

Transnationals vs. Women's rights

Investigation into the cases of Santa Cruz de Barillas (Guatemala),
Buenaventura and El Quimbo (Colombia) from a feminist perspective



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COOPERACCIO

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Other human rights defenders whose identity must remain undisclosed for their safety and protection.

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de Cooperació
al Desenvolupament**



**Ajuntament
de Barcelona**

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1.

Introduction

1.1 About the Catalan Centre for Business and Human Rights

The Catalan Centre for Business and Human Rights was created in November 2014, and is a group composed of **fifteen organisations** from two broader platforms, [Lafede.cat – Organitzacions per a la Justícia Global](#) and the [Catalan Board for Peace and Human Rights in Colombia](#), in addition to experts from the [TNI – Transnational Institute](#), the Autonomous University of Barcelona, the University of Barcelona, the University of Girona, the Rovira i Virgili University and the University of the Basque Country.

The organisations which belong to the group are the [Alianza por la Solidaridad](#), [AlterNativa Intercanvi amb Pobles indígenes](#), [Amnesty International Catalonia](#), [Centre Delàs](#), [CooperAcció](#), [Engineers Without Borders](#), [Entrepobles](#), [Fundació Pau i Solidaritat-CCOO Catalunya](#), [Justícia Alimentària Global](#), [Justícia i Pau](#), [NOVACT](#), [Observatori DESCA](#), [ODG](#), [SETEM](#), [SUDS](#), and [Peace Brigades International \(PBI\) Catalonia](#) in the role of observer.

The group advocates for the creation of a public centre responsible for ensuring that every company operating in Catalonia and/or providing services to the Catalan public authorities **complies with human rights standards**, whether in Catalonia or abroad¹. Over 3,000 Catalan companies operate abroad either directly or through more than 7,500 subsidiaries.

Such a centre would **receive and check complaints** from communities affected by companies operating in Catalonia, and issue reports on these issues. If these reports were to confirm any type of violation of human rights, companies would be barred from operating in Catalonia until they both provided redress for the damages caused to these communities and changed their internal policies so as not to ensure non-repetition of these infringements in the future.

Communities directly affected by these companies' practices would therefore be able to bring them to the attention of the centre, which would act to ensure **investigation and dialogue**. Additionally, this body would have the **power to impose penalties** where companies fail to provide the information requested of them.

¹ <https://alertadh.org/es/observatori/>

It would also put forward proposals for **regulation and public policy design**, for example in public procurement, and handle **the monitoring and investigation of cases** of human rights violations related to commercial activity².

The aim is to exert political pressure on Catalan authorities for the purposes of ensuring coherent public policy which complies with Catalan legislation concerning cooperation and external action. In the latter case, Article 12 of Law 16/2014 specifies that the Catalan government:

"Shall ensure that actions aimed at promoting the economic internationalization of Catalonia are consistent with the United Nations Guiding Principles on Business and Human Rights, ensuring respect for human rights in any action that is taken"³

The creation of this business and human rights centre follows the path set by the United Nations, which is working on a **binding treaty** that obliges companies to comply with human rights⁴.

In July 2020, a draft bill was put before the Parliament of Catalonia for the creation of this centre as a tool to "move towards the regulation of the business sector as regards human rights and the defence of the environment, and to ensure that the internationalization of the Catalan economy does not have a negative impact, especially in the most impoverished countries"⁵. The proposal was admitted for parliamentary hearing in October.

1.2 About CooperAcció

CooperAcció⁶ is an international cooperation association founded in 1994 which seeks to contribute, from a **feminist perspective**, to empowering women, lesbian and transgender people to fully exercise their rights, and to achieve gender equality, as essential conditions for social justice, sustainable human development and peace.

During this time, CooperAcció has devoted a considerable part of its resources and energies towards encouraging **development, advocacy, training and awareness** of women's rights and gender equality.

A feminist perspective guides our analysis of inequalities and power relations between women and men. For CooperAcció, feminism – or feminisms – best embodies our aspirations for **gender justice and equality** between women and men. It is the theoretical body that nourishes our fight for the **liberation and autonomy of women, lesbian and transgender people**, and the engine that drives their **empowerment**, encouraging them to organise for the **defence and advocacy of their human rights**.

2 <https://www.taulacolombia.org/es/el-pleno-del-parlamento-da-luz-verde-a-la-ley-de-creacion-del-centro-de-empresas-y-derechos-humanos/>

3 <https://portaljuridic.gencat.cat/ca/document-del-pjur/?documentId=676911#>

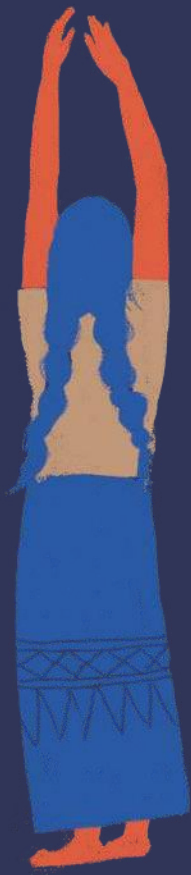
4 <https://www.ohchr.org/en/hrbodies/hrc/wgtranscorp/pages/igwgontnc.aspx>

5 <https://www.taulacolombia.org/es/se-registra-la-propuesta-de-ley-para-la-creacion-del-centro-catalan-de-empresas-y-derechos-humanos-una-iniciativa-pionera-que-convertira-a-catalunya-en-referente-internacional/>

6 <https://www.cooperaccio.org/quienes-somos/>

Our organisation focuses on a range of different working areas, such as advocating for a life free of violence for women, bodily and sexual autonomy, the life-centred economy and ecofeminism, and strengthening women's and feminist activist movements.

CooperAcció is based in Catalonia, and is also active in Mali, Senegal, Colombia and El Salvador.



2.

Objectives and context

The main objective of this document is to provide **analysis, guidelines, instructions and recommendations for the application of a feminist perspective** in the research, documentation, study, description, characterisation and presentation of the effects of transnational megaprojects on women's rights.

Violence against women constitutes one of the main axes of transnational corporations' offensives and should not be ignored when studying the impacts of transnational corporations, nor should it be analysed as the mere collateral damage of extractivism. Those behind extractivist projects know full well that, in attacking women, they attack the people who care for the resources and sustain the fabric of their communities. Neutralising their resistance is vital for these projects to push forward. As Silvia Federici observes:

“We are witnessing an escalation of violence against women, especially Afro-descendant and Native American women, because ‘globalization’ is a process of political recolonization intended to give capital uncontested control over the world’s natural wealth and human labor, and this cannot be achieved without attacking women, who are directly responsible for the reproduction of their communities. Not surprisingly, violence against women has been more intense in those parts of the world (sub-Saharan Africa, Latin America, Southeast Asia) that are richer in natural resources, and are now marked up for commercial ventures, and where the anticolonial struggle has been the strongest”⁷

For its part, the international organisation Feminists for a Binding Treaty, which advocates for the introduction of a binding legal instrument to force transnational corporations to respect human rights – and to hold them accountable when they violate them – indicates that women and girls suffer violence and discrimination by corporations as a result of a **combination of patriarchy, racism and capitalism**.

According to the organisation, **women and girls are those most affected by land grabs, forced displacement and extractivism**, and are denied access to their land, decision-making processes, compensation and justice.

7 Silvia Federici, “Bruixes, caça de bruixes i dones” [Witches, Witch-Hunting, and Women], Tigre de paper, 2020.

They also suffer **assault and rape** by public and private security forces, a consequence of the militarisation of business activities.

They are the ones who take on the role of **food producers** and, therefore, experience first-hand the consequences of poverty, hunger, malnutrition and loss of land, water and other vital resources.

They also face threats, criminalisation, repression, sexual violence and murder as a result of **their struggle** against corporate abuse and in defence of human rights⁸.

In this report, we aim to analyse these and other effects experienced by women when transnational companies descend on their territories and disrupt their lives.

Our overarching goal is to provide content which serves to **inform measures for ending impunity for companies** that commit human rights violations. We endeavour to provide a basis from which to **assess and take stock of the harm** caused to women when extractivist transnational companies begin to operate in their territories. Another of our aims is to **contribute towards a feminist narrative that underpins women's testimony** as evidence of the human rights violations committed by extractivist companies.

Among other sources, our research is based on a **review of existing documentation** concerning the cases studied, including human rights reports, press articles, testimony and biographical information, academic research, reports from truth commissions, campaigns by organisations representing those affected and conversations with activists and experts on corporate power and women's rights.

These sources are cited and referenced at the foot of each page – or in the body of the text itself – when it comes to books, articles or academic publications that serve as a theoretical framework, even where these may not be strictly focused on the cases studied. A list of the main sources in each of the cases can be found at the end of this document.

Additionally, we conducted a **series of interviews** with women directly affected in the cases studied, as well as with lawyers, media workers, activists and other experts linked to international organisations working to defend the rights of women resisting extractivist projects. We have had to protect the names and identities of some of those interviewed, due to the threat of violence under which they live and continue to fight.

8 “Feminists 4 Binding Treaty” Manifesto, available at: <https://www.womenalliance.org/feminists-4-binding-treaty/>



3.

Methodology

Our analysis of the effects of transnational corporations on women's rights focuses on three cases:

- The Hidro Santa Cruz hydroelectric project in **Santa Cruz de Barillas**, Guatemala.
- The construction of the **El Quimbo** hydroelectric dam in the upper basin of the Magdalena River in the department of Huila, Colombia.
- The construction of a container terminal for international maritime trade in the city of **Buenaventura**, on the Pacific coast of Colombia.

Spanish companies are involved in all three cases, either directly or through subsidiaries set up for the implementation of these projects.

This document is divided into three blocks:

- Firstly, we set out **the context and primary characteristics** of the three cases in question.
- Secondly, we analyse the **specific effects** on women's rights in each of the aforementioned cases. Herein, we will appraise the **material and intangible** consequences of each rights violation which has taken place.
- Thirdly, we offer a series of **conclusions and recommendations** based on our analysis of these effects. The **strategies for resistance** developed by the communities affected, as well as those built by other communities in similar circumstances, will also be included in this section.

3.1 Feminist perspective

Working from a feminist perspective means placing life and all the processes that make it possible at the centre, and highlighting the role of **women as the principal sustaining force of life**.

When we discuss business projects that put the ways of life present in territories and communities at risk, we must focus on how those who sustain life are affected, and on the strategies for resistance they develop.

A feminist perspective also entails paying particular attention to the **specific types of violence** suffered by women because they are women, such as sexual assault, gender violence in intimate relationships, discrimination in decision-making processes, etc.

This enables us to recognise the repercussions of extractivist industries on the **roles women are designated by the patriarchy**: suppliers of water and food, providers of care for dependents, mothers, wives, etc.

In turn, this leads us to question **existing legislation** and the lack of criminal complaints, investigations or prosecution to deal with the specific violence faced by women as a matter of justice.

It also provides us with tools to link the struggles of women defenders of territory and the environment in the countries of the global South with the broader defence of women's rights around the world, and makes it easier for their **demands** to be heard and included on the **global feminist agenda**. Where women face threats and persecution, these global networks can help ensure their protection (asylum, temporary protection, legal aid, etc.).

Feminists for a Binding Treaty, which fights against impunity for corporations that violate human rights, holds that the inclusion of a gender perspective in research on corporate power:

“...should not be about treating women as a 'vulnerable group' or taking the approach of 'adding women and stirring'. We call for meaningful due diligence that can really highlight and address how business activities have different, disproportionate, or unanticipated impacts on women and other identities, as a result of different gendered social, legal, and cultural roles. In spite of the evidence, gender impacts of corporate abuse are still largely overlooked”⁹

Faced with the absence of a gender perspective in reports, evaluations, meetings and debates on corporate impunity, the organisations behind Feminists for a Binding Treaty propose “mandatory gender impact assessments of business operations; gender sensitive justice and remedy mechanisms; and ensuring respect, protection and an enabling environment for women human rights defenders”¹⁰.

This document seeks to respond to these demands, offering contributions which can serve to **highlight the specific impacts of commercial endeavours on women**, and to subsequently build indicators for their evaluation.

The guiding thread running through this document is an analysis of the effects on women, situating their **feelings and difficulties at the centre**, rather than subordinating these impacts as a separate chapter within a broader analysis. The testimonies included are, therefore, primarily those of the women affected, or of the men who have discussed the situations faced by their partners, daughters or community members.

9 <https://www.opendemocracy.net/en/oureconomy/corporate-abuse-feminist-issue/>

10 <https://www.opendemocracy.net/en/oureconomy/corporate-abuse-feminist-issue/>

Throughout the document, reference is made to a binary gender division between men and women. We were unable to obtain enough sufficiently disaggregated data in the reports consulted and referenced to make more specific analyses.

In addition, we have prioritised to the greatest extent possible **theoretical reference** to feminist authors and texts, in an attempt to contextualise our research, proposals and conclusions within this discursive, conceptual and political framework.

3.2 Testimony as a source

The **stories and testimonies of women** as expert witnesses – both as residents of the communities in which they live, and the organisations and campaigns which they embody and represent – are of central importance to this report. When we discuss the consequences that these women have faced, we **quote them directly** as a means of valuing their words, as they are the maximum authorities on the matter.

We have endeavoured to overcome the classical separation between expert-academic and testimony, to enhance the value of first-person accounts in our appraisal of the circumstances described. We have sought to redeem **women's subjectivities and experiences**, their forms of self-expression and description, and to use their testimony as a guide to narrate, document and highlight the human rights violations perpetrated by transnational companies in the cases studied.

In doing so, we call into question notions of "knowledge", "truth" and "objectivity" as a means of shifting the focus towards the **experiences and emotions of women**, placing them at the centre of our reflections.

Feminism, as a school of thought or theoretical corpus¹¹, is a commitment made by an entire genealogy of women to questioning what knowledge is and how it should be structured. Discussion surrounding how knowledge should be configured both in form and in content presents us with the challenge of avoiding any detracting from, or overshadowing of, the **territory** from which debates, knowledge and complexities arise. This means being aware of and accepting the partiality and, at the same time, the validity of such points of view.

A testimony-centric approach raises its own **specific challenges**:

- A. **Protection and guarantee of safety:** we must be clear that, despite the value we place on the testimony provided, not all the information gathered can be published. Were we to do so, we would be unable to protect and guarantee the safety of the women who provided us with their testimony. Given our awareness of the context in which those who contributed to our research carry out their work, and the degree of impunity and selective violence at play, we prefer to act with caution.
- B. **Difficulty in collecting data:** the experiences detailed by women in the cases studied stand as a testament to the deep crosscutting effects of commercial attitudes and hydroelectric developments, backed by and in conjunction with legal and quasilegal state actors, on their daily lives. Many of the manifestations of this situation in women's everyday lives are difficult to join together in the form of

¹¹ García, D. (2018). *Una lapa en la avioneta*. Corporación de Investigación y Acción Social y Económica-CIA-SE, Bogotá.

a criminal complaint or a report into said circumstances, insofar as they do not correspond to any specific offence set out in the law at present.

The construction of indicators for the systematisation of these effects on women is especially difficult where there are few sources or difficulties in obtaining testimony.

"The indicators that we can offer, such as the increase in brothels, child pregnancies, or sexual violence...we cannot back these up with data, only with testimonies. This becomes much more complicated if you go looking for official data."

Interview with María Dolores Marroquín¹²

3.3 Testimony as legal evidence and in legislation

Much of the harm caused to women by companies' activities are not addressed in existing legislation in the countries where they occur.

Historically, legal systems rely on "precedence". If such precedence on which the law is based is patriarchal, it is only logical that the legislation which emerges thereof is underpinned by values and criteria which are also themselves patriarchal.

Many of the omissions and interpretations present in the **legal system** are a consequence of these values and criteria. One example is what Rita Segato calls the "historical project of the owners", to refer to the current economic model and its patriarchal worldview (Segato, 2016:16).

When the harm caused to women is not addressed by the law, it passes into the realm of subjectivity as testimony and not as evidence. As a consequence – and as a matter of precedence – impunity and silence prevail. The perspectives of women who resist the patriarchy are thus **scorned as “subjective” and rendered invisible.**

"This entire system has invalidated our voices and subjectivities. The voice of those who do not wield power is invalidated (...) neither what we say nor what we understand has been accepted as common sense. It is hard for this other way of seeing precedence to be considered valid, as a means of interpreting it [and] consolidating it as a perspective of reality. The world is objective, whereas what we – women, Mayans, subaltern people – think is subjective."

Interview with María Dolores Marroquín

¹² María Dolores Marroquín is a feminist activist, sociologist and communicator in Guatemala. She is involved in a range of women's and feminist groups such as La Cuerda, Voces de Mujeres and La Alianza Política Sector de Mujeres.

Valuing women's testimonies – and creating categories which enable them to be recognised within law – can serve as a counterpoint to this denigration of their experiences.

“The testimony of women can be evidence, if precedence is a source for making the law. Not only the aggressor, but also the victim. The person who has experienced and suffered as a result of this precedence sees it differently. And testimony is precisely that, a re-view of precedence. If precedence can be a source of law, then the victim's perspective can too.”

Interview with María Dolores Marroquín



4.

Starting points

4.1 Violence against women

In any discussion about the effects of transnational projects on women's bodies and lives, we must also remember that many of them affect **the community** as a whole, regardless of gender.

Certain practices, such as the criminalisation, prosecution and imprisonment of community leaders, quantitatively affect more men than women (as in the case of Barillas).

However, we have seen that there is a range of **specific forms of violence** affecting women, including violence which affects the community as a whole, often in relation to the roles they play within their communities.

