting relations with some NGOs because they wanted to interfere in our decisions”.¹⁶⁷ However, she also mentioned that the

¹⁶⁵ Muriel, interview

¹⁶⁶ Johannes Thoolen, Human Rights Awards for the Protection of Human Rights Defenders, *Journal of Human Rights Practice* Vol. 5, 2013, p 550

¹⁶⁷ Zuleta, interview

movement has developed strong relationships with other NGOs that have supported their strategies and that have been very respectful of their internal agreements and autonomy.

5.4 Outcomes and achievements of RVAM

One of the most important achievements for the movement was to draw attention to the need for recovering the bodies of forced disappearance victims in that region. RVAM has put all its efforts to carried out this strategy and help the families of victims. For that, they have taken advantage of every space in civil organisations at the national and international level to expose this issue and they have developed networks that have helped them to improve their claims in this topic.

Another relevant outcome for RVAM was the recent decision of a judge to ask EPM to implement precautionary measures in that region because of the damage caused on inhabitants by the Hidroituango project. “This historic decision has given us a glimmer of hope that we might achieve justice, despite the many years of pain and anguish that we have experienced. We now have reason to believe that Colombia’s constitutional protections for the environment and human rights will be given effect”,¹⁶⁸ said Zuleta.

Likewise, they achieved the attention of official entities to develop the strategic plan on collective protection measures. They received resources to make this plan, and they made the government take responsibility for promoting it. According to Zuleta, the process to make the prevention plan was fruitful and she mentioned one case: “We had often aggressions by the Army and after we did advocacy strategies in several official institutions, we identified some changes and more respect to the movement. For example, in the territory, sometimes in the middle of complex situations (demonstrations and strikes), some member says ‘I’m a member of RVAM’ and the soldiers know they should respect and protect them, so we can see little changes that are really

¹⁶⁸ CIEL, Colombian Judge Intervenes to Address Dangers Posed by Hidroituango Dam. Accessed June 16, 2018 <https://www.ciel.org/news/colombian-judge-intervenes-to-address-dangers-posed-by-hidroituango-dam/>

important for us in the field”.¹⁶⁹

Empowerment of women

Joanna Rowlands mentioned in her book ‘Questioning empowerment’ that a gender analysis shows that “power is wielded predominantly by men over other men, and by men over women. Extending this analysis to other forms of social differentiation, power is exercised by dominant social, political, economic, or cultural groups over those who are marginalised”.¹⁷⁰ Power can take many different forms: power over, power to, power with.¹⁷¹ Women of RVAM said that the Hidroituango project not only destroys human and non-human life but is also sexist, discriminatory and it imposes its patriarchal logic.¹⁷² “We are women who defend ourselves from the macho and patriarchal violence to which we have been subjected throughout history. As they have done with nature, they have wanted to dominate and subjugate us with the social stereotypes established by the white, western and colonizing man who has implemented an extractive and predatory energetic model”,¹⁷³ said the women leaders in a communicate.

Using the conventional definition, of ‘power over’, empowerment is bringing people who are outside the decision-making process into it. Individuals are empowered when they are able to maximise the opportunities available to them without constraints.¹⁷⁴ Within the generative, ‘power to’ and ‘power with’, interpretation of power, empowerment is concerned with the processes by which people become aware of their own interests and how those relate to the interests of others, in order both to participate from a position of greater strength in decision-making and actually to influence such decisions. From a feminist perspective, interpreting ‘power over’ entails understanding the dynamics of oppression and internalised

¹⁶⁹ Zuleta, interview

¹⁷⁰ Joanna Rowlands, *Questioning Empowerment. Working with Women in Honduras*, Oxfam, Oxford., 1997, p 11

¹⁷¹ Rowlands defines this categories as follows: power over: controlling power, which may be responded to with compliance, resistance (which weakens processes of victimisation) or manipulation.; power to: generative or productive power (sometimes incorporating or manifesting as forms of resistance or manipulation) which creates new possibilities and actions without domination; power with: 'a sense of the whole being greater than the sum of the individuals, especially when a group tackles problems together'. (Ibid. p 13)

¹⁷² RVAM, *Mujer*. Accessed 05 July, 2018

<https://riosvivoscolombia.org/mujer/>

¹⁷³ Ibid.

¹⁷⁴ Rowlands, *Questioning Empowerment*, Op. Cit., p 13

oppression.¹⁷⁵

Women members of RVAM are aware of their power and the need to fight for their rights. The leader and main spokesperson, Isabel Zuleta frequently talk about the importance of empowerment of women in her speeches. In this social movement, women have high participation in the decision-making process, even, the vice president of RVAM is also a woman.

They work together to defend their territory as well as their autonomy and according to them, this process has been fruitful for women in a region that has been historically dominated by men. Zuleta mentioned that many men of the movement did not agree at the beginning with her leadership; with the fact that a woman was the leader of RVAM, but now these men are supporting her decisions and actions.

On the movement's website, there is a section dedicated to women. There, they say that created the Association of Women Defenders of Water and Life to denounce the way in which the Hidroituango project has affected the women in a particular way. They also denounce the disproportionate and unique impact of the war and violence on women in that region. This is a topic that has been addressed worldwide by Resolution 1325 (2000) from the UN Security Council and Resolution 1820 (2008) that condemned sexual violence as a weapon of war and declared rape and other forms of sexual violence as war crimes.

In Colombia, the Truth Commission has been receiving in the last months, the testimonies of women victims of sexual violence during the armed conflict and has developed meetings with these victims. Women leader of RVAM has supported themselves because many of them were victims of guerrilla and paramilitary groups. In addition, they are developing networks with other organisations to addresses these topics.

¹⁷⁵ Ibid., p 14

Empowerment is thus more than participation in decision making; it must also include the processes that lead people to perceive themselves as able and entitled to make decisions. Empowerment can take place on a small scale, linking people with others in similar situations through self-help, education, support, or social action groups and network building; or on a larger scale, through community organisation, campaigning, legislative lobbying, social planning, and policy development.¹⁷⁶

Women leaders of RVAM are fighting to defend their rights, not only with the participation in decision making but also to improve their quality of life and conserve their autonomy. For them, the *barequeo* is very important because it has given them economic independence from their partners and money to help their families. For that reason, they assured that if this activity disappears it would affect their independence. Hence, they seek to protect this ancestral practice and develop other alternatives to earn money, such as making backpacks with environmental messages and producing coffee that is sold at events in which they participate in different cities. The earnings are designated mainly for the activities of the women association, but also to help women who are families' sole breadwinners.

In this battle against the Hidroituango project, these women not only have developed a sense of self and individual confidence and capacity but also have worked together to achieve a more extensive impact than each woman could have had alone.¹⁷⁷ For example, last year, they made a fanzine which classified medicinal plants surrounding the Cauca river and they created a hotbed to protect these plants. This initiative was supported by a feminist organisation and they are developing other collective projects to strengthen the empowerment of women in that region.

¹⁷⁶ Ibid., pp 14-16

¹⁷⁷ Ibid., p 15

CHAPTER SIX: CONCLUSIONS

This research analysed the strategies used by Rios Vivos Antioquia Movement to claim for human rights of its community and fight against the construction of the largest dam in Colombia. In addition, the support and influence from external actors on the movement and the outcomes of those strategies at the local and national level were dealing with.

RVAM developed five strategies focused on social issues and three focused on environmental topics. Within the eight strategies, the tactics mostly used was information politics, which was present in all of these strategies, followed by accountability politics in six of them. Additionally, they explored the leverage politics in four strategies and symbolic politics in three. This tells us that the movement mainly sought to disseminate all the information about the damages caused by the Hidroituango dam and the human rights violations to get the attention at local, national and international level and then looked for accountability of the involved actors.

One of the most important outcomes of the RVAM is that the development of several social and environmental strategies led to their consolidation as an emerging social movement in Colombia. This achievement is particularly relevant because that region has been affected by the armed conflict and, due to this, the social struggle had been undermined for years. In addition, many of the members were people never involved before in planning strategies to claim their human rights and, step by step, they have become active actors in the decision making. It is also important to highlight the empowerment of women in this movement. They have developed networks with feminist organisations and they have led their own projects to strengthen their autonomy and participation in the territory.