We believe, therefore, that specific violence against women is the result of the combination of a number of variables:

- A. **Violence resulting from war and conflict:** in both Colombia and Guatemala, communities have suffered violence as a result of war, in the form of **forced disappearances, kidnappings, murders, forced displacements and even genocide**. In the specific case of women, **sexual violence** has also been deployed as a weapon of war. In this report, we take the approach that such violence against women has not been resolved with the signing of peace agreements, and continues to this day.
- B. **The pre-existing patriarchal context:** patriarchal structures within communities often naturalise violence against women or render it invisible. In many cases, women have **little or no opportunity to participate in their communities' decision-making processes**, and their voices are not taken into account when developers appear on the scene.
- C. **The inrush of business activity:** in this report, we specifically address the violence that is unleashed when a company decides to develop a project in a territory, regardless of whether or not it is fully carried through. Much of the violence that specifically affects women is related to the presence of militarised private security companies on the ground, charged with protecting corporate interests.

- D. **Violence following a company's arrival on the scene:** regardless of whether the project is fully carried through (as in the case of El Quimbo and TCBuen in Colombia), or if it is stopped as a result of local resistance (Santa Cruz de Barillas in Guatemala), the effects are felt by the entire community. These have lasting consequences for the local population and can result in an increase in violence against women, including femicide.
- E. **Political violence against women defenders:** there is evidence to suggest that violence can be especially intense when women act as rights defenders or take a prominent role as community leaders¹³. In certain cases, violence is perpetrated by men who are also defenders and are part of the same resistance movements.

In a report published in 2019, Amnesty International warned that in “overt and subtle ways, WHRDs [women human rights defenders] and their contributions to society are actively excluded, ignored, marginalised and/or belittled, including within the civil society movements of which they form a part”¹⁴.

If we focus specifically on the effects caused by transnational companies in the cases studied, we can distinguish **three ways in which violence is exercised** by businesses.

- In the case of El Quimbo, in Colombia, there is **slow violence**¹⁵. This is not exercised through direct attacks on people, but attacks on their environment and their livelihoods. The impact on people occurs as a result of terrestrial intervention.
- As such, this brings about significant environmental damage, such as flooding a part of the territory for construction of the dam, or failing to manage river sources properly, resulting in pollution and loss of the means by which local populations attained their livelihoods.
- In the case of Barillas, in Guatemala, **direct violence** –inseparable from the company's endeavours– has been exercised against local people. Following the company's arrival in the area, there have been raids on homes, threats and blackmail, physical assaults and murder. These forms of violence are rendered all the more explicit by the militarisation of the territory, where a state of siege was declared, and are afforded the guise of legitimacy through the criminalisation and prosecution of resistance, which serves as cover for persecution, searches, arrests and arbitrary imprisonment.
- In the case of Buenaventura, in Colombia, we have seen **continuous violence** which, on occasion, has crossed over with both the armed conflict in the country, with the presence of armed operatives within the territory (guerrillas, paramilitaries and military personnel), and with activities related to the drugs trade. This notwithstanding, the testimonies provided by local residents point to the privatisation of the port and the establishment of the shipping container terminal as coinciding with the increase in murders and forced disappearances in the same area. According to these sources, violence increased simultaneously with the development of the project, and **plays into the interests of the company**¹⁶.

13 Authors' interview with the legal expert Juan Hernández Zubizarreta, Doctor of Law, University of the Basque Country and author of various articles and books on transnational companies.

14 “Challenging Power, Fighting Discrimination,” Amnesty International, 2019. Available at: <https://www.amnesty.org/en/documents/act30/1139/2019/en/>

15 Rob Nixon defines this concept as violence that occurs “gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all” (Slow Violence and the Environmentalism of the Poor, 2011).

16 “Asedio a las comunidades: los impactos de una empresa catalana, Grup TCB, en Buenaventura”, Catalan Board for Peace and Human Rights in Colombia

4.1.1 Violence against the body-territory and the territory-land

To elucidate upon many of the specific types of violence faced by women in these contexts, we will re-cover the concepts of **body-territory and territory-land** developed by community feminists in Guatemala¹⁷.

These terms denote the continuity between the violence that is exercised against a territory and that which is inflicted upon the body, understood as a unitary figure which can suffer not only physically, but also psychologically and emotionally.

Lorena Cabnal, an indigenous Maya-Xinka and community feminist from Iximulew⁸, puts it in the following words:

"Historical and oppressive violence exists both for my primary body territory as well as for my historical territory, the Earth. In this sense, all forms of violence against women threaten this existence, which ought to be complete. Likewise, all transnationals generate a form of violence against the land when they mount the extraction of its natural assets in order to generate goods and profits, the objective of which is to promote war, the economic power of gold, and the biotechnological transformation of living beings"¹⁹

Cabnal reflects on how the violence that extractivist transnationals exert on the land translates into violence against the bodies and lives of women, and laments how these effects are often ignored or displaced from the agenda of movements for the defence of the land:

"In the past decade, there has been increased defence of land and territory as a political rallying cry of the continental indigenous movements in Abya Yala²⁰. Important struggles have emerged through which communities have stood up to defend what historically belongs to them. However, a contradiction within these territorial defence movements is the fact that the women who live in these territories do so in conditions of sexual, economic, psychological, symbolic and cultural violence, because their bodies are still expropriated"²¹

4.1.2 Psychological and intangible violence

In surveys of the impact of extractivist projects on communities, certain forms of violence that have an intangible dimension – that is, **symbolic, psychological and emotional violence** – are often rendered invisible. In this report, we wish to specifically highlight these forms of violence and situate them at the same level as the rest.

Many of the effects or consequences experienced by women in the territories described are especially underreported in terms of the violence which results from the development

¹⁷ Over the past decade, territory-land and territory-body have emerged as categories within feminism for the designation of the ways in which the Earth and the bodies of women are interwoven in a social context that has historically commodified and dispossessed them, precisely because of the intimate connection and potential they possess.

¹⁸ Original name of the territory where present-day Guatemala is located.

¹⁹ Lorena Cabnal in "Feminista siempre. Feminismos diversos: el feminismo comunitario", ACSUR Las Segovias, 2010. Available in Spanish at: <https://porunavidavivible.files.wordpress.com/2012/09/feminismos-comunita-rio-lorena-cabnal.pdf>

²⁰ Ancestral name of the American continent.

²¹ Ibid., p. 23-24

of transnational projects. This revictimises those who face these effects, insofar as they suffer both an attack and, in turn, the denial or non-recognition of its existence, in contravention of the right to truth as it pertains both to victims and to society as a whole.

A psychosocial approach allows us to appraise this type of harm, which nevertheless cannot be separated from the **context** in which it occurs, within a broader frame of reference. This approach thus supposes an "ethical stance in the face of the subjective suffering of victims"²².

Framing the harm experienced by women as **psychological violence** opens up a number of debates concerning the relevant analytical categories and perspectives, and their symbolic implications.

A consideration of the **systematic attempts by companies** to provoke a rupture in the social fabric of communities through the planned attack on women's bodies as merely psychological violence is in itself a reductionist approach. This notwithstanding, such a perspective offers a strategy for **litigation and advocacy** informed by the implicit consequences of these projects for certain women, specifically because they are women, and validates and legitimises their experiences as a means of taking stock of the consequences of extractivist projects.

This is why we have chosen to frame a range of the experiences of the women involved in the cases we have studied as psychological violence, emotional harm or "moral damage" (a concept used in litigation related to non-material harm).

Categorising their experiences as psychological violence also allows us to tie them to **offences** as these are set out in criminal law, which is fundamental for ensuring the reporting and prosecution of such violence, and overcoming the paralysis that it leaves in its wake.

Psychological harm is addressed in a cursory manner in **criminal law**; nevertheless, at present, it represents a means of prosecuting the criminal conduct of both companies and states, whether by action or omission.

The legal expert Juan Hernández adds that "beyond direct violence, it is important to gather information on those [forms] that are not so obvious against women: in terms of health or psychological violence, for example. (...) Exploration of psychological harm as a matter of importance in criminal justice – in addition to other types of subjective symbolic violence – is a crucial issue that must be addressed and proposed for inclusion in the drawing up of any penalties which may be imposed"²³.

22 Antillón Najlis, Ximena, "Yo solo quería que amaneciera. Impactos psicosociales del caso Ayotzinapa", p.33. Available in Spanish at: <https://radiozapatista.org/wp-content/uploads/2018/04/InformeAyotziFin.pdf>

23 Authors' interview with Juan Hernández.

4.2 The precedent of conflict

4.2.1 Violence against women as a weapon of war

In both Colombia and Guatemala, women are the **survivors of wars** and structural violence which have been entrenched for decades and have not been interrupted with the signing of peace agreements (in 1996 in Guatemala, and in 2016 in Colombia).

Violence is part of the lives of even those women and girls born in the final years of conflict and after the signing of said peace agreements, in the form of the memories shared by their predecessors and the conditions they are forced to live in (impoverishment, forced displacement, etc.).

In both cases, counterinsurgent repression by state forces has led to sustained violence which continues to affect defenders of the territory to this day.

State counterinsurgency in the 1970s in Colombia and Guatemala shifted from the Doctrine of National Security, shared by the Operation Condor military dictatorships in Argentina, Chile, Uruguay, Paraguay and Bolivia, to the Doctrine of National Stability, whereby the intervention of the armed forces as "guarantors of the state" for the purposes of its governance was institutionalised. Individuals and groups were designated as "opponents of the state", with the establishment of what we know today as the "enemy within".

"This new adversary was represented by any person, social group or movement promoting ideas or claims that could serve, at present or in the future, as a launching pad, with the alliance or potential support of international communism."

Commission for Historical Clarification in Guatemala, Volume I: 118

This was extended to civil society, with any group which disagreed with or challenged social injustice designated as an enemy.

The wars in Colombia and Guatemala are notorious for the chilling numbers of human rights violations which took place. In both conflicts, women were subject to brutal treatment under the guise of territorial control and defeat of the "enemy", and were the part of the body-territory most affected by objectives designed to rupture the fabric of society.

Several factors serve to explain this phenomenon:

- A. Firstly, the **understanding of property** which is built into patriarchal society allows for the construction of women and their bodies as property which, in this case, belonged to "the enemy", as argued by Amandine Fulchiron in "Tejidos que lleva el alma"²⁴ (Fulchiron 2009: 168):

24 "Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado". Available in Spanish at: <https://ecapguatemala.org.gt/tejidos-que-lleva-el-alma/>

"In wartime, women's bodies take on their full symbolic dimension as male property. This is the logic of war, in which the bodies of women are seen as the property of the enemy and, like all other property, must be expropriated and destroyed in order to weaken and destroy them."

- B. Secondly, a **historical dehumanisation** – a symptom of markedly colonial and patriarchal systems – constructs female and indigenous bodies as non-adult or incomplete human beings. In discussing sexual violence during the war in Guatemala, Fulchiron states:

"The level of barbarism that was unleashed against the bodies of indigenous women can only occur in a dominant ideological system that dehumanises these women, that devalues them, that objectifies them and transforms them into objects of male pleasure, in a system that legitimises violence against them and the violent appropriation of their bodies; in a system that gives superior value to men, to force and domination; therefore, in a social and ideological context marked by a strong inequality between women and men, by a deep hatred of women, and an entrenched racism. The meanings of the female body and the indigenous, historically and socially constructed and internalised in collective and individual consciousnesses, were transferred to the logic of war, feeding and exacerbating an ideology that made it possible to justify the use of sexual violence." (Fulchiron, 2009:153)

- C. Thirdly, women, as **pillars of the community** who bear the burden of cultural and vital care, were specifically attacked with the aim of rupturing the social fabric and thus winning the war. "The army used rape as a weapon of war because of cultural knowledge of the humiliating and demoralising impact it has on men and the social groups to which women belong, as well as the ruptures of the social and community fabric that it triggers" (Fulchiron, 2009:152).

In the case of Colombia, the official number of women survivors of sexual violence since 1985 stands at 26,534²⁵, a figure that human rights organisations consider to be much lower than the real one, given the taboos and fear of stigma and reprisals which hinder reporting. The aim behind this violence is consistent: **the domination of the territory through the subjugation of the bodies** of women.

"Each and every form of sexual violence in armed conflict sends a political message, a message of power that impacts negatively on the subjectivity and lives of the victims. Sexual violence has been used in different ways; for example, it has been used to chastise women stigmatised as guerrillas or their auxiliaries, in order to eliminate and punish any trace of the enemy in the disputed territories. It has been used in disputed areas with the aim of terrorising the population, forcibly displacing them and dispossessing them of their lands, often in the course of massacres and forced disappearances. Likewise, sexual violence has been used in order to silence and neutralise action taken by community leaders, teachers, journalists and women who oppose the political-military projects of the armed actors."²⁶

The doctrine of the enemy within continues to be applied today against **defenders of land**, territory, the environment and human rights, and those who are branded as "opponents

25 See: <https://archivo.lapatria.com/nacional/violencia-sexual-en-el-conflicto-armado-ha-afectado-26534-colombianas-437847>

26 "La guerra inscrita en el cuerpo. Informe nacional de violencia sexual en el conflicto armado". Available in Spanish at: http://www.centrodememoriahistorica.gov.co/descargas/informes-accesibles/guerra-inscrita-en-el-cuerpo_accesible.pdf

of development", "guerrillas", "communists", "anti-development", "terrorists" or "eco-terrorists", according to a report by Amnesty International²⁷.

The same document points out how the Guatemalan state has repeatedly resorted to decreeing a **state of emergency or siege** in areas where mining and hydroelectric projects are planned or being developed.

According to figures from the Office of the United Nations High Commissioner for Human Rights, more than 400 human rights defenders have been **murdered** in Colombia since the signing of peace agreements between the national government and FARC in 2016, the highest number in Latin America. Of these, 49 were women. At least three defenders have been raped during the same period²⁸.

4.2.2 Forced displacement

Both the war in Guatemala and the conflict in Colombia saw the **forced internal displacement** of numerous populations, who were forced to leave their communities of origin to flee violence, threats and intimidation.

According to data from the United Nations High Commissioner for Refugees (UNHCR)²⁹, nearly 8 million people have been displaced from their communities in Colombia since 1985. In Guatemala, it is estimated that more than one million people were internally displaced or fled the country during the armed conflict.

Internal displacement has not ended with the signing of peace agreements. Factors such as **violence, extortion and threats, the presence of organised crime involved in drug trafficking, the expansion of large-scale commercial activities (monoculture farming, extensive livestock production, mining and hydroelectric developments) and natural and climate disasters** are among the drivers behind these population movements³⁰.

Forced displacement has a **psychological impact** on those displaced, who are obliged to leave behind both the area they know best and, in many cases, their relatives and close friends.

In addition to a sense of **deracination**, they may also face situations of **extreme hardship and economic insecurity**, given the lack of guaranteed means of survival in the

27 "We Are Defending the Land with Our Blood" (Amnesty International, 2016), p.22. Available at: <https://www.amnesty.org/en/documents/amr01/4562/2016/en/>

28 See the Human Rights Watch report available at: <https://www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities>

29 <https://www.acnur.org/noticias/noticia/2018/12/5c243ef94/hay-mas-victimas-de-desplazamiento-forzado-en-colombia-que-numero-de-habitantes.html>

30 Hernández Bonilla, Sindy, researcher with the subprogramme "Movilidad humana y dinámicas migratorias" at the Rafael Landívar University, Guatemala. Available in Spanish at: https://rua.ua.es/dspace/bitstream/10045/70592/1/RMF_56_18.pdf

places to which they move, in many cases ending up in situations of exclusion and poverty. Others experience **loss of identity associated with their territory** or the disintegration of the family³¹.

To these we must also add the trauma which abandoning one's territory as a consequence of violence entails, and the **memory of this violence** that remains in the body and emotions of those affected.

We can connect this trauma – a consequence of war – with the fear, pressure and threat of forced displacement that emerge as part and parcel of transnational development projects in a given territory. Communities consider themselves at risk of losing their spaces as a consequence of violence, with the **memories of displacement**, both their own and those of their ancestors, reawakened.

Even those communities which have not previously been displaced by war have been forced, after the signing of peace treaties, to leave their homes for the development of commercial projects, as a result of **transformation of the local area** – as is the case of the flooding of several villages for the construction of the El Quimbo dam – **privation of means of survival** by way of reduction of agricultural land, pollution of water sources and other means, **pressure, blackmail and intimidation** exercised by companies (as is the case of the people criminalised in Barillas), or the intolerable **atmosphere of violence** that occurs following a company's arrival in the area, as has been seen in Buenaventura.

As such, forced displacement continues unabated beyond wartime, with **neocolonial and extractivist violence** replacing the persecution conducted by armies, paramilitaries and guerrillas.

4.2.3 War, violence and political-economic power

Violence, associated with the counterinsurgency period, did not end with the signing of peace agreements in Colombia and Guatemala. Those behind the wars continue to wield power and the ability to use it for territorial control and, by extension, the defence of their interests. The bodies of women continue to be a means for the **social destructuring** of any type of resistance to an extractivist model that uses violence as a matter of policy for the achievement of its ends.

A range of middle-ranking commanders responsible for the material fulfilment of the policy of extermination during the war in Guatemala are those who now **wield power in peacetime**, either as state actors³² or via the private security companies who provide services to hydroelectric transnationals.

Private security companies staffed by ex-military personnel have multiplied since the signing of the peace agreements. In the last 14 years, the Guatemalan state has spent 3.3 billion quetzales (approximately 365

31 See REMHI report on the Interdiocesan Project for the Recovery of Historical Memory in Guatemala, available in Spanish at: <http://www.derechoshumanos.net/lesahumanidad/informes/guatemala/informeREMHI-Tomol.htm#t1c4e2>

32 One such example is former Guatemalan President Otto Pérez Molina (2012-2015), an ex-military officer who participated in the Guatemalan Civil War and led a coup d'état in 1982, handing power to Efraín Ríos Montt. In 2013, Ríos Montt was sentenced to eighty years in prison for genocide and crimes against humanity committed against the Ixil indigenous people during his time in office (1982-83).

million euros) on contracts awarded to private security companies, the equivalent to 13.2% of the budget allocated to the National Civil Police during the same period. This forms part of the primary post-war business operations of ex-military personnel, a form of "**military reconversion**" and a new way of building ties with economic power.

The former head of social relations of the hydroelectric company behind the Santa Cruz de Barillas project, Juan Garrido, is a retired Guatemalan Army captain who was singled out by the International Commission Against Impunity in Guatemala (CICIG) for his involvement in the murder of Emmanuel Méndez Dardón, son of human rights activist Amílcar Méndez³³, when they both worked at the "La Aurora" Airport.

He was also named by the Commission as being involved in the trafficking of drugs and illegal goods, unauthorised phone tapping, smuggling and the theft of 9 million dollars at the "La Aurora" International Airport in 2006, as well as the robbery of shops in the airport terminal, among other offences.

Garrido was also accused of exerting pressure on those engaged in resistance in order to ensure the imposition of the hydroelectric project, and was publicly linked to the murder of Andrés Francisco Miguel on 1 May 2012.

Andrés Cabanas, an analyst who has investigated the Barillas case, categorises it as an example of a "transnational penetration policy" on the basis of the company's criminal conduct in alliance with the current government. To support this, he cites the **high levels of violence** and its **reiteration** in other territories within Guatemala's borders in which the company operates and has engaged in intimidation of the local population.

In Colombia, there have also been cases of **military and private security companies** that protect the interests of extractivist transnational companies in territories rich in natural resources.

In several cases, these companies have been found to engage in human rights violations, including **sexual violence against women and girls** and the pollution of water sources and land as a result of aerial spraying of herbicides to eradicate coca and opium crops³⁴.

In the case of Buenaventura, testimonies from local people indicate that neither the police presence nor the private security provided by the port company TCBuen have prevented the actions of **illegal guerrilla and paramilitary groups**. Furthermore, they accuse the company's security personnel of shooting at subsistence fishermen working in the estuary where the container terminal is located.

33 Amílcar Méndez has been involved in human rights activism in Guatemala since the 1980s. He has led the National Council of Displaced Guatemalans (CONDEG) and was elected to parliament as a representative of the left-wing New Guatemala Democratic Front. Human Rights Watch shed light on the murder of Emanuel Méndez and demanded an investigation to clarify whether the crime was "politically motivated":
<https://www.hrw.org/news/2007/08/21/guatemala-investigate-killing-activists-son>

34 For more information, see the report "La fuerza invisible en Colombia. Análisis del rol y el impacto de las empresas militares y de seguridad privada en los Derechos Humanos y el proceso de construcción de paz en Colombia", published by the Catalan NGO Novact in 2016 and available in Spanish at:
https://antiga.novact.org/wp-content/uploads/2016/12/FUERZA_INVISIBLE_COLOMBIA_WEB.pdf

4.2.4 The continuum of violence and impunity

The combination of factors such as sexual violence, forced displacement and the alliance between companies and political and economic power, both in Guatemala and in Colombia, is testament to the fact that women face a **continuum of violence**.

War mentality as a continuum provides not only the rationalisation of violence as a "necessary evil" to achieve economic objectives, but also erects an entire structure of institutional continuity which enables violence to be operationally carried out **as a business practice** permitted, facilitated and endorsed by the state.

Eco-territorial conflicts³⁵ created by the imposition of hydroelectric projects in which violence is business policy³⁶ have led to the emergence of "war as the only field of incontestable superiority"³⁷.

In both Guatemala and Colombia, impunity for the crimes committed during wartime and the post-conflict period is an essential pillar of this continuum of violence. Impunity involves not only a lack of punishment, but also the mechanisms used for concealing of the truth and hindering both investigation into and the holding to account of those responsible, resulting in further harm and violations of the rights of victims.

Impunity causes frustration and results in a sense of powerlessness, loss of self-worth, guilt, despair and anger. Impunity also perpetuates the threat to the lives of victims who, having spoken out, are faced with the perpetrators remaining in positions of power.

4.3 Violence against indigenous peoples

The location of the proposed hydroelectric project in Santa Cruz de Barillas forms part of a territory in which several indigenous groups coexist, among them, the Q'anjobal, Chuj, Akateko and Popti' peoples³⁸.

The roll-out of such projects in indigenous territories shows certain characteristics that must be taken into account in order to properly appraise the consequences and human rights violations they entail:

- A. **The right to free, prior and informed consent:** the International Labour Organization (ILO) Convention 169 establishes that indigenous communities have the right to free, prior and informed consent on any activity that has an impact on their territory or resources. As such, companies are obliged to consult these communities

35 This concept is elaborated upon by Rocío Silva Santisteban in the book "Mujeres y conflictos ecoterritoriales" (2016), available in Spanish at: https://www.entrepueblos.org/wp-content/uploads/2018/03/Mujeresyconflictos_Convenio_-2017.pdf

36 See article in Spanish by Andrés Cabanas: <https://omal.info/spip.php?article6675>

37 See Segato, Rita Laura, "La guerra contra las mujeres" (Traficantes de Sueños, 2016). Available in Spanish at: https://www.traficantes.net/sites/default/files/pdfs/map45_segato_web.pdf

38 "Una hidroeléctrica española contra los pueblos indígenas. El caso de Ecoener-Hidralia en el norte de Guatemala", Alianza por la Solidaridad, p. 11.

prior to initial development, in order to provide transparent information about the planned project and its consequences, and to not exert any type of pressure or blackmail for the purposes of acceptance of the project. Said consultation should seek to establish an agreement and be carried out in good faith and through institutions that are representative of indigenous communities, so as to ensure trust between both parties.

- B. **The right to non-discrimination:** in any activity in indigenous territories, it is especially important to ensure that the process of dialogue concerning transnational projects is free of racism or discrimination. In Barillas, discrimination has manifested in a lack of respect for the inviolability of indigenous territory and violation of the right to informed consent.

Some residents also report that company personnel have used racist or discriminatory language against them. For example, the wife of one of the community leaders criminalised for their resistance to the project stated that the head of social relations of the Hidro Santa Cruz company called her on the phone to extort her, saying: "you are capricious, you Indians"³⁹.

- C. **Indigenous peoples' relationship with the territory:** in addition to being the space in which community life and productive and reproductive activities play out, in which housing is provided and the resources that make life possible (water, crops, etc.) can be accessed, the worldview of indigenous peoples confers the territory with a spiritual value. It represents, therefore, not only a supply of resources, but also a place where ancestors rest, and is a setting for rituals and ceremonies. Territory is, therefore, an important part of the identity of indigenous peoples, and is essential for the exercise of their cultural practices.

4.4 Violence against peoples of African descent

There is evidence that the development of the container terminal for international maritime trade has also led to the violation of the rights of Afro-Colombian people in Buenaventura (Colombia), who make up 90% of the local population. These rights are recognised in the ILO Convention 169, as well as by both the Colombian Constitution and Law 70 1993, which bestows the right to collective land ownership for "Black Communities that have been living on barren lands in rural areas along the rivers of the Pacific Basin, in accordance with their traditional production practices".

This law also establishes mechanisms for the protection of the cultural identity and rights of the black communities of Colombia as an ethnic group and for the fostering of their economic and social development, so as to guarantee "real equal opportunities before the rest of Colombian society"⁴⁰.

In the aforementioned case, the violation of several rights has been observed:

- A. **The right to free, prior and informed consent:** as noted above, the ILO Convention 169 extends to indigenous and tribal peoples, and also protects the Afro-descendant communities of Buenaventura. It therefore establishes the obligation

³⁹ Ibid., p. 30

⁴⁰ Law 70 1993, available in the English translation at: <https://www.wola.org/sites/default/files/downloadable/Andes/Colombia/past/law%2070.pdf>

to inform and consult them prior to the initial development of any project. Testimonial accounts pointing to rumour-mongering and inaccurate information provided to the local population – who were never properly consulted – during the first few months of the construction of the container terminal serve to indicate that this right was infringed.

- B. **The right to non-discrimination:** the testimonies provided by community leaders suggest an ethnocide – that is, a systematic plan aimed at the extermination of the Afro-descendant population of Buenaventura – designed to pave the way for the involvement of more companies in the area and the wholesale privatisation of the territory for business use.

"We maintain that we are headed for an ethnocide for several reasons. Buenaventura, where 92% of the population is Afro-descendant, is an ethnic territory immersed in an intense war. On a broad scale, if we look at the statistics [...] we can see that, since 1995, there have been 400 deaths per year. These are official figures: if we take other sources into account, it could be double. Cumulatively, we are talking about more than 2,000 violent deaths in five years, not counting disappearances or forced displacement. These are the figures which lead us to talk about ethnocide"⁴¹

Statement by sources from the Black Communities' Process (PCN)

- C. **Cultural rights and relationship with the territory:** violence and forced displacement has ramifications for the cultural rights of Afro-Colombian populations, who are forced to see the spaces in which they have developed their own cultural practices disappear: stilt houses, small-scale fishing and shellfish picking, funerary rituals, celebrations, etc. The territory is interwoven in their identity, which is broken by occupation or forced displacement.

A further link between community and territory is expressed through activities for the economic sustenance of the former, in particular fishing, which involve the care and maintenance of the ecosystem of wetland areas. These dynamics are broken by the incursion of big business into the territory and the consequent disturbance of the ecosystem, with estuaries dredged and waters polluted by commercial shipping traffic.

4.5 Corporate impunity

Among the most complex factors present in the cases studied – and one which is common to other situations in which transnational companies descend on rural and indigenous territories – is corporate impunity. A **lack of corporate transparency and accountability** hinders the investigation, prosecution and punishment of human rights violations, with corporations shielding themselves behind **loopholes** in national and international legislation.

Moreover, the response of state authorities to these situations often takes the form of **supporting and protecting foreign investment**, rather than defending affected populations and territories. In Barillas, for example, the government did not hesitate to declare a state of siege and mobilise the army as a means of defending the interests of foreign capital.

Strikingly, there are currently 3,400 treaties around the world geared towards protecting the international rights of corporations, yet **none which regulate their compliance with human rights**⁴².

41 In "Asedio a las comunidades", p. 58

42 Data from the Spanish Development NGO Coordinator, available in Spanish at: <https://coordinadoraongd.org/2020/10/un-ano-mas-de-impunidad-corporativa-global/>

Since 2014, a dedicated United Nations working group has sought to create a **legally-binding instrument** to regulate the activities of transnational corporations in accordance with international human rights law⁴³.

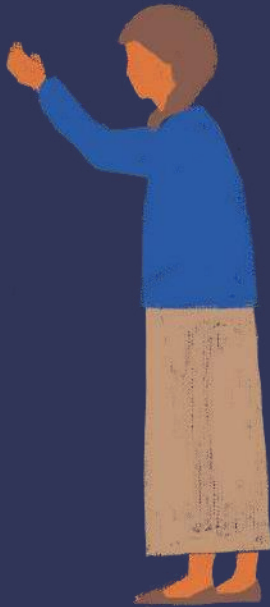
At the same time, more than 200 organisations and activist groups and networks have been driving a global campaign to assert popular sovereignty, dismantle the power of transnational corporations and end corporate impunity, in an attempt to stand up to corporate power and get behind efforts to achieve a binding treaty on corporate practice and human rights⁴⁴.

In spite of these efforts, progress on this binding treaty has been slow and uneven, with the shifts and changes in direction causing concern to the organisations involved. The second draft of the treaty, for example, fails to specify that **human rights treaties should prevail over free trade and investment treaties**, and continues to place excessive trust in nation states' capacity to act responsibly⁴⁵.

43 <https://www.ohchr.org/en/hrbodies/hrc/wgtranscorp/pages/igwgontnc.aspx>

44 <https://www.stopcorporateimpunity.org/list-of-signatories/>

45 <https://www.lafede.cat/ca/avencos-lents-pero-constants-cap-al-tractat-vinculant-sobre-empreses-transnacionals-i-drets-humans-de-les-nacions-unides/>



5.

Analysis of the cases studied

5.1 TCBuen and the port of Buenaventura (Colombia)

Buenaventura is a city located on the Pacific coast of Colombia, in the department of Valle del Cauca. 90% of Buenaventura's population is Afro-Colombian, descended from those enslaved prior to and freed after the abolition of slavery in 1851. These people make up a community with its own specific cultural practices linked to their identity, and strive to care for the local ecosystem comprised of wetlands such as estuaries and swamps. A large part of this population engages in small-scale fishing and picking shellfish such as pianguas.

The country's main port, through which 60% of Colombian imports and exports pass, is located in this city. It was in this port, located in Commune 5 of the city, that the Buenaventura Container Terminal entered into operation in January 2011, managed by the company TCBuen, in which the Catalan company Grupo Terminal de Contenedores de Barcelona was the lead shareholder at the time.

The areas earmarked by the company for future developments are those in which increasing violence has occurred, in the form of thousands of murders, forced disappearances, kidnappings, forced recruitment of children into armed groups, sexual assaults and forced displacement of the community. A number of different companies have taken advantage of this backdrop of violence – attributed to drug trafficking activities and the struggle between armed groups for the control of the territory – to roll out megaprojects involving the construction of port infrastructure for the import and export of goods.

Indeed, the areas where the most violence has been reported are precisely those in which the company TCBuen sought to initiate development of the container terminal. A climate of terror has forced the displacement of a large part of the population, allowing the company to occupy their territories without offering them any compensation.

Since 2005, when the company began negotiations for the construction of the container terminal, hundreds of massacres, forced disappearances and mass displacements of the population have taken place. In some cases, mass graves have been found, with unidentified corpses that appear to have dismembered, mutilated or tortured.

Over the years, communities have come together to resist violence and preserve the memory of those killed and disappeared. Women have played a key role in many of these grassroots organisations.

Nevertheless, violence persists in Buenaventura. In January 2021 alone there were at least 21 murders, in addition to the forced displacement of more than 2,000 people from their homes⁴⁶. Local residents report armed conflict on a daily basis, and in recent months they have drawn attention to this through social media with the campaign "#SOSBuenaventura"⁴⁷.

TCBuen has continued its activity during this whole time, with the port reaching the top ten in Latin America in terms of importance in 2017⁴⁸. So far, no compensation or reparation has been offered to the affected populations.

5.2 The El Quimbo dam in the department of Huila (Colombia)

In 2015, the Spanish company Emgesa, a subsidiary of Endesa (now co-owned by the Italian company Enel), inaugurated the El Quimbo hydroelectric dam in the territories covered by the municipalities of Gigante, Garzón, Agrado, Altamia, Tesalia and Paicol in the department of Huila (Colombia). The dam has an installed capacity of 400 MW, and per year generates an average of 2,216 GW or 4% of Colombia's total electricity consumption⁴⁹.

During construction of the dam, which began in 2010, the course of the Magdalena River was diverted and more than 8,500 hectares of territory were flooded, including some of the most fertile land in the department and an area of tropical dry forest, one of the most threatened ecosystems in the country. In addition to the destruction of the local ecosystem of the area, this flooding led to the forced displacement of the local population and the disappearance of a two-centuries old church.

Although a part of the population was resettled in alternative housing, the lands where they were relocated were not included in municipal planning, and are therefore not covered by public service provision commitments. These territories are locked in a productive paralysis, with insufficient irrigation planning and access to water.

Moreover, the company has prohibited the population from planting in the green belt surrounding their new homes and from fishing in the vicinity of the dam, with the tillage of the lands and small-scale mining (the manual extraction of minerals from the riverbed) in the area are also restricted. These measures have had a negative effect on the income of local residents, the majority of whom gain their living from fishing.

46 <https://baudoap.com/faltaotroenelbarrio/>

47 <https://www.semana.com/nacion/articulo/buenaventura-33-combates-urba-nos-en-33-dias-de-2021/202152/>

48 <https://www.elespectador.com/noticias/economia/la-triste-paradoja-del-puerto-de-buenaventura/>

49 <https://www.enel.com.co/es/conoce-enel/enel-emgesa/el-quimbo/cronologia-represa-del-quimbo.html>

The affected communities, with the support of national and international environmental and human rights organisations, have called attention to the irregularities in the process for granting an environmental licence for El Quimbo⁵⁰. An appeal for rescission of this license was filed in 2014⁵¹, with an initial hearing granted in August 2019.

In April 2021, the association of those affected by the El Quimbo hydroelectric project (ASOQUIM-BO), the Tierra Digna organisation and the International Network for Human Rights (RIDH) filed a complaint with the United Nations⁵² concerning the serious environmental damage and human rights violations suffered by the local population as a result of the company's activity.

Among their concerns are the increase in seismic activity and the presence of leaks in the dam, which could lead to a high-risk seismic event for the population. They have also highlighted pollution, with low levels of oxygen in the Magdalena River, as well as the forced displacement of local farmers and non-compliance with the company's duty to provide restitution of land and substitution of productive activity to those affected⁵³.

5.3 The Hidro Santa Cruz dam project in Santa Cruz de Barillas (Guatemala)

Santa Cruz de Barillas is a large town located in the north of Guatemala, and is one of the most populous in the country. Most of its population is indigenous, belonging to different peoples, and resides in communities and small settlements scattered throughout the municipal territory. The municipality is crossed by the Q'amb'alam river basin, which has a spiritual significance for local indigenous peoples.

In 2009, the Hidro Santa Cruz company, a subsidiary of the Spanish company Ecoener-Hidralia, moved into the territory with the intention of constructing a mini-hydroelectric power plant with 4.96 MW capacity on the river's edge, taking advantage of a natural waterfall located on the Q'amb'alam river. The company disregarded the right to free, prior and informed consent of the population and proceeded to fence off one of the access areas to the waterfall, triggering a conflict with the local community.

At this early stage, the information provided by the company was insufficient and unclear, and the underhanded purchase of land belonging to local residents began. Tension increased and the company hired Juan Garrido, an ex-military officer convicted of drug trafficking – and who has been accused of coercion, blackmail and intimidation against local residents – to mediate with the community and gain their approval for the project.

On 1 May 2012, community leader Andrés Francisco Miguel was killed in Barillas, in an attack in which two other people opposed to the Hidro Santa Cruz project were injured. With tensions mounting, the Guatemalan government reacted by declaring a state of siege in the area and sending in military personnel.

50 <https://www.semana.com/medio-ambiente/articulo/proceso-de-nulidad-de-licencia-ambiental-de-la-hidroelectrica-el-quimbo/45300/>

51 <https://tierradigna.org/represas/2014/11/12/presentada-solicitud-de-nulidad-caso-el-quimbo/>

52 <https://www.asoquimbo.org/images/adjuntos/comunicacionONU-Asoquimbo-TD-RIDH-2021.pdf>

53 <https://www.asoquimbo.org/es/noticias/asoquimbo-tierra-digna-y-ridh-peticionan-a-la-onu-evaluar-el-caso-del-quimbo>

TRANSNATIONALS VS. WOMEN'S RIGHTS

Human rights violations occurred during this period, including unauthorised searches of homes, sexual assaults and the destruction of property, among others.

In addition, community leaders opposed to the project were subject to criminalisation, with arrest warrants issued against them on the basis of unproven allegations. A total of 17 were arrested and transferred to prison, resulting in their partners having to travel to the city frequently for prison visits or court hearings, with all the emotional and economic consequences that this entailed. Other criminalised people were forced to leave the community for fear of persecution, taking refuge in remote and often mountainous areas.

Community leaders Saúl Méndez and Rogelio Velásquez, both of whom opposed the project in Barillas, were arbitrarily imprisoned for more than two years. In 2014, in a trial full of irregularities, they were sentenced to more than 33 years in prison, accused of having participated in serious public disorder in the community. They were released in January 2016⁵⁴.

In December 2016, Ecoener-Hidralia issued a statement announcing its withdrawal from the construction of the mini-hydroelectric power plant in Barillas, arguing that the project "has proven not to be viable"⁵⁵. The damage caused to the community between 2008 and 2016 has not been compensated.

54 <https://www.frontlinedefenders.org/en/case/case-history-saul-mendez>

55 https://www.eldiario.es/desalambre/hidroelectrica-ecoener-hidralia-anuncia-retirada-guatemala_1_3672473.html



6.

Effects on women's rights

In this section of the report, we detail the effects that the hydroelectric and port projects studied have had on women's rights. Women have borne the consequences of these projects in a particular way, due to the tasks assigned to them and the roles they occupy within their communities. We aim to relate these effects arising as a consequence of the roll-out of hydroelectric developments on the ground to the national legislation and the treaties signed by Colombia and Guatemala insofar as these pertain to human rights violations.

In each sub-section, we have distinguished between material and non-tangible consequences, the latter being those which involve either cultural and spiritual rights or psychological and emotional effects. We do not seek to establish a hierarchy between these categories, but rather to situate the different levels of impact on women's lives on the same plane.

6.1 The right to water

General Comment 15/2002 of the Committee on Economic, Social and Cultural Rights (CESCR) established an essential core or minimum baseline of the right to water applicable in all jurisdictions, stipulating that the right to water is indispensable for leading a life in human dignity, a prerequisite for the realisation of all other human rights. Water must be treated as a social and cultural asset, and not as an economic one. It is the right of all people to have sufficient, safe, acceptable and accessible water for personal and domestic use.

In addition, the Convention on the Elimination of All Forms of Violence against Women (CEDAW) stipulates that women have the right to enjoy adequate living conditions, including access to water.

6.1.1 Material consequences

The right to water is directly linked to the right to life and the right to health. Due to the sexual division of labour under a patriarchal system, it is women who usually carry out water management tasks and who make greater use of it in the performance of the care tasks assigned to them. This means that any damage to riverbeds has a specific impact on their daily work and lives.

As such, women – as the sustainers of life in their homes and communities, and as caregivers of children and dependent or sick people – are responsible for providing water, and are the first to feel the effects of any lack of supply, difficulties in access or contamination.

Should a member of the family or community fall ill after drinking water from a contaminated source, it will be women in the first instance who take on the task of caring for them.

Women are also responsible for domestic tasks such as food preparation, watering crops, cleaning and bathing dependents. As such, any shortage of water will inevitably have a direct impact on their daily activities.

**"What was and is still being fought for is our right,
because we know that water gives us life".**

**Testimony of Carmelia Marcelly Mérida, water defender and
partner of one of those imprisoned in Barillas⁵⁶**

If, as a result of the roll-out of a business development project, water sources are moved further from homes, it will be the women and girls in the local community who take on the task of transporting it, in many cases travelling several kilometres on foot each day to do so.

This constitutes an overburden and negatively affects women's physical health. In the case of girls, in addition to being detrimental to their physical wellbeing, this task can also hinder their schooling, and therefore affects their right to education. In both cases, travelling on foot through forested or isolated areas put women and girls at risk of physical assault.

A lack of adequate sanitation is also detrimental to girls' hygiene, including taboo issues such as menstrual health. Again, these issues can result in absenteeism from school and, ultimately, have an impact on girls' educations.

In Buenaventura, the restrictions on the access to water faced by the inhabitants of Commune 5 are paradoxical. The municipality is located in an area surrounded by estuaries and wetlands and nine catchment basins, close to a bay, with the city recording an average of around 20 days of rainfall per month⁵⁷.

56 Collected in "Las voces del río: relatos de la persecución política en Barillas", Unidad de Protección a Defensas y Defensores de Derechos Humanos – Guatemala (UDEFEQUA), January 2014, p.71

57 <http://bart.ideam.gov.co/cliciu/buena/tabla.htm>

However, only 65% of the population has access to running water for approximately eight or nine hours a day, with frequent interruptions in supply. In some areas, there is only water for two hours a day. Sewage services reach only 60% of the population and, in low-lying coastal neighbourhoods built on land reclaimed from the sea, there is no running water or sewage system⁵⁸.

6.1.2 Intangible consequences

From a cultural point of view, the construction of projects that affect watercourses involves breaking the link between women and water. In the case of Barillas, this connection is expressed through the testimonies of women in the affected community:

"We have this connection with nature, the rivers, the forests. They are elements with which we connect. Water, in particular, is an important element in the lives of women and families."

Testimony of Hermelinda Claret Simón, Mayan Q'anjob'al community leader in Barillas⁵⁹

This relationship between women and water is rooted in the Mayan worldview:

"In the Mayan worldview, we are taught that everything lives: water, land, mountains, plants, the sun, the moon, the stars, as well as everything that we cannot see but which moves. The world or the universe is like a great fabric in which human beings are just another thread. Everything is connected, interrelated, complementary and interdependent, so the deterioration of one thing disrupts the balance between the rest. This way of understanding life is not just theoretical: it is a way of living, it is the result of an experience that has existed for millennia, not five hundred years."

Statement provided by Aura Cumes, Mayan Kaqchikel researcher and teacher, to the Women's Court of Guatemala, 2018

In Barillas, this also takes on a particular importance due to the spiritual significance of the Q'amb'alam River for the community. The river is seen as a symbol of divinity and respect for Mother Earth, and a series of legends and cultural symbols are woven around it⁶⁰.

In the case of El Quimbo, those affected refer to a range of social activities and customs which revolve around the Magdalena River. Women, who washed their clothes in the river, recount how it represented a space for leisure and the establishment of social bonds both between them and with members of neighbouring communities.

"Another nice thing is that the guys from here [Rioloro] took an interest in us outsiders [from Veracruz]. That led to shared lunches, trips to the beach near the port or where the stream flowed into the river, we'd take down chickens and have a good time down by the beach"⁶¹.

Resident in Rioloro, originally from Veracruz

58 "Asedio a las comunidades", p. 10

59 Authors' interview with Hermelinda Simón.

60 "El caso de la empresa Ecoener-Hidralia en el norte de Guatemala", Alianza por la Solidaridad, p 11.

61 Testimony by Linda Pamela Sánchez Torres, published in "Cuerpos, agua, emociones: cotidianidades de mujeres en territorio intervenido", National University of Colombia, p72-73. The author focuses on the cases of the villages of Rioloro and Veracruz, arguing that the conclusions of the text cannot be extrapolated to all the territories affected by the dam.

Something similar has occurred in the areas surrounding the container terminal at the port of Buenaventura. Since TCBuen moved into the area, local residents have seen limits placed on their access to and use of beaches, marshlands and estuaries previously enjoyed as recreational areas.

"Where TCBuen is today, there used to be La Loma, which was a recreation area for the communities of Commune 5. It was also where the community built the first playing field in the neighbourhood. Although it was a mud surface, it was well maintained. Championships between neighbourhoods were held there (...). We called it [La Loma] because it was the highest ground in the neighbourhood, up there you could see the entire city centre. On weekends, local residents would go for walks to La Punta, bathe in the sea and spend time with family and friends (...)."

Testimony of resident and community leader from the La Inmaculada neighbourhood in Buenaventura⁶²

6.2 The right to land

When analysing the impact of extractivist megaprojects on women's right to territory, we take as a reference the concepts of territory-body and territory-land that have emerged from the feminist movement in Iximulew (Guatemala) in recent decades.

Inspired by historical resistance to colonial invasion, community feminists have established this nexus between body and land at the linguistic level as a slogan and point of analysis, and as part of a drive to bring women together.

There is a parallel between the assaults that the patriarchy wages on women's bodies and those that the extractivist, capitalist and colonial system inflicts on the land and natural resources. For ecofeminism, a patriarchal worldview that extends to the territory-body and land-territory through the rupture of the social fabric lies behind the extractivist model.

Thus, the violence that projects exert on territories and natural resources also extend to the bodies of women, who suffer physical, psychological and emotional harm as a consequence of the roll-out of these projects.

Territory fulfils different needs: as a home and a place which provides food and livelihoods (crops, fishing, harvesting, etc.), but also as a space linked to the identity, culture, spirituality and generational continuity of a community.

6.2.1 Material consequences

6.2.1.1 Territory as a source of income and food

Prior to the construction of the dam, the land flooded by El Quimbo was used for the cultivation of rice, cocoa and tobacco, in addition to fishing. When the area was flooded, crops disappeared, placing the population's sources of food and income in danger.

62 Testimony published in "Más puerto, menos comunidad. Impactos de la estrategia económica de ampliación portuaria en Buenaventura. Caso Barrio La Inmaculada Concepción, Comuna número 5 de Buenaventura", Interorganizational Committee for the Defence of the Rights of Communities living in territories reclaimed from the sea in Buenaventura.

Again, due to the role as carers which women traditionally take on, it has been they who have been first affected by lack of access to food.

Other women, dependent on small-scale fishing as their main source of income, point to the impact of the dam's construction on the number of fish they can catch. They also attest to the breakdown of their everyday customs and habits following the disappearance of fishing as a daily activity in the area.

In addition to evictions and the flooding of the territory, the presence of the Emgesa hydroelectric plant has led to restrictions on the use of the area by its former inhabitants. They are prevented from fishing in the reservoir, and prohibited them from cultivating in the green belt areas that surround their new homes. This situation has led to inhabitants becoming more dependent on commercial markets for food.

In the Santa Cruz de Barillas area, agriculture is the main economic activity, based on the milpa system, the cultivation of beans, coffee and cardamom, and the raising of livestock. The aforementioned threats to the territory involve the risk of losing these crops and, therefore, local people's main source of income. In addition, the criminalisation of several local residents, who have faced imprisonment and separation from their families, have led them to abandon the allotments and crops they need to tend to for income and subsistence.

“When Rogelio came, his fields were brimming with crops. He had planted some cardamom but there was nobody to take care of it, it had been left unattended”

Testimony of Carmelia Mérida⁶³

In Buenaventura, TCBuen's actions have led to the disappearance of areas of the estuary that were previously used for the cultivation of subsistence foods. The presence of armed militia has led to violent attacks on fishermen and women who collect shellfish from the swamp. This has significantly hindered the local population's for subsistence and economic activity.

TCBuen's takeover of the area has led to the dredging of the estuary, causing significant damage to the ecosystem. As part of this process, dynamite has been used to break the hardest parts of the rocks, which has driven off the species of fish which previously occupied the area. The sludge extracted as a result of dredging has been deposited in areas of the swamp, contaminating those in which pianguas, a mollusc traditionally collected by local women, live.

In addition to restricted access to pianguas as a food source – the population of which has decreased significantly – women's sources of income from selling fish directly to consumers have also diminished.

The transit of large ships engaged in international trade both to and from the container terminal also hinders small-scale fishing, which has become dangerous to carry out in the same channel through which larger vessels circulate.

63 In “Las voces del río”, p 122.

6.2.1.2 Territorial cohesion and access

In Barillas, the Hidro Santa Cruz company has installed mesh and barbed wire fencing on the banks of the Q'amb'alam River, in violation of the local community's right to access part of its territory⁶⁴. Such practices breach the principle of indigenous communities' territorial sovereignty, fail to respect their right to pass through the river and waterfall area, and are incompatible with traditional uses of the territory⁶⁵.

In El Quimbo, restrictions on access came not in the form of fences or checkpoints, but instead the submergence of the entire territory under water. Flooding has meant the loss of villages, meeting places and work spaces, and the entire landscape as it existed.

"They say that only through violence can they strip someone of their territory. It's not true, with the dam they also take away where you once lived and worked. "

Testimony of Celina Zúñiga, resident in the village of Jaguarito, flooded for construction of the dam⁶⁶

Since the arrival of TCBuen in Buenaventura, the local population has faced restrictions in access to areas where recreational activities took place that were important for community cohesion and leisure, especially for young people. These activities are no longer possible due to both the company's takeover of the area and the climate of violence that has arisen there.

"We lived very well here, on weekends we would hold parties with a portable stereo and have a great time dancing without any problems. There was no violence or anything like that, but when it got out that they were going to build that pier, strange people started to arrive and it became hell. TCBuen is located in what used to be La Loma, a recreation area for the communities of Commune 5."

Testimony of local resident and community leader from Buenaventura⁶⁷

"There are no public recreational spaces for young people in the neighbourhood. Where TCBuen is, there was an old sawmill. Before the violence really kicked off, young people went there to play football: that was what people did for fun. After the game, they'd dive into the water to bathe, because it was close by. But when the wave of violence hit, people stopped going there. TCBuen took over that space and the neighbourhood was left without any type of park or recreational space."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

"In Commune 5 there are two neighbourhoods: the old neighbourhood, La Inmaculada, which has been around for about 80 years, and another, Santa Fe, which is about 35 years old. Between the two, there was a green space, a mangrove. It was a natural lagoon where a number of species take shelter, where marine biology students would come to study on field trips, and a space for recreation and sustenance for the people of this commune".

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

64 "Una hidroeléctrica española contra los pueblos indígenas. El caso de Econener-Hidralia en el norte de Guatemala", Alianza por la Solidaridad, p.29

65 Ibid., p. 39

66 Transcript of the video included in the special report "Mujer y despojo en El Quimbo", prepared by the association of those affected by the El Quimbo project (Asoquimbo), and available in Spanish at: <https://www.asoquimbo.org/es/especiales/mujer-y-despojo>. This material is the fruit of the work carried out by Asoquimbo with the support of the Urgent Action Fund for Latin America and the Caribbean.

67 "Más puertos, menos comunidad", p. 8

In addition to a change of use, violence has turned this area of Buenaventura into a no-go zone.

"This is where TC Buen decided to set up its pier. Since 2004, the violence has intensified, particularly around the neighbourhood of La Inmaculada. The violence made us want to avoid even talking about the neighbourhood, it had become such a salacious and dark issue. You would be scared to even talk about the neighbourhood.

You have to go through there to get to the centre of Buenaventura, but nobody wanted to even think about it. Vehicles wouldn't go through either: you had to get out before or after, taxis wouldn't stop there. The gas van or the milk van wouldn't come through. The deaths, disappearances and the 'casas de pique'⁶⁸ first started popping up there. It became a closed neighbourhood, a ghost town, from 2004 onwards."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

6.2.1.3 Territory as an ecosystem

Although renewable energy is often linked to notions of "clean" or "environmentally-friendly" energy, the construction of hydroelectric projects brings about environmental consequences that permanently alter the ecosystem and the relationships that are woven around it.

The diversion of rivers and streams, the flooding of territories, the pollution of waterways, the poor management of river beds, the excavation of land, the installation of fences, noise pollution, deforestation, soil degradation and the construction of buildings and infrastructure are just some of the changes which are introduced and affect daily life and the local ecosystem.

In El Quimbo, flooding of the territory has caused a reduction in the number of fish that can be caught, directly affecting people's access to food and their sources of income⁶⁹.

Changes in the depth of the water and pollution have also caused many of inhabitants to abandon recreational practices linked to the waterways, out of fear or discomfort. The dam is considered a dangerous place, especially following the deaths of two children who drowned in 2014 while fishing in a canoe in one of the deepest parts of the reservoir⁷⁰.

The presence of waste and the poor management of sediment have also led to local residents' discomfort with and abandonment of what were once their places of recreation.

"Getting used to what happened and the changes. Previously I had the opportunity to go from one side to the other, but not anymore. I can only stay on one side, so I feel sad (...) it was very different, I would go to the ravine and I felt that fresh water, good water, quality. Now you go and you can't even bathe, because the smell is intolerable".

Interview with a woman from La Rioja⁷¹

⁶⁸ Name by which the houses used for the torture, murder and dismemberment of people during recent violence in Buenaventura are known.

⁶⁹ In "Cuerpos, agua y emociones", p.42

⁷⁰ Ibid, p.73

⁷¹ Ibid, p 73

In Buenaventura, the dredging of the estuary to allow the passage of large vessels operating out of the TCBuen container terminal has also had a significant impact on the ecosystem of the area.

"[The terminal] stretches out over the sea, not the bay, and these strips naturally dry up as the tide comes and goes. Dredging the access channel to the port to ensure water so that the boats would not end up stuck has had an inordinately significant environmental impact, altering the natural system of the swamp. The excavation that is needed to keep the estuary artificially full has had huge repercussions in the surrounding ecosystem."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

A number of fishermen say that the pollution caused by the discharge of water from international vessels into the estuary and the cleaning of these boats has led to a decrease in catches, with the fish that survive suffering deformations⁷².

In Barillas, a warning was made ahead of construction of the hydroelectric project that the resulting pollution and reduction of the flow of the Q'amb'alam River could affect fish and riparian vegetation species, meaning that the ecosystem of the river and also the landscape of the area would be altered.

6.2.1.4 Territory and land ownership

Changes in land management and ownership, acquired or appropriated by the companies responsible for the projects, is yet another consequence felt by territories. For indigenous and Afro-descendant communities, land is not only a resource or an economic asset, but is also the physical space in which they carry out their cultural practices. These communities often understand land ownership as communal rather than private or individual.

In Barillas, the company ensured purchase of the land through threats, deception and manipulation, claiming that it would use the territory for the plantation of coffee and cardamom. Subsequently, fences were installed along the river banks, which are still in place at present. Even after the company's exit from Barillas, it has not yet been clarified what use will be made of the lands they acquired.

In global terms – and despite the fact that in many cases they are responsible for the maintenance of family allotments and crops – women are less likely to be land owners or able to obtain land ownership. According to the United Nations, less than 20% of landowners worldwide are women⁷³.

As a result, they are often excluded from decision-making processes such as the sale and purchase of land. However, they are directly affected by these decisions, not only in terms of their employment or the possibility of forced displacement, but also in their role as protectors of communities' ecosystems and ways of life.

In El Quimbo, irregularities were detected in the purchase of land from the population. In 2019, the association of those affected by the Asoquimbo hydroelectric project reported that the lands

72 "Asedio a las comunidades", p. 138

73 <https://www.un.org/es/observances/rural-women-day>

acquired by the state to be provided as compensation were not suitable for agricultural activities, in another setback to their economic sustainability⁷⁴.

In Buenaventura, much of the territory located on the perimeter of the TCBuen site did not exist as land designated for economic activity, given that it was reclaimed from the sea through the efforts of the local community. Residents filled these areas – originally estuaries or swamps – with wood by-products and tree bark in order to expand the surface area on which houses could be constructed. As such, this was not mere settlement: the territory was literally built by its inhabitants.

6.2.1.5 Territory as natural resources

When we consider the territory as a space in which natural resources are present – including water, soil and wood – there are conflicting visions as to how management and control of these resources should be structured.

On the one hand, resources can be understood as elements that enable the ways of life of the communities settled in a given territory, who are also the guarantors of its preservation.

"We have our own worldview and are an ethnic group because we have a different way of looking at life, of relating to it. As a result of this different way, part of what we understand as our space for living is the territory, which we must care for, cultivate, respect and enhance.

The state does not share this vision, it only sees these territories as potential economic resources, as a raw material that must be exhausted in the interests of capital. They say that we are squandering territories, because there is a lot of wealth and we do not make use of it. This is not true. We do, but with a different mindset, one which is more rational and not based on extermination.

For example, there is gold and we make use of it, but through the ancestral practices that we have learned and a consideration of the territory as a subject with rights and as a finite resource. These practices are those which have enabled us to remain here for so long. If the Pacific is one of the five lungs of the world today, it is because our culture has allowed it to be so. With a capitalist mindset, it would have ceased to exist a long time ago. We have a formula, that diversity plus culture equals biodiversity. This means that if there is no culture to manage biodiversity, to make good use of it, it will cease to exist."

Testimony of a woman community leader in Buenaventura⁷⁵

On the other hand, within a capitalist and neocolonial framework, resources are conceived as commercial assets that can be traded to obtain economic capital.

These opposing visions collided in Santa Cruz de Barillas and Buenaventura. In these cases, which relate to indigenous territories and communities of African descent, the communities' role in decision-making on the use of resources forms part of their right to the territory.

⁷⁴ <https://www.asoquimbo.org/es/comunicados/incoder-derrocho-cerca-de-3-mil-millones-de-pesos-en-compra-de-predios-quimbo>

⁷⁵ "Asedio a las comunidades", p. 27

In Barillas, the Hidro Santa Cruz company sought to appropriate the territory's resources (in this case, the water of the river) to generate electricity, without having obtained the consent or involvement of local residents.

In Buenaventura, threats and attacks against small-scale fishermen and shellfish pickers have prevented them from accessing the resources on which their survival depends.

In El Quimbo, Emgesa's involvement has deprived local residents of resources such as land and water, forcing them to seek these in other territories, and restricted their access to the area around the dam.

6.2.2 Intangible consequences

6.2.2.1 Roots and belonging

Territory is the materialisation of roots as a concept and the contextualisation of a sense of belonging to a particular place and community, which are part of the construction of personal and collective identity.

On occasion, these roots come by way of generational continuity: it is the place where ancestors are buried, where parents were born and lived, and where it is hoped children can be raised.

"I was born and grew up in Barillas, where I currently live, my parents too."

Catarina Juan Ramón, Mayan Q'anjob'al and Barillas resident whose husband was jailed after opposing the Hidro Santa Cruz development⁷⁶

Places are not just a backdrop, but have an emotional dimension associated with the experiences that they have played host to.

In El Quimbo, the disappearance of the places associated with local people's memories and sense of belonging has had a profound emotional impact. Some describe strong emotional ties to certain elements of the landscape.

"There were *cachingos* [a type of tree] that were 200 years old... For others I don't suppose that means very much, but for me it is a big thing to have come across trees so old and that are no longer here... You feel a rage, you feel powerless when you see that man destroys nature. "

Testimony of Celina Zúñiga, resident of Jaguarito⁷⁷

Communities establish deep ties with the land, and can come to feel that the effects on the territory also have an impact on their own bodies.

"They dammed the river, they brought it to a standstill, and that's what happened to me and my family, we stagnated."

Testimony of a young woman from Rioloro⁷⁸

Such feelings are also present in Barillas, and are a reflection of the aforementioned notion of the body-territory proposed by community feminists.

⁷⁶ "Las voces del río", p.45

⁷⁷ In "Mujer y despojo en El Quimbo"

⁷⁸ Ibid., p. 16

Similar perceptions exist in Buenaventura, where residents also talk of the emotional bond with the territory, which can be not only land but also rivers and even the sea:

"For the people of the port and the rivers, the territory stretches to the sea, it is not only the land that people walk on but also the tide that wets their feet. A colleague from Lleras says that if she can't feel the tide in the mornings, she doesn't feel alive."

Testimony of a resident of Buenaventura involved in the Black Communities' Process⁷⁹

Here, the relationship with the territory is based on ancestral ties to the physical space and the conviction that the space regained from the sea belongs to them: both it and the neighbourhoods occupying it would not exist were it not for the community's efforts. Various families populated the area beginning in 1948 and, as the community grew, they worked together to build bridges and fill the land, providing a firmer surface on which to build their homes.

"Why do you think I'm a leader? My mother was the one who spurred people on; they bought *viche* [a traditional drink] from her and we went in canoes to collect mango bark and twine; that's how we spent our afternoons, collecting wood to build the neighbourhood we have today (...) We wanted to see the place improve, when we arrived there was nothing, just estuary, tidal islands, a swamp. We created the neighbourhood and, when we made the street, it gave the place life. "

Testimony of a community leader from Buenaventura⁸⁰

The sale of their homes, the loss of their community spaces, the deterioration of the houses they built and maintained over decades, as well as the forced displacement through the violence committed by armed militia following the arrival of the company, have been traumatic and frustrating experiences for many residents, who feel that everything they have achieved has been for nothing.

6.2.2.2 The spiritual-territory connection

Communities also develop a bond with the land as a place in which they carry out their spiritual practices.

"This has been my town [and will be] until my god takes me from the earth."

Testimony of Luz Mery Anacona, *baharequera* affected by the construction of the El Quimbo dam⁸¹

Rivers or mountains are not seen merely as resources, but personified as protagonists of myths and legends. Within these cosmic worldviews, the relationship of interdependence between people, land and water is evident.

In Barillas, the Q'amb'alam River – the site of the development of the hydroelectric project – symbolises divinity and respect for Mother Earth within the community, which is reflected in several legends⁸².

In El Quimbo, the flooding of the territory brought with it the destruction of the Chapel of San José de Belén, a place of religious worship more than 200 years old, which had been declared a cultural heritage

79 "Buenaventura, un puerto sin comunidad", p. 154-55

80 "Más puertos, menos comunidad", p.7

81 "Mujer y despojo en El Quimbo". The term *baharequero/a(s)* refers to those who live in *bahareque* housing.

82 "El caso de Ecoener-Hidralia en el norte de Guatemala", p. 11

site within the department of Huila. The disappearance of the chapel forced the transfer of community religious ceremonies – masses, marriages, funerals, etc.- to other places, while the flooding of the territory modified the route of a number of parades and feasts associated with patron saints held in the area⁸³.

Many oral accounts from the community also attest to a personification of the Magdalena River as "El Patrón", who is thanked for the resources and abundance he provides, but is also feared for the dangers he represents⁸⁴.

These dangers are also attributed to various spirits that inhabit the sea, mountains and rivers in the oral tradition of the Afro-descendant communities of the Colombian Pacific.

"The sea has its own life, its spirits. In my time, we spoke of the imp, the *riviel* and the mermaid. Back in the day, the imp trapped men in the channel and left them at the mercy of the waves, distracting them, and they had to learn a poem so that the imp would not harm them. I never learned it, because the man who knew it and was going to write it for me on a piece of paper was killed. (...) There are also the mermaids, that's right, mermaids! When you go into the deep waters you hear them, their music, it sounds like an accordion, but you cannot go any deeper to listen to them because they'll take you."

Testimony of a resident of Buenaventura involved in the Black Communities' Process⁷⁹

The names of the different neighbourhoods of Commune 5 of Buenaventura refer to Christian religious feasts, and are related to the founding rituals of each neighbourhood.

"The neighbourhood was named La Inmaculada because the first settlers, to thank God, convened a mass, and the day they celebrated the mass was the Immaculate Conception."

Testimony of a community leader from Buenaventura⁸⁰

6.2.2.3 Community networks

Communities can also be understood as networks of relations between neighbours based on solidarity and mutual aid. In the cases studied, the emergence of megaprojects has significantly disrupted these networks of relationships. Women, who tend to be the ones who sustain such ties within the community, are especially affected by the breakdowns in these solidarity networks.

"Our way of life is collective. That is why it is so difficult to live as they want us to live. We need the neighbourhood ties we build in our communities, where the value of solidarity is important and where my individual life depends on my neighbour. When the economic interests behind the port come into play, collective rights start getting trampled, and they try to take the land we have built from us because they need it. They invent pretexts that these are no-go zones in which it is impossible to live. As a consequence, they do not recognise our residence and do not provide public services."

Testimony of a leader from Commune 5, Buenaventura⁸⁷

83 "Cuerpos, agua y emociones", p.50

84 Ibid., p. 91-92

85 "Buenaventura, un puerto sin comunidad", p. 155

86 "Más puertos, menos comunidad", p.8

87 Testimony gathered by the Catalan Board for Colombia and cited in "Asedio a las comunidades", p. 30

In El Quimbo, the displacement of communities and their resettlement in isolated areas has broken the ties which bind the community: families that lived alongside each other for generations suddenly ceased to be neighbours. Bartering existed within these networks, through which neighbours could help each other meet their needs. However, the loss of traditional means of subsistence such as fishing and agriculture has resulted in a greater dependence on money, displacing exchange as a form of mutual aid.

In addition to exchange, another community practice in the area is working days known as *minga*. This takes the shape of an event in which the entire population participates, and takes place along the Magdalena River. As part of this work, women provide food, cooking for the labourers, with whom they share lunch by the river.

In Barillas, the arrival of the Hidro Santa Cruz project sowed division between the residents for and against the project, hastening a conflict between people who previously lived together as neighbours.

"This place was very different, everything changed. Nobody went wanting, there was no sorrow, no enemies, just solidarity between the people. Now everything has become very complicated because of the company, which began to buy off our families, our people. [This] is how we functioned as communities, how we helped each other. But since then, we have not been able to do it, because of the division that the company sowed. We have lost the friendship of some community members, even family members. It was the company that spread division, it came to start a fight, and it brought nothing more than violence, death and spilled blood to our community"

Testimony of Rogelio Velásquez, Barillas resident persecuted and jailed for his opposition to the Hidro Santa Cruz project⁸⁸

Despite this, several testimonies also point to how – as a result of the judicial persecution of community leaders who opposed the project – bonds of solidarity solidified and the community came together to support the families of those who were being targeted.

"Here, too, the people came together to offer food and housing, even to feed our children. People who did not know us called us and told us that they were going to leave us this and that, or asked us for a list with the names of all the women who were affected."

Testimony of Carmelia Marcelly Mérida⁸⁹

In these communities, women play a fundamental role in sustaining life and the social fabric. They not only maintain the ties which bind the community, but also safeguard its culture and ancestral knowledge through the roles they take on in the community. By the same token, the emergence of a megaproject puts the survival of these cultural practices at risk.

6.2.2.4 Territory and culture

In Buenaventura, where the population is mostly Afro-Colombian, black women act as mentors, counsellors, transmitters of oral culture, experts, mediators in conflicts, healers and midwives. Ancestral mediation and healing encapsulate the worldview of Afro communities, and have survived slavery,

88 "Las voces del río", p.75

89 Ibid p. 111

discrimination, oppression and displacement, safeguarded for the most part by women.

In this region of Colombia, families are the nexus of kinship networks centred on the figures of women, who "structure relationships, tradition and the main sources of income", in a matrifocal social structure in which women are the axis of family groups and the community⁹⁰. They are made the target of attacks as a way of pulling apart the community itself.

"When armed groups seek to harm girls and women directly – by committing acts of extreme, cruel, brutal and degrading violence – the damage caused transcends the social and family structure, breaking the social means of transmission of cultural and ancestral practices and, therefore, placing at risk their preservation as an ethnic community, bringing them even to the point of the extinction and definitive destruction of their way of life and their worldview. Threats against women are so widespread that armed actors have pressured young people to murder their mothers or grandmothers in order to subject them to their orders, their rules or force them to join their ranks"⁹¹

The violence, murders and forced displacements faced in these territories put the exercise of cultural practices and their generational transmission at risk, leading the community to lose a part of its identity.

For example, forced displacement from coastal to urban areas, or even to other cities, leads to the loss of cultural practices linked to the ecosystem such as small-scale fishing, the collection of shellfish and the construction of stilt houses adapted to the movements of the tides.

"And what about forced displacement? It has been continuous, both collective and individual, one-by-one. What happens when people are displaced? It's what the authorities don't care to see. Not only is the family moved on, their culture is too: cultural practices and values are displaced. I can't take the canoe to Bogotá. When they massacre, they make culture disappear. What they are seeking to eradicate is culture itself, because they know that it is our main source of resistance. Everything is focused on attacking it. It would be very easy for them to kill us with a coup de grace, but why do they have to torture us, fragment us? What's the intention there? It is physical and cultural extermination, and we have the means to prove it."

Statements by members of the Black Communities' Process

In this area, as in others in the Colombian Pacific, many women from Afro communities engage in hairdressing, which transcends the purely aesthetic and identitarian, constituting an ancestral practice replete with meaning related to the resistance of enslaved populations. This trade has been passed down through generations, and its practice fosters meeting spaces shared by the people of the community; so much so that, for armed militias, controlling hairdressers is a way of exerting pressure and obtaining information. The people dedicated to this trade have suffered pressure, threats and forced displacement, in addition to the murder of two young hairdressers in 2005⁹².

90 "Buenaventura, un puerto sin comunidad", p. 345

91 Ibid.

92 "Buenaventura, un puerto sin comunidad", p. 194

Other cultural practices are linked to funeral rites and wakes, where the community plays traditional instruments and music and consumes traditional drinks. In many cases, however, these have been violently interrupted, with murders and deaths leading inhabitants to avoid attending wakes for fear of reprisals or armed attacks.

"Wakes at home are being disrupted by fear and distrust. Because they are open, the enemy can also enter and cause problems. It's also hard to tell who is who in other festivities. Wakes are now taking place at funeral homes out of distrust and as a less costly option. In the past, wakes involved drinking, dominoes, drums were played as a way of giving praise, and that's no longer the case"

Testimony of a resident of Commune 5⁹³

Various analyses point to the risk of "ethnocide" in Buenaventura, referring to the violence aimed towards the extermination of the local population and the eradication of their cultural practices, which the community understands as its main source of resistance.

6.3 The right to food

The presence of hydroelectric projects also affects communities' right to food, with their access to water, crops and fishing reduced. Impoverishment and displacement can also put families' food security at risk.

Again, it is women – due to their traditional role in domestic food preparation – who are the first to bear the brunt of food shortages, and who often put the food needs of the rest of the family before their own.

6.3.1 Material consequences

6.3.1.1 Lack of access to food

Following the construction of the dam in El Quimbo, the number of fish that could be caught per working day was reduced. Consequently, a food that was previously a dietary staple has become less available. For those engaged in fishing as a form of employment, their ability to make a living has also been constricted.

As noted above, residents in the area have been prohibited from fishing in the reservoir and growing food in the green belt surrounding the areas where they have been resettled. In practice, this renders them less self-sufficient and more dependent on monetary payment for their livelihoods.

A similar situation exists in Buenaventura, where fishing in the Aguacate estuary was the principal economic activity until TC Buen entered the area. The company has imposed restrictions on fishing, and both its private security and state marines prohibit movement within 500 metres of the pier. In-house security guards are ordered to shoot at fishermen who go fishing at night.

93 "Asedio a las comunidades", p. 143

6.3.1.2 Impoverishment and food insecurity

Restrictions and limitations imposed on access to resources, and loss of employment, lead directly to the impoverishment of those who – as is the case in El Quimbo – see their arable lands disappear underwater and, with it, one of their main sources of subsistence. Entire families are forced to seek new opportunities for work, making them more dependent on payment to obtain food, which is especially difficult in the case of women.

"The whole thing with the dam makes you so mad, so full of rage. Selling off the land, when it was so good: there was cassava, avocado, cocoa, lemons, oranges, tangerines... Life back then was different, in the sense that you could get food more easily: you didn't need money to get things, wherever you went they gave it to you. Not now: if you want to eat *cachaco*, you have to buy it, the same with bananas and cassavas."

Testimony of Celina Zúñiga, resident of Jaguarito⁹⁴

This greater dependence on money to survive – together with the breakdown in the relations of mutual support between neighbours, due to the displacement and conflicts brought about by the companies' presence – has led to increased individualism, something typical in the context of capitalism, but alien to communities' ways of life.

"They take away a way of life and impose a new one, wage labour, obedience to another lifestyle, to privatising care, in the sense that everyone has to get ahead on their own. They put people at odds with each other, conflict increases, money is thrown about. It is the imposition of a new social framework."

Interview with María Dolores Marroquín, feminist activist, sociologist and communicator from Guatemala⁹⁵

In Barillas, the impact of the hydroelectric project on family income has been exacerbated by the criminalisation of the community leaders who opposed the project, many of whom were arrested and transferred to prison or forced to flee their homes to avoid persecution.

The arrest and imprisonment of community leaders deprives their families of their main source of income and leads to additional expenses in the form of prison visits and attendance at court hearings.

"As a result of my arrest, I lost my job. During the eight months I was imprisoned, my wife and daughters were left without food, without anything. (...) When Caty would come and visit me in jail, it would cost about a thousand quetzals – I don't remember exactly how much – and she came to see me several times. That's plus the food, and whatever else had to be spent."

Testimony of Ventura Juan, arrested and imprisoned following his opposition to the hydroelectric project in Barillas⁹⁶

"What I missed the most was the food; we no longer ate the same. When dad is here and we are all together, there is always meat, he brings it. All of a sudden, there was no money for meat, there was nothing. I'm not going to say that we only ever ate meat, but once a week we did. [The children] had got used to it, but during those days, there was nothing."

Testimony of Carmelia Marcelly Mérida⁹⁷

⁹⁴ Extracted from the Asoquimbo special report "Mujer y despojo":

<https://www.asoquimbo.org/es/especiales/mujer-y-despojo>

⁹⁵ Interview with María Dolores Marroquín

⁹⁶ "Las voces del río", p.110

⁹⁷ Ibid., p. 110

Persecuted women leaders are also forced to leave their homes, and their children are deprived of a fundamental support figure and provider, particularly as regards their nutrition.

The separation from their community as a means of avoiding persecution and continuous trips to attend judicial hearings suppose new expenses that impoverish women and force them into borrowing and debt.

In Barillas, many report experiencing hunger and lack of food during their time in refuge from violence and persecution.

"When we went to the mountain, we were up all night, without food and hungry. We spent about three days walking to get to the place where the people who were going to receive us would be. While in the mountain I got sick, I could not walk anymore, a man had to take his horse to where we were. As I was three months pregnant, it was not long before I miscarried the baby I was expecting. I didn't have so much as a quetzal, only a bottle of water and two bananas. It wasn't until we got to where we were being lodged that we ate and were given clothes to change into. We suffered a lot."

Testimony of Angelina Pérez, Mayan Q'anjob'al and community leader in the Barillas area, persecuted for opposing the Hidro Santa Cruz project⁹⁸

Common to the accounts of the women who suffered persecution in Barillas is concern about the effects this brought in terms of being able to provide for their children, as well as the consequences for their physical and mental health, behaviour and access to education.

"I was not only thinking about how to solve my own situation, I was also thinking about my children, but they [the men] did not, they didn't think 'Where are my children?', even if the children had nothing to eat. Men do not see it that way."

Testimony of Hermelinda Simon⁹⁹

"I have a ten-year-old son, who once called me during lunch, he was suffering from hunger, it was two in the afternoon and he hadn't eaten anything since the morning. I thought, 'What am I going to do? I'm eating, I'm fine and my children are crying in the house without food, and who will wash their clothes?'. I had no money to pay anyone to take care of them. That's when I decided to go home."

Testimony of Angelina Pérez¹⁰⁰

A number of the women point to the help they received from the community and organisations which supported their cause. In addition, many of them report that, in situations of need, they prioritised the provision of food for their children over their own needs.

"With the help of others, they brought us rice, noodles and beans, that's all we had. When I had some money to spare, I bought mayonnaise and things like that, because they like it a lot, that was what I was able to buy them, nothing more. (...) Thank God we didn't leave

98 Ibid., p. 98

99 Ibid., p. 102

100 Ibid., p. 98

our children without food, nor did people leave them without food, they were always helping them. I often did not eat, at the start what concerned me were my children."

Testimony of Carmelia Marcelly Mérida¹⁰¹

In Buenaventura, restrictions on access to traditional fishing and shellfish picking sites, together with attacks and threats against those who carry out these activities, have put the population's food security at risk. More than just being unable to guarantee income from the sale of fish, they cannot even ensure enough for their own consumption.

"Women cannot collect shellfish, *pianguas*. They are species [of molluscs] that grow in the estuaries and the swamp, sometimes below the roots of the mangrove trees. Picking has been carried out by women for centuries, and they often have no other form of employment. This activity provides them with income, meaning they do not have to seek employment as domestic workers in someone else's home. With this activity they manage their own time and buy what they need for the family: it is a way of ensuring their own income. "

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

6.3.2 Intangible consequences

Lack of access to food also has consequences for the survival of a culture and forms of recreation that are linked to the typical foods of the area. When a community is deprived of the foods on which its diet is traditionally based, it loses a part of its gastronomy and the rituals associated with it.

In El Quimbo, for example, the villagers refer to the "paseos de olla"¹⁰² or community lunches on the banks of the river, in which women prepare food enjoyed by several families outdoors. It is a recreational activity that strengthens the bonds between local residents and is closely linked to their culture and way of connecting with the environment.

The scarcity of the foods which community lunches are made from – due to the absence of crops or effects on fishing – together with changes in the landscape surrounding the river and the disappearance of shared spaces, puts these activities at risk and hinders social interaction and the preservation of cultural practices.

In Buenaventura, restrictions on fishing in the area following the construction of the pier, and attacks on fishermen and shellfish pickers, have also had an impact on the culture and identity of the local population, which is mostly Afro-descendant and heavily involved in fishing.

"The aim [of TCBuen] is clear: they want to eradicate the productive activities that take place in the estuary which don't fall under port activity. But these productive activities, such as fishing, are also cultural and ethnic practices. If we cannot carry them out, they degrade us as black people, they take away our opportunity to engage in a centuries-old practice that is not just fishing, but everything that fishing encompasses, the preparation of the fish, the cultural practices associated with it. "

Authors' interview with a source from commune 5 of Buenaventura

¹⁰¹ Ibid., p. 114

¹⁰² "Cuerpos, agua y emociones", p. 74

6.4 Civil and political rights

Hydroelectric and port development projects have led local communities to fight back. To quell these protests, companies – sometimes with the collaboration of the judiciary and state security forces – have launched campaigns aimed at criminalising and persecuting community leaders, from social profiling through to prosecution, imprisonment and murder.

These practices directly violate people's civil rights, such as the rights to free assembly, demonstration or freedom of expression. In addition, and as we have seen previously, the violence to which defenders of the territory are subjected as part of this persecution carries consequences for other rights, both their own and those of third parties, such as the rights to food and to education.

As such, the political persecution of community leaders aims to minimise opposition and resistance to transnational corporate projects.

In Barillas, the Hidro Santa Cruz company enjoyed the backing of the state, which brought judicial action that criminalised the peaceful resistance of defenders and deployed the army in the area following the declaration of a state of siege. This is an explicit alliance between the corporate sector and state powers for the purposes of protecting foreign business interests and, in a way, a transfer of sovereignty.

Although these measures for persecution and prosecution are aimed at both men and women, the latter face specific threats and consequences, both material and non-material, for both themselves and their families.

In this section we will distinguish between, on the one hand, the persecution aimed directly against women leaders and, on the other, the consequences they face when their partners have been arrested and imprisoned.

6.4.1 Persecution of women leaders

6.4.1.1 Material consequences

In April 2012, following confrontation between the Hidro Santa Cruz company and the residents of Barillas over the hydroelectric project in the area, arrest warrants were issued against local residents, who were accused of the crimes of trespassing, coercion, threats, arson, endangering national security, terrorism, kidnapping, illegal detentions and undermining the security of public utilities¹⁰³.

Charges were also brought against others for crimes of theft, unlawful detention, premeditated breaking and entering, coercion, threats, aggravated robbery, aggravated arson, undermining the security of public utilities and terrorism.

103 “Santa Cruz de Barillas: criminalización y presos políticos”, Ana García Aupi y Rubén Ávila Gálvez, published in Revista Enfoque, 2013, p.41

On 25 July of the same year, more individuals appeared on the list of arrest warrants, although no charges were attributed to them, demonstrating that the intention was the pursuit of local political leaders. In total, 17 people were imprisoned.

"When they showed me the arrest warrant, it was also a form of intimidation and trying to silence us."

Testimony of Hermelinda Claret Simón¹⁰⁴

Persecution forced Hermelinda and other women to leave their homes, something which both supposed a great economic cost and compelled them to delegate the task of caring for their children. Hermelinda explains that this situation is particularly complicated for women, given the role as carers assigned to them:

"It is more complicated because of the relationship that women have with the family, with our organisation, and it leaves a void in several senses. For example, when I met with Don Taño and Don Tello [other community leaders who also faced persecution], they said: 'We have to do this, we have to go there, we'll go to the governor or whoever', and all I could think was: 'Where might my daughters be in all this?'"

Testimony of Hermelinda Simon¹⁰⁵.

"The arrival of the police and soldiers was a result of the state of siege, I had to leave my children without money and without anything to eat. They cried a lot, so did my mother. I had to leave, even though I had committed no crime. I had to take five months away from my family and my home. Our communities really suffered."

Testimony of Angelina Pérez¹⁰⁶

In Buenaventura, resistance to violence "has made women a direct target of war and stigmatisation through being identified as human rights defenders", according to organisations such as the Black Communities' Process¹⁰⁷. An atmosphere of violence has hindered activist organisations, with the danger of being out on the street hampering attendance at meetings.

"When we held [Black Communities'] Process meetings, which would go on until eleven o'clock at night, I would come from Centenario, cut through the whole of La Loma and come out at Iglesia de Pueblo Nuevo, up and down again on foot, and nothing happened to me. That's impossible now, everything is subdivided, where one half are, the other half cannot reach [them]"

Testimony of a Buenaventura resident involved in the Black Communities' Process¹⁰⁸

Testimonies point to death threats and persecution against several women leaders, some of whom have had to leave the city for periods of time. In some cases, harassment of and spying on women by armed militia has been reported.

"I have suffered death threats, constant spying and break-ins over the last few years. I have been photographed on the street and last year I had to leave the country"

104 Authors' interview with Hermelinda Simón.

105 "Las voces del río", p. 102

106 Ibid., p. 98

107 "Asedio a las comunidades", p.56

108 "Buenaventura, un puerto sin comunidad", p. 156

for a while when a plot to assassinate me was revealed. The violence I suffer is related to my work defending the territory and the collective rights of the Afro-descendant communities of Buenaventura and the criticism I have made locally, nationally and internationally regarding the expansion of the city's port."

Statements by a community leader from Buenaventura to Amnesty International, June 2020¹⁰⁹

In 2008, the Constitutional Court of Colombia, in Ruling 092, declared that women identified as leaders Were victims murder, disappearance, sexual violence and threats by a range of armed agents:

"Women's organizations, especially peasant, indigenous and Afro-Colombian women's organizations, and their leaders, are subject to systematic intimidation and persecuted for the work that they do to defend and improve living conditions for their communities. (...) In their effort to gain social and political control of territories under dispute, armed groups target women's organizations as a visible obstacle, deeply rooted within the communities, which they try to use for their benefit or alternatively destroy."¹¹⁰

6.4.1.2 Intangible consequences

The persecution against leaders has had emotional and psychological consequences for the people against whom arrest warrants have been issued. Several women report having suffered threats, harassment and coercion by the Hidro Santa Cruz company.

"In the days before the state of siege, company workers told us: 'If you are going to keep talking, something could happen to you'. On one occasion, we were walking with a fellow activist and we came across one of them, he was driving and tried to run us over. My mobile also had a lot of interference, like someone else was listening to what I was talking about. I knew, because there was a lot of noise. Besides that, during the demonstrations before the state of siege, the police and the army would come into our offices."

Testimony of Hermelinda Simon¹¹¹

The emotional stress that these situations entail is added to by a fear of arrest and the anguish of feeling persecuted.

"At the beginning I asked myself 'What have I done now? Why are they persecuting me? I haven't participated in any demonstrations'. At the same time, I felt an intense fear, I was afraid to go outside and walk around, afraid to come across soldiers, the police. (...) When I was in Huehuetenango I lived in a friend's house. When I went out, I had to pay for a taxi, I could not get on a bus, in case they caught me. The police were always looking on the buses, they had a list which contained the names and photographs of the people they were looking for. The army would pass close to where my house is with the intention of intimidating and constraining [me]. I had never suffered persecution before, I thought that at any time I could be caught. I felt like I was being chased everywhere."

Testimony of Hermelinda Simon¹¹²

¹⁰⁹ See: <https://www.amnesty.org/es/latest/news/2020/06/lideres-sociales-nos-siguen-matando-duran-te-cuarentena/>

¹¹⁰ Ruling 092, 2008, Constitutional Court of Colombia, citing statements made by the special rapporteur of the United Nations

¹¹¹ Ibid., p. 82-83

¹¹² Ibid., p. 99-100

6.4.2 Detention and imprisonment of partners

Other women in Barillas were not subjected to criminal prosecution, but nevertheless suffered the consequences of criminalisation when their husbands and partners were arrested and imprisoned far from the family home.

6.4.2.1 Material consequences

Arrests and imprisonments have economic consequences for the wives of political prisoners, arising from the trips they are forced to make to visit them in prison or accompany them to court, as well as an emotional impact in the form of fear and uncertainty.

"It was hard for everyone. They went through economic and emotional crises. When you are in a relationship, there is always financial support. When one of the people is missing, it inevitably has effects on the rest of the family."

"The women who visited their partners in prison needed money to travel, as well as spare cash in case they needed something. Not only did they have to think about themselves, but also their partners and children. "

Testimony of Hermelinda Simon¹¹³

"I rarely travelled to Guatemala City during that time, because my [daughter] Jacqueline was studying, I couldn't take her with me, but she didn't want to stay with my mum either. I travelled only if there was an important meeting. I travelled to Santa Eulalia more often, I was present at every hearing my husband attended."

Testimony of Catarina Juan Ramón¹¹⁴

Some women have taken on long-term debt to offset their spouses' loss of employment as a result of imprisonment and the difficulties they have faced in finding new work since.

6.4.2.1a Consequences for children

Parents' absence from the home also has consequences on the lives of their children. In addition to economic hardship and the impact on their nutrition, many children are forced into employment in order to contribute economically to the household.

"Emotionally and economically, this has caused many unpleasant situations for children. There are cases in which children have even had to stop studying and work as a result."

Testimony of Hermelinda Simon¹¹⁵

"Because of the company, the government and the mayor of Barillas, I had to abandon my poor children in the house. Four of them were left behind with no one to take care of them."

Testimony of Angelina Pérez¹¹⁶

113 From an interview with Hermelinda Simón.

114 "Las voces del río", p.113

115 Authors' interview with Hermelinda Simón.

116 "Las voces del río", p. 97

Girls whose mothers have had to flee judicial persecution or travel frequently to visit their husbands are faced with two specific hardships.

On the one hand, they take on a care burden, assuming the task of raising their younger siblings, which, in addition to making it difficult for them to attend school, can cause emotional burnout.

"Another thing is that many girls kept an eye on their siblings when their mothers travelled to the capital. These are also consequences for children. And, for women, a heavy workload and a much greater burden of responsibility... in addition to the economic burden. Many have even ended up in debt."

Testimony of Hermelinda Simon¹¹⁷

"My little sister, who is fifteen years old, and my little brother, who is eighteen, looked after the house. They stayed as a father and mother to my children."

Testimony of Carmelia Marcely Mérida¹¹⁸

Others suffer sexual violence at the hands of relatives, who take advantage of the absence of their parents.

"Until now, years after the fact, [we didn't know] the daughters of one of our companions had suffered sexual violence at the hands of a relative while he was alone with them. They are older now, but at the time they were children."

Testimony of Hermelinda Simon¹¹⁹

6.4.2.2 Intangible consequences

Arrests cause significant fear and uncertainty for the wives of political prisoners, who do not know where they could be taken or what might happen to them.

"The fear I felt was that they might kill him at any moment, if they kidnapped him, we would have no way of knowing where they would take him."

Testimony of Carmelia Marcely Mérida¹²⁰

In addition to facing their own fears, women are looked to as carers for the rest of the family and providers of emotional support to their partners, who often leave prison with physical and psychological sequelae.

"He [Rogelio Velásquez] was reluctant to go [back] to work because he felt like he wasn't going to be able to. The first day he went to work with his machete, his hands bothered him because he hadn't done it for so long, that was what we found the strangest. He didn't feel motivated to go to the mountain, but over time he got used to it again."

Testimony of Carmelia Marcely Mérida¹²⁰

117 From an interview with Hermelinda Simón.

118 "Las voces del río", p. 110

119 From an interview with Hermelinda Simón.

120 "Las voces del río", p.88

121 Ibid., p. 122

"In addition, he [Esteban Bernabé] is sick, because of the food they gave him in prison. When he sleeps at night, he screams, he's dreaming, but maybe he's scared, it's because of the company."

Testimony of Francisca Hernández, Mayan Q'anjob'al and community leader, wife of Esteban, arrested and imprisoned after opposing the Hidro Santa Cruz project¹²²

Women also bear the brunt of the emotional impact felt by their children following their parents' detention, with all the fear, worry and trauma this entails:

"We're still coming to terms with the experience. I took my girl with me to the prison and it really got to her. The children worry a lot, they ask if their father could be taken away again, they are always afraid that the same thing could happen again. I tell them not to be afraid, it won't happen. I tell them 'Don't be sad, children, the army has its weapons loaded, but they cannot kill us, they have no right to'. But how cruelly they took him..."

Testimony of Carmelia Marcey Mérida¹²³

"My children will never forget that moment of terror, when they opened their eyes that morning, the first thing they saw were people in uniform with rifles checking the entire house and the area around it. They still feel the same fear that when they see someone with a gun or in uniform, they begin to tremble and cry. During the raid, they took photographs of my children and the entire family that was there that day."

Testimony of Francisco Lucas Pedro, Mayan Q'anjob'al and activist persecuted for his opposition to the Hidro Santra Cruz project¹²⁴

6.5 The right to physical wellbeing and human dignity

It has been observed that, when hydroelectric and port development projects are met with significant resistance from local communities, companies respond by increasing the level of violence, from coercion or intimidation to sexual assault, murder and forced disappearance. These attacks can be understood as part of a continuum of violence that dates back to the armed conflicts in Guatemala and Colombia.

In such situations, attacks against women can also be seen as attacks on resistance, beliefs, ways of living and relationships within the community which are sustained thanks to the fundamental role of women.

6.5.1 Material consequences (physical violence)

6.5.1.1 Sexual violence

Documentation of cases of sexual violence during the conflict which arose around the Hidro Santa Cruz development in Barillas is conditioned by the attendant challenges in acknowledging and reporting these events in patriarchal contexts.

¹²² Ibid., p. 123

¹²³ "Las voces del río", p. 124

¹²⁴ Ibid, p. 97

"It is very difficult to prove violence against women, sexual and psychological violence. The legal system itself has a habit (...) of dismissing the idea that we might suffer or report [violence], there are no official figures that illustrate it. It is as if there was no lens focused on capturing this reality. At the same time, the legal system, which could have a role in acknowledging the harm caused, is useless. It is difficult to report sexual violence, you have to be very determined to do so.

All the weight falls on the victim, the person abused. The person who is questioned is the one who was put in harm's way, not the one who committed the abuse."

Interview with María Dolores Marroquín¹²⁵

"We hear about rape, but we don't have the evidence like in other cases. It's like we don't have the proof. I've heard of [cases of] rape being directly discussed, but we have never found who it was."

Testimony of Micaela Antonio, Mayan Q'anjob'al and activist opposed to the Hidro Santa Cruz development¹²⁶

Nevertheless, the women of Barillas maintain that increased sexual harassment followed the deployment of security personnel and other staff connected to development in the area.

"Because of the fight that the communities undertook, the company began to threaten community leaders, especially women. For example, when they travelled along the road that leads to their communities, they were harassed by security personnel."

Testimony of Hermelinda Simon¹²⁷

"You can trace the change to the company's arrival, you see people with vests, armoured cars, well-equipped. Women no longer dare to raise their voices in their communities."

Testimony of Micaela Antonio¹²⁸

Women from the local community live in fear of the new security presence, with some of them even suffering sexual assault.

"[The staff] come from other regions with a very specific mentality: dominance. The security guards harass women. Several cases of sexual assault have been reported.

Even now, with the whole situation, we say that men take advantage of you being alone.

The fact that they have uniforms makes them feel more empowered. "

Testimony of Hermelinda Simon¹²⁹

Girls are also subject to sexual harassment, and are afraid to use certain routes:

"When women from the surrounding area travel to the town, they [the workers] start whistling at them, trying to talk to them, shouting at them, harassing them. This is violence against women. People are angry, because when a young lady or girl passes by,

125 Interview with María Dolores Marroquín.

126 Authors' interview with Micaela Antonio.

127 "Las voces del río", p. 76

128 Authors' interview with Micaela Antonio.

129 From an interview with Hermelinda Simón.

she is already afraid because of the harassment she suffers. They are afraid to go [down these routes], they no longer take the road because the company's workers are there. That's a violation of the rights of passers-by. They are privatising public space which is not theirs.

Boys are not treated the same as girls, a girl of 10 or 11 is already afraid to go outside, perhaps because a company worker loses the plot, goes and grabs her, and that's it.

Many schoolgirls from San Carlos or Santa Rosa have to take that road to get to school, there is only primary in the community. They have to go to their village school. They have to take the road and are afraid of what the company's workers might do to them. It's a real risk, who knows what could happen."

Testimony of Micaela Antonio¹³⁰

An increase in bars, brothels and other places where men go to procure sex has also been reported:

"More bars were set up. Things took a turn for the worse, we're already afraid to go out in the town, the company has left its mark, wherever you look [you see] the security guards."

Testimony of Micaela Antonio¹³¹

In Buenaventura, there has been an increase in sexual abuse against girls and young women in the neighbourhoods of San Francisco, Punta del Este and La Inmaculada. This often goes unreported due to fear of reprisals from both legal and illegal armed individuals (soldiers, paramilitaries and guerrillas).

As a result, forced pregnancy has also increased in girls between the ages of 10 and 14, with consequent risks to their health and lives. These pregnancies also push girls to drop out of school, undermining their academic attainment and future employment opportunities, and condemning them to poverty¹³².

In some cases, sexual violence has fallen within what the Constitutional Court of Colombia considers a combat strategy on the part of armed groups, namely, the "love" between women and the combatants who later abandon them, leaving them stigmatised within their communities and, on occasion, pregnant¹³³.

In the communities affected by the TCBuen project, there has also been an increase in the prostitution of adolescents in exchange for money and material goods, as well as the use of young women to carry weapons.

The "high levels of impunity for crimes of sexual violence, close to 99 percent in Guatemala and Colombia, whether in times of 'peace' or war, add to the complexity of the cases under discussion. Women are unable to approach the courts, and when we do, we are judged on the patriarchy's terms. That is to say, we are found guilty of 'provoking' our aggressor, or of 'putting ourselves' in danger, placing the onus of responsibility for the crime on us", says Amandine Fulchiron, feminist activist and co-founder of the Actors of Change Collective in

130 Authors' interview with Micaela Antonio.

131 Authors' interview with Micaela Antonio.

132 "Asedio a las comunidades: Los impactos de una empresa catalana, Grup TCB, en Buenaventura, Colombia", p. 150

133 See: <https://pacifista.tv/notas/el-amor-una-estrategia-de-guerra-en-colombia/>

Guatemala, which carries out research into feminism, rape and war, the body, sexuality, emotions, memory and justice, among other topics.

She also argues that "the traditional courts of justice victimise the women who are abused. Despite the raft of international legislation for the protection of women, there are more crimes and more cruelty than ever before. There is no rule of law"¹³⁴.

Fulchiron underlines the importance of women's listening spaces to call out and acknowledge sexual violence.

"There are no effective means currently available to challenge rape via the courts. For it to be recognised as a sex crime, it is of no use that the law says so alone, there must be a collective power of women who affirm and support the statements, and corroborate what has occurred. Those who have the power to speak out publicly about what has been going on are those who have opened spaces for other women to realise they too have been victims.

Movements such as *Yo Te Creo* [I Believe You] and feminist collectives are central to what we consider justice. It is a matter of having a group that believes us, that supports us and, at the same time, offers us the opportunity to discuss our experiences and be listened to. In the end, justice lies in that group of women, with relationships based on listening, mutual recognition, living within our bodies, etc. Justice is also bodily and emotional. Rape is corporal and the territory that has been invaded is the body. "

Statements by Amandine Fulchiron

6.5.1.2 Physical violence, torture, threats and risk to life

In Buenaventura, violence against women must be understood as harm through which "the damage [done] has an impact on the role played by women as a point of anchorage, reference, cohesion and transmission of values and meanings typical of Afro-descendant culture"¹³⁵.

The situation in Commune 5 continues to be one of extreme violence. In 2021, at least 17 forced disappearances of small-scale fishermen working in the Bay of Buenaventura were recorded. Such attacks have also been aimed at women picking shellfish in rock pools or from the roots of mangroves in the areas around the estuary.

In January 2021, an attack took place on four women picking shellfish in one of the estuaries near the community. The four women reported seeing seven heavily armed men appear, who proceeded to beat and torture them, leaving them tied to the mangroves with the warning that they should not return to the area. The women were able to free themselves once the armed men had left. Had they not done so, they could have drowned at high tide, according to local sources. These same sources claim that such attacks are part of a campaign to prevent any economic activity taking place the area outside of the port.

In addition, in early 2021, shots were fired and grenades launched by armed men who entered the Santa Fe neighbourhood on motorbike and fired upon residents' homes for several minutes. Several people

¹³⁴ Statements by Amandine Fulchiron in a talk organised by Novembre Feminista (September 2019)

¹³⁵ "Buenaventura, un puerto sin comunidad", p 345

were injured in these attacks, including one woman who, at the time of writing, remains in hospital.

In other cases, women report that several people have intimidated them on the street, accusing them of being informants and giving them a deadline to leave the neighbourhood. These events can be seen as a means of exerting pressure on the community to leave their neighbourhoods and free up the land for the company's activities and growth.

Other acts of violence take the form of "exemplary punishments" against girls and women who are members of grassroots organisations, speak out or otherwise transgress the rules imposed by armed agents, such as "crossing invisible borders or leaving their homes outside established hours"¹³⁶.

"More than one girl has been beaten, they clubbed her, you could hear girls crying for help without being able to do anything... emaciated girls, their faces and eyes, their bodies, it's too much (...) the soldiers were taken away, they were getting girls pregnant and got restationed, and we were left adrift"

Testimony of a woman community leader¹³⁷.

Violence has frequently taken the form of attacks on women's sexuality, with mutilation of parts of their bodies such as breasts or genitals, removal of their reproductive organs or the forcing of objects into the anus or vagina. This is also reflected in the forced pregnancies or transmission of sexual diseases to the women attacked by armed agents.

"The viciousness we refer to is the degree of cruelty with which many of the murders of women in Buenaventura are committed. Very often the way in which these are carried out shows that, in addition to killing, the motive was to cause extreme suffering and pain. This is not accidental; on the contrary, it is loaded with meaning, sometimes not necessarily linked to the woman in particular, but to others, or to women in general, as in cases where the motive for the murder is to punish certain behaviour prohibited by the armed groups and to serve as an example to other women in the community."

Delegate Ombudsman for the Risk Assessment of the Civilian Population as a consequence of the armed conflict (Early Warning System–SAT)¹³⁸

Women identified as defenders of the territory or with more active political roles within the community have been threatened with death. They have been placed under the surveillance of armed individuals for months at a time, who in certain cases have appeared at their homes to intimidate them, with both they and their families having been followed in their daily routines. Some of these defenders have had to leave Buenaventura after receiving messages containing death threats or calls informing them that they have been identified as targets of armed groups.

6.5.1.3 Femicide

In the specific case of Buenaventura, bodies of young women have been discovered in the neighbourhood, deposited in polyethylene bags in low-water areas. These bodies have shown signs of torture, mutilation

¹³⁶ "Buenaventura, un puerto sin comunidad", p. 293

¹³⁷ Ibid., p. 346

¹³⁸ Ibid., p. 295

and disembowelment¹³⁹. The exposure of mutilated and tortured bodies can be interpreted as a message in itself, and as a warning.

In her analysis of femicides in Ciudad Juárez, Rita Segato states:

"It is necessary to understand that all violence, even that in which the instrumental dimension predominates – such as, for example, that which aims to appropriate what is belongs to others – includes an expressive dimension. In this sense, one can say what any detective knows: that every act of violence, as a discursive gesture, bears a signature."¹⁴⁰

In this sense, sexual violence, as well as torture and the dismemberment of the bodies of girls and women, expresses "a form of degradation of violence, which seeks not only the destruction of the victims, but at the same time the moral, physical and psychological destruction of the Afro-descendant population," according to the National Center for Historical Memory in Colombia.

As such, the violence exerted by armed groups against women and girls is not only directed against them as individuals, but also seeks to "send instructive messages, provide exemplary punishments and activate mechanisms of violent dispossession". The ultimate goal is the control of the territory and the population through terror¹⁴¹.

An example of exemplary femicide is the murder of 16-year-old Ingrid Yahaira Sinisterra in 2007. The teenager's body was found by her relatives at sea with multiple stab wounds and signs of disembowelment. Paramilitaries told the family that they had killed the young woman "as a warning so that no one would maintain relations with guerrillas"¹⁴².

Other femicides are defined not only by an attempt at domination and control, but also as direct attacks against women who engage openly in political participation within communities, or as revenge between rival armed groups.

6.5.1.4 Recruitment and involvement in armed conflict and violent dispossession

In Buenaventura, girls and women have been observed as being involved in armed conflict, taking on the role of informants, sexual partners or collaborators, as well as being subject to sexual exploitation by organised criminal gangs¹⁴³.

The "violent dispossession" of married women has also been detected, through which armed individuals murder women's husbands, take away their property and subject them to degrading treatment and abuse such as sexual exploitation under threat, or the sexual subjugation of their daughters.

139 "Asedio a las comunidades: Los impactos de una empresa catalana, Grup TCB, en Buenaventura, Colombia", Tomàs Gisbert, Maria Jesús Pinto and Javier Sulé, p. 150. Available in Spanish at: <https://www.taulacolombia.org/wp-content/uploads/2020/04/2015-Los-impactos-de-una-empresa-catalana-Grup-TCB-en-Buenaventura.pdf>

140 "La guerra contra las mujeres", Rita Laura Segato, Traficantes de Sueños, 2016.

141 "Asedio a las comunidades", p. 55

142 "Buenaventura, un puerto sin comunidad", p. 201

143 Ibid., p. 291

"So, they're talking to me and I can't sell up, you know I live here. 'Ah, so you're not going to sell? We'll talk to the widow then'. Do you know what that means? That they'll kill you, and the next day they'll go to your widow and say 'See what happened to your husband? I told him to sell up, he did not want to, I'll give you something for the children'. Some women are told, 'if you don't go out with me, we'll kill your husband'. There are rapes all the time, the list goes on. There are others who were supposedly spying on one of the bosses or the heavies, and they end up killed. They gag them and rape them, it's a strategy to be able to control the women in the community. "

Testimony of a community leader from Buenaventura¹⁴⁴

6.5.2 Intangible consequences – psychological and symbolic violence

6.5.2.1 Coercion and intimidation

Many women in Barillas also suffered harassment, threats, coercion and blackmail with the aim of ensuring their approval of the Hidro Santa Cruz development, especially during the time in which their husbands were imprisoned.

"Some of our fellow activists tell us they received a visit. They were told to bring us all together and to get us behind the company, as a way of getting the prisoners out. If we didn't, our comrades would stay in prison for 40 or 60 years."

Testimony of Catarina Juan Ramón¹⁴⁵

"They really went after us, they pushed us hard. They were even as gauche as to pay for minibuses to go to Santa Eulalia, where our husbands had their court hearings, to tell them not to be hot-headed, because that way they were never going to get out, they knew that they were never going to get out anyway. They are witnesses, because they themselves were told in Santa Eulalia. They did not dare to come to my house, but they did go to the house of Zenaida, a comrade of mine. They would come and spy on her on the way. They began to talk to her, telling her to accept the offer: 'Leave Carmelia out of it, she doesn't want to accept, she is the stubborn one, leave her on her own', they told her. But she told me, 'I'm not going to leave you, we're in this together, because they [our husbands] have to get out together'. Thanks to her determination, she continued the fight and saw it out until the end. They threatened Zenaida a lot, they only threatened me once: 'You're all over town, running around in vain, your husband will never get out'. I only had to answer once and I left him gobsmacked, he did not say anything to me again. I said, 'No one is interested in knowing what I'm doing. Nobody cares what I do, whether I'm running one way or another, I'm not asking anyone for a handout. God will help me stay on my feet'."

Testimony of Carmelia Marcely Mérida¹⁴⁶

In Buenaventura, armed groups have coerced women as a means of influencing their behaviour: how they dress, with whom they associate, or where they can go¹⁴⁷. The continuous appearances of corpses and the disappearances of people feed the fear that any threats will be carried out.

¹⁴⁴ Ibid., p. 292

¹⁴⁵ "Las voces del río", p. 107

¹⁴⁶ Ibid., p. 108

¹⁴⁷ "Buenaventura, un puerto sin comunidad", p. 354

6.5.2.2 Defamation and stigmatisation

Harassment and criminalisation of women opposed to the Hidro Santa Cruz project in Barillas was accompanied by a campaign of stigmatisation and defamation by the company, with the aim that those who resisted the development of the hydroelectric plant would be singled out by the community.

The stigma that many of these women experienced for being the wives of political prisoners, or for participating in resistance activities against hydroelectric development, resulted in their defamation and even physical attacks.

"In my case, they kept a list, in a notebook. It was a blacklist¹⁴⁸. The list had been put together by the families who were involved with the police, and above all, the families who were in contact with Hidro Santa Cruz (...). A police force and an army have no right to know where community leaders live, only individuals' residences. And so, we're discovering that there's this contact between the company and the people who sold their land to the company, they are on the side of the corrupt. If nothing else, that's what we can say about them."

Testimony of Micaela Antonio¹⁴⁹

In other cases, such as in Buenaventura, stigmatisation has resulted from having had sexual relations or having fallen pregnant at the hands of armed groups, which results not only in women being targeted, but also exposes them to the risk of reprisals by rival armed groups.

In these cases, women are silenced by community stigmatisation as a result of their experiences or their belonging to certain groups or sectors. Attacks are justified with the phrase "they must have been up to something", resulting in a false sense of broader social safety and increased isolation of the victims¹⁵⁰.

In many cases, defamation and rumours have formed part of a strategy to rupture the social fabric in order to create the conditions for the implementation of the commercial development.

Andrea Franulic, citing the witch burnings of the 14th-17th centuries in Western and Central Europe, explains how rumour has acted a way of "scapegoating" those who subvert the established order.

"Rumour has been a systematic patriarchal practice, a tactic of war (...) and has been used from the most fascist right to the most revolutionary left. War tactics are inherited, learned, sophisticated and naturalised"

(Franulic, A. and Gamboa, J., 2014)

Defamation and rumour, as part of how they function, are the basis of impunity, since it is very difficult to locate the person who starts them. Regardless of the interests pursued, these represent a mechanism motivated by "the desire to obtain a situation of privilege and power, displacing those who hinder

¹⁴⁸ Used during the internal armed conflict in Guatemala and Colombia to refer to those who would be executed by military or paramilitary forces.

¹⁴⁹ Authors' interview with Micaela Antonio.

¹⁵⁰ "La atención a víctimas de violaciones de Derechos Humanos con enfoque psicosocial", Ximena Antillón, p.23

this purpose, [who are] generally people who carry out specific and important work " (Franulic, A. and Gamboa, J., 2014).

The degradation caused by this political violence is deepened by the violence experienced by women in their territories because they are women. Patriarchal violence which occurs within broader political violence at the hands of corporate or state power is intertwined¹⁵¹ with the systematic violence experienced by women in their homes, on the street or even in spaces of resistance to these projects.

Women critical of patriarchal and warlike structures within organisations can thus be subject to attack from within, and subject to silencing or exclusion¹⁵².

Defamation takes on different nuances in the case of women:

"Throughout the process, women were persecuted and defamed. I am not only talking about fellow activists involved in Barillas, but also comrades from other regions, this is a systematic strategy of discreditation. It is sexist defamation; stigmatisation is not the same if you are a woman or a man.

This is how our struggle as women within our communities is rendered invisible, they say things like 'those women are lowlifes, that's why they get caught up in these issues'. It goes to show that this oppressive system makes our struggles and demands invisible."

Testimony of Hermelinda Simon¹⁵³

6.6 The right to health

6.6.1 Material consequences (physical and psychosomatic)

In both Barillas and Buenaventura, the emotional exhaustion suffered by women in the face of violence and persecution has resulted in health problems, both physical and psychological, for many of them, as well as their children. These problems are accentuated by the lack of available resources for treatment.

151 Here, community feminists in Iximulew use the term *entronque* to refer to the meeting between the original ancestral patriarchy and colonial patriarchy during the genocide which followed the Spanish invasion of America. The concept was developed by Lorena Cabnal in her work in Amismaxai, and was later taken up by other feminists. This concept is a way of confronting Mayan male leaders who, through their own cosmogony, claim that before the Spanish invasion there was no patriarchy, and that within the Mayan community there were hardly any expressions of patriarchy.

152 During the internal armed conflict in Guatemala, the policy of silence applied within rogue guerrilla ranks served not only to protect the columns or commands from attack, but also to silence dissenting and critical voices with the command.

153 From an interview with Hermelinda Simón.

"Many comrades have become ill, and their problems worsened after experiencing situations such as those described. The whole situation of fear and sadness, if it is not treated, destabilises you, and you hit a profound crisis.

In addition, our comrades do not have the resources to seek treatment or check-ups. There were almost no support groups for them in this regard. In subsequent groups, we created a support and emergency team."

Testimony of Hermelinda Simon¹⁵⁴

"The people of the community are no longer dying of old age; young people are dying because of violence. Now, if the bullets do not kill us, it is the moral damage of the death of a child that causes stress, chest pains and heart attacks."

Testimony of a source in Buenaventura¹⁵⁵

Women also experience sexual and reproductive health problems, such as miscarriages, unsupervised childbirth, and situations of severe stress and lack of nutrition during pregnancy.

"When we went to the mountain, we were up all night, without food and hungry. We spent about three days walking to get to the place where the people who were going to receive us would be. While in the mountain I got sick, I could not walk anymore, a man had to take his horse to where we were. As I was three months pregnant, it was not long before I miscarried the baby I was expecting. I didn't have so much as a quetzal, only a bottle of water and two bananas. It wasn't until we got to where we were being lodged that we ate and were given clothes to change into. We suffered a lot."

Testimony of Angelina Pérez¹⁵⁶

"My partner, out of concern and fear, miscarried months later and almost died. She had to be hospitalised over several days. Thanks to the support of my parents, some neighbours and relatives who donated blood for her recovery, she was able to get back to health."

Testimony of Francisco Lucas¹⁵⁷

"As a result of the persecution, many people had to take refuge in the mountains. For example, María Esteban, a woman from my community with a speech defect, had to give birth there."

Testimony of Francisca Hernández¹⁵⁸

"Women were afraid to be left alone by their husbands... those who were pregnant gave birth to children in shacks in the mountains, they kept their suitcases at the ready and stayed near the river in case they had to go on the run."

Testimony of a source in Buenaventura¹⁵⁹

154 From an interview with Hermelinda Simón.

155 "Asedio a las comunidades", p. 143

156 "Las voces del río", p. 98

157 Ibid., p. 98

158 Ibid., p. 92

159 "Asedio a las comunidades", p. 144

The closure of the departmental hospital in 2013 forced local communities in Buenaventura to seek health care in Cali, more than two hours away by road. This has resulted in greater health inequalities and a high number of maternal and infant deaths.

The women of Barillas report that their daughters who had to flee their homes due to persecution or visit their husbands in prison have also faced health problems. These difficulties have resulted in a care overburden for women, and have even led them to go into debt to pay for treatment.

"When I returned, the youngest of my daughters was sick with sadness, with fear, it was overwhelming."

Testimony of Hermelinda Simon¹⁶⁰

"I'm in debt, I had to borrow money, my two girls got sick and I still owe a thousand quetzals from the cost of their treatment. They had a very strong cough and fever which wouldn't go away on their own, and I had to take them to the hospital. I didn't have enough time to take care of them myself, and then they were sick more often than not."

Testimony of Carmelia Marcelly Mérida¹⁶¹

In El Quimbo, risks to women's health are a result of the environmental degradation caused by the construction of the dam. For example, water pollution arising from the development has affected both their health and that of the children they breastfeed¹⁶².

6.6.2 Intangible consequences (psychological and emotional)

6.6.2.1 Mental health

The violence faced by the communities in the cases studied has had a significant impact on their mental health, sometimes leading to trauma which lasts for years.

In Buenaventura, the extreme violence and cruelty directed towards women has even led to some of them being placed in recovery clinics on mental health grounds. This is the case, for example, of a mother from one of the communities affected by the violence, who was forced by paramilitaries to cook her son's flesh and then eat it, according to various testimonies provided¹⁶³.

Human rights violations trigger symptoms such as depression, reliving of traumatic events, sleep and somatic disorders, suspension or abandonment of personal goals, and feelings of helplessness, hopelessness and anger, among others (Diana Kordon, 1991: 103-104).

Mental health research focused on human rights has highlighted the psychosocial consequences of the instrumental violence used by state authorities on sectors of the population identified as political or economic opponents (Viñar, 1993; Lira, 1991; Martín-Baró, 1990).

160 Ibid., p. 100

161 Ibid., p. 110

162 "Cuerpos, agua y emociones", p. 56

163 "Asedio a las comunidades", p. 151

Victims of human rights violations engage in a post-traumatic recovery process which involves knowing and learning how to stand up for their rights (including truth, justice and reparation); the development of new skills and abilities (speaking in public or with the media, organising victims' groups, campaigning for the rights, dialogue with authorities, etc.); increasing their capacity for empathy and solidarity; increasing their capacity to identify and provide mutual support for other victims; participating in democratic life and challenging the structural causes that enable human rights violations (Antillón, 2008: 94-98).

"At the same time, I worked on my recovery. Before, I could not speak, I couldn't talk about what had happened to me. I felt sad, I wanted to cry."

Testimony of Hermelinda Simon¹⁶⁴

6.6.2.2 Bereavement

On 1 May 2012, during the municipal fair in Barillas, armed individuals murdered community leader Andrés Francisco Miguel and attacked and injured Pablo Antonio Pablo and Esteban Bernabé. These events affect not only their families, but the entire community, which faces a process of collective mourning.

Violent deaths, as they occur within the scope of human rights violations, lead to abrupt, unexpected and violent loss of loved ones, as well as involving broader social loss. Tight-knit social microgroups – the bulwark of shared codes of conduct and social values and ideals – are torn apart by the terror which the loss of members produces in the psyche. By extension, the person's social macrogroup is also plunged into a situation of perplexity and confusion (Pelento and Braun, 1985).

These losses carry other losses with them, including of beliefs about oneself, others and the world. For as long as agents of the state take the lives of others, by action or omission, they impose a sense of vulnerability upon those who mourn their loss: the actors ostensibly responsible for ensuring their safety do not do so, and may even act to the contrary.

The atmosphere of extreme violence in Buenaventura, with threats, assaults, murders and forced disappearances which have continued for years, has also had repercussions on the local population, especially women, who have changed how they live and use the territory. The well-founded fear of suffering an assault has become constant, leading to psychological consequences for the population as a whole, which has come to live in a continuous state of tension.

The indiscriminate nature of night raids on homes, pointed to by the sources consulted, puts everyone in the community at risk of being injured or killed. The discovery of bodies in mass graves located within the neighbourhood has also provoked terror, and leaves a clear message to the community regarding the degree of cruelty which armed individuals in the area are capable of.

Women also live in fear of the forced disappearance of their neighbours, partners, children or other loved ones, and with the uncertainty and impossibility of processing the grief that these situations cause. Some women have also had to face the trauma of discovering the bodies of their children with signs of

¹⁶⁴ "Las voces del río", p. 101

torture, as was the case of the mothers of the twelve young people massacred in 2005 in the Punta del Este neighbourhood¹⁶⁵.

Testimonies also attest to the disappearance of communities' traditional funeral rituals due to fear of attack, especially in cases where the deceased have been the victims of murder. This makes it difficult for the community to provide family members with the necessary support to begin their process of mourning and recovery following their loss.

6.6.2.3 The memory of war

In Barillas, uncertainty, the burden of care work and the persecution suffered directly by women – and indirectly, where it was aimed at their husbands – caused psychological pain lasting several months.

For some women, the violence with which the arrests and murder of one particular community leader took place, together with the declaration of a state of siege, brought back both their own memories and stories of the experiences of previous generations of the armed conflict in Guatemala.

"We felt that Barillas was becoming like it had been during the armed conflict."

Testimony of Carmelia Marcely Mérida¹⁶⁶

"Something similar had already happened in the 1980s, many people had to take refuge in the mountains. I was a seven-year-old girl when that was going on, I remember when the soldiers went into the communities. Sometimes we didn't eat or sleep, we hid under the bed, they even killed people. The same things they did back then, they were doing again."

Testimony of Angelina Pérez¹⁶⁷

"The elderly people in the village that experienced the armed conflict said that only in wartime would you see soldiers walking through communities. That's why we say that it looked like as if Barillas was in the midst of a war again."

Testimony of Carmelia Marcely Mérida¹⁶⁸

"I didn't live through the armed conflict, what people tell me is that it's the same situation. When I speak with my comrades who took refuge in Mexico, they say: 'it's the same thing that we saw during the armed conflict, only in a different way'. Since I didn't experience it, I can't say if it's the same, but that's what a lot of people say. Even the mother of a fellow activist says: 'This is what we went through during the conflict, they sought us out, they persecuted us, they killed us, they threatened us, it's the same thing but in another way, this is what our communities have had to go through.'"

Testimony of Hermelinda Simon¹⁶⁹

In Buenaventura, war is no longer just a memory, but is present through the violent practices of armed individuals in the territory. It must be borne in mind that a number of local residents are survivors of the

¹⁶⁵ See Inter-Church Justice and Peace Commission: <https://www.justiciaypazcolombia.com/masacre-de-12-jovenes-en-el-barrío-punta-del-este/>

¹⁶⁶ "Las voces del río", p. 93

¹⁶⁷ Ibid., p. 98

¹⁶⁸ Ibid., p. 35

¹⁶⁹ Ibid., p. 38

conflict or have been internally displaced due to violence in their territories of origin and, having taken refuge in Buenaventura, were struck by violence again a short time later. This attests to the fact that, decades ago, the city was considered a "safe haven". Violence erupted again at the end of the 90s, coinciding with the planned privatisation of the port of Buenaventura.

When war as an event is so clear in one's memory – and, in Colombia and Guatemala, these were among the bloodiest to have occurred in Latin America – the sound of a helicopter or of bullets being fired can rekindle traumatic experiences, and can serve to instil terror¹⁷¹.

Present-day eco-territorial conflicts¹⁷¹ are considered by analysts as "version 2.0" of internal armed conflicts, in that – despite obvious differences – they play out as wars surrounding development poles¹⁷². Indeed, a period of extreme violence where there is no explicit armed conflict is often referred to as a "dirty war", with armed individuals operating in territories with a great degree of impunity and cruelty.

The terror instilled and sustained over time during hydroelectric project development, and the impunity attested to in the three cases which inform this report, have specific consequences for women. To this, we must add that there have been no judicial rulings which offer justice for any of the crimes committed; indeed, in many cases, there has been no acknowledgement of said offences having occurred.

6.6.2.4 Precedents for impunity

Against a backdrop of impunity, trauma and psychological damage become entrenched (Antillón: 37), to the extent that lack of truth and justice act as new traumatic stimuli: "Justice is a psychological necessity for the processing of grief" (Antillón: 25).

Impunity and the infrastructure which goes hand-in-hand with it do not just lay down the conditions for violence to be deployed as a means of ensuring developments are completed unhindered; through fear, they also serve to silence and manipulate how events are retold.

For the victims, impunity is experienced as a secondary traumatic stimulus that revives pain and triggers symptoms and emotions such as anguish, sadness, anger and powerlessness. From a psychosocial standpoint, there is documented evidence that legal and political measures which encourage impunity, or non-compliance with sentences, cause renewed and lasting harm to victims (Diana Kordon *et al.*, 1995, p.44; Gómez N., 2009).

170 The firing of warning shots designed to intimidate local people engaged in resistance is a very common practice. This was specifically mentioned in testimonies in two of the cases studied.

171 See "Mujeres y conflictos territoriales", Rocío Silva Santisteban, Lima, 2017. Available in Spanish at: https://www.entrepueblos.org/wp-content/uploads/2018/03/Mujeresyconflictos_Convenio_-2017.pdf

172 Development poles, in this case, refers to jointly-planned investment complexes designed for maximum profitability. These are also known as *aldeas modelo* (model villages), where goods are processed, housing is offered for workers, electricity is generated, etc. This shared use is planned and takes place on the same land as a means of optimising investment. In many cases, employment and, more broadly, human rights are violated, with violent dispossession and the instrumentalisation of local communities in the surrounding areas.

With perpetrators holding onto power, sustained by impunity, victims are discouraged from filing complaints. Impunity thus paralyses the resources at society's disposal for dealing with transgressions of the law and centralises the damage in the victims. At a societal level, impunity erodes law and order, undermines trust in institutions, and leaves the population in a state of vulnerability and helplessness.

Insofar as impunity hinders the clarification of the facts, it not only breaches the right to justice but also the right to truth of both victims and society as a whole.

Colombian human rights organisations speak of “mechanisms of impunity”¹⁷³ when referring to the systematic means by which investigations are hindered and responsibility concealed where human rights violations take place. Among these, they distinguish between legal mechanisms – legislation and criminal investigation, among others – practical mechanisms, political mechanisms and social mechanisms, among the latter of which the role of the media is key.

As such, we understand impunity not only as the result of an absence of justice, but as a device through which the law is used to prevent the punishment of those responsible. Moreover, political and media strategies are used to refute factual occurrences or implant versions of events that conceal the responsibility of the perpetrators and derail public cries for justice.

6.7 The right to free, prior and informed consent

In 1996, on the occasion of the signing of the Peace Accords, the State of Guatemala ratified the International Labour Organization (ILO) Convention 169. This document specifies that indigenous peoples have the right to free, prior and informed consent in the undertaking any project that affects their territories.

Nevertheless, in Barillas, the Hidro Santa Cruz company did not respect this right, failing to consult the affected communities prior to its descent on the territory, and went so far as to exert pressure, violence and threats against those who opposed the project.

In 2007, community consultation was undertaken, through which the population expressed their opposition to project developments in their territory, on the understanding that this would be respected. However, this was revealed not to be the case when, years later, Hidro Santa Cruz set up its hydroelectric project in the area¹⁷⁴.

Women's participation in public life, and in community consultation and decision-making processes, is often undermined by traditional gender roles that persist in communities.

Despite this, many local women participate actively in community organisations, and expressed constant opposition to the project. Nevertheless, their voices were not taken into account by the company.

173 Examples of these are the abuses carried out during the state of emergency, amnesty legislation, the use of military tribunals for criminal justice, and corruption and structural deficiencies in the criminal justice system (Parra, 2012).

174 “El caso Ecoener-Hidralia en el norte de Guatemala”, p 27

"We said we didn't want megaprojects here in Barillas in a community consultation, and all the children, including those studying at the school, said no. But the company chose to ignore us. The community chose me to be a COCODES member¹⁷⁵. We have been working together since 2010. Then the company set up shop here in Barillas. From then on, we went about organising meetings with other COCODES and with the mayor. We told him that we did not want megaprojects but, since he did not want to listen, we had to continue to speak out. We saw that, in other places, these projects do no good."

Testimony of Angelina Pérez¹⁷⁶

In Buenaventura, according to the sources consulted, TCBuen has deployed a strategy of staggered construction of its port megaproject, so that it can avoid its obligations to carry out prior consultation and study the environmental impacts of the development.

Local sources say that the company is planning to undertake the fourth stage of the project, which would lead to it taking over a part of the Santa Fe neighbourhood. It is precisely in this area where there has been a resurgence of violence since the beginning of 2021, in what would appear to be an attempt to evict the population through terror.

6.8 The right to housing and protection from forced displacement

6.8.1 Material consequences

In the three cases studied, forced displacements of the population have occurred as a result of both direct intervention by companies on the ground and the violence which has emerged alongside this.

In Barillas, following the declaration of a state of siege by the Government of Guatemala, raids on some twenty homes in the area were carried out by members of the police and the army^{177 178}. In several cases, soldiers acted violently, carrying out arbitrary searches and destroying residents' belongings.

A number of these raids were undertaken for the purposes of carrying out arrests of wanted persons. In other cases, the military entered the homes