Another achievement for the movement was to put attention on the cases of forced disappearance in that region and the claims to recover the victim's bodies. In addition, the movement pressured the authorities to establish collective protection measures for human rights defenders in risk and finally, the government signed a new decree to set up these requirements in the UNP. Likewise,

the RVAM complaints in the judicial system achieved the attention of a judge, who in a landmark ruling demanded EPM put into place precautionary measures to prevent further damage and to address ongoing risks caused by the dam. More importantly, the judge ordered the participation of RVAM in the meetings to establish the measures. This ruling was very relevant for the movement that was always excluded from the dialogue with EPM because of its opposition to the project.

The outcomes of RVAM's strategies cannot be understood without looking at the actions and support of national and international actors. Thanks to these actions, today the movement is recognised by its defence of communities affected by the Hidroituango project. National organisations as CJL and CAJAR have helped RVAM to legitimise its social struggle. In addition, the movement reached audiences abroad and strengthened its international advocacy. In this case, SweFor is the international NGO that has most supported RVAM. Environmental organisations also have been key helping the movement to make complaints such as the one made last year before the IDB.

During these advocacy processes, the domestic pressure on the state never ceased and the movement increased the resources available for making collective claims. Additionally, the outcomes of RVAM's advocacy reached different levels: the agenda-setting after the emergency of the last year in the dam, the influence on discursive positions of institutions as well as some policy changes in target actors.

This research also examined how RVAM has changed during these ten years. The movement went from talking about the problems of the community because of the Hidroituango dam during informal meetings in parks and coffee shops to the creation of a coordination team charged to make decisions and develop strategies. Likewise, its repertoire of protest, its programs and its emotional values evolved. In the beginning, RVAM often carried out demonstrations and strikes. Later, they developed strategies to claim their rights in the judicial system and made complaints before national authorities. Now they are focusing on making claims - with the support of

international networks - to look for accountability of the Colombian State, EPM and multinational corporations because of the violations of human rights of the Hidroituango project in that region.

At the same time, they have strengthened the collective identity that allows them to feel proud of their achievements and they continue supporting people that have been re-victimised in the name of 'development' by the Hidroituango project. Most of them have lost loved ones because of the armed conflict, so they said that this movement has become a new family. Thus, they describe it not only as a space for active participation in the region but also for resilience.

All of actions carried out by RVAM members have developed a kind of 'alter activism' described by Pleyers¹⁷⁸ as a contemporary conception of activism, marked by the daily commitment and the action at the local level. This 'alter activism' allows members to implement concrete alternatives as well as diffuse widely their contentious repertoire to strengthen their social struggle. Hence, RVAM is developing collective projects. A few months ago, they started planting coffee on a farm that they bought and with this, they hope to get more resources to aim to afford their activities and help the neediest members of the movement.

The battle of RVAM against the Hidroituango project has been complex and dangerous. They not only defend the interests of their communities but also they have to face threats and fight to preserve their lives because of the dangers coming with working as human rights defenders. Despite its legal contention, protests, international advocacy and other efforts of the movement, the dam's construction continue, making it appear to be increasingly inevitable. All this is happening, in spite of the environmental and social effects of this project have increased in the last months because of the technical problems into the dam.

Today the problem with the Hidroituango dam is no longer just the effects caused by the construction itself, but also that the structural and technical problems of this project increase the

¹⁷⁸ See 'Today's social movements' in chapter three

risk to inhabitants should the dam collapse. That's why RVAM's actions have greater value; they are fighting for the community of this area, who is suffering because the companies and the state -that has the main function of protecting them- are violating their human rights. In this case, the responsibility of the State to protect its citizens seems to be relegated by the economic interests of this project.

Finally, this research contributes to recognising the work of RVAM and show us the importance of strengthening social movements that defend human rights around the world. The battles of these movements can solve local disputes but also provide answers to global issues. In this sense, RVAM's efforts are not only against the construction of a dam, but they question the current development model and propose alternatives to protecting the environment. Likewise, they reject all acts that threaten the territories, cultures, ways of life and human rights of communities. This is a call on civil society to stand up for human rights because it is not the job of just a few people, it is the duty of the whole of humankind.

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ANNEXES

Annexe 1. Tactics of persuasion, socialization, and pressure of RVAM

Strategy	Information Politics	Accountability Politics	Leverage Politics	Symbolic Politics
1. Reporting and communicating human rights violations	x			x
2. Asking the government for collective protection measures	x	x		
3. Participation in the Inter-American Commission on Human Rights hearings	x	x	x	
4. Claims to recover the bodies of forced disappearance victims	x	x	x	x
5. Petition to include the barequeo in the Colombian List of Intangible Cultural Heritage	x			x
6. Reporting and communicating environmental effects	x	x		
7. The Hidroituango case in the Latin American Water Tribunal	x	x	x	
8. The complaint in the Inter-American Development Bank	x	x	x	

Annexe 2. Performance ‘Siembra de cuerpos gramaticales’



EN MEMORIA DEL CAÑÓN DEL RÍO CAUCA EN ANTIOQUIA

#SuspendanHidroituango #HidroituangoMata #ElRíoTieneMemoria #CuerposGramaticales

CUERPOS GRAMATICALES

Siembra simbólica en memoria de los desaparecidos y víctimas del conflicto armado y de #hidroituango en el Cañón del Río Cauca y en homenaje a la resistencia en defensa del territorio, el agua y la vida.

FECHA: 19 de septiembre de 2017
HORA: desde las 6:00am
LUGAR: puente pescadera, municipios de Toledo e Ituango Antioquia.

Images Credits: Rios Vivos Antioquia Movement

Annexe 3. Interview format to leaders of RVAM.

Nombre:

Cargo en el movimiento:

1. ¿Cómo se unió al Movimiento Ríos Vivos Antioquia MRVA? ¿Hace cuánto hace parte de este?
2. ¿Qué trabajos realiza dentro del Movimiento? ¿tiene un rol o cargo específico?
3. MRVA se define como un movimiento ambientalista. Para usted ¿qué significa esto,? ¿cómo lo describe?
4. Ustedes buscan la transformación de la política minero energética en Colombia ¿ cuál es la principal propuesta en este campo? ¿ qué otras propuestas ambientales difunden?
5. ¿Creen que aún es posible que se desmantele Hidroituango?¿Qué opciones habría de permanecer en el territorio si esto sucede? De lo contrario, ¿Qué opciones han planteado como Movimiento para seguir defendiendo el territorio?
6. ¿Cómo es el proceso de toma de decisiones y acciones del Movimiento? ¿Cada cuánto se reúnen y cómo es el proceso de comunicación de lo acordado a todos los integrantes de MRVA?
7. Una de sus primeras peticiones al Gobierno fue incluir el barequeo como patrimonio inmaterial cultural. ¿Cómo fue este proceso y cómo recibieron la negación del Gobierno?
8. En el 2013 participaron por primera vez en una audiencia de la Comisión Interamericana de Derechos Humanos CIDH ¿ cómo llegaron a esta instancia? ¿cómo lograron las otras 4 participaciones?
9. ¿Cómo ha sido la conexión con actores externos que los han asesorado en las acciones emprendidas como las mencionadas anteriormente?
10. ¿Qué estrategias ha planteado el Movimiento para internacionalizar sus reclamos?¿ Tienen conexiones con otros grupos en Latinoamérica y otras regiones del mundo?
11. Una de sus luchas ha estado enfocada en que el Gobierno reconozca la existencia de fosas comunes de víctimas del conflicto armado en el Cañón del Río Cauca ¿ cómo iniciaron estos reclamos? ¿Cómo coordinaron la llegada de una Misión de Observación con expertos

internacionales como la del año pasado?

12. ¿Cómo fue el proceso de elaboración de documentos como la cartilla de seguridad y la cartilla de la memoria?

13. ¿Cuáles han sido los momentos más importantes para el Movimiento y cómo han influido en su vida diaria?

14. ¿Cómo financian las movilizaciones, performances y demás actividades del movimiento?

Annexe 4. Interview format to organisations that has supported the RVAM's strategies

Nombre organización:

Nombre entrevistado:

Cargo:

1. ¿Cómo fue el primer contacto con el Movimiento Ríos Vivos Antioquia? ¿Cómo se ha desarrollado el trabajo con los líderes de este movimiento?

2. ¿Cuáles han sido las principales estrategias que decidieron adoptar y cómo se han consolidado?

3. ¿Qué impacto han tenido estas estrategias en un caso tan mediático como Hidroituango?

4. ¿Dentro de las estrategias se contempló internacionalizar el caso del Movimiento?

5. ¿Han trabajado con otras organizaciones durante el acompañamiento al MRVA para realizar estrategias conjuntas?

*(The additional questions depended on the strategies named by the interviewees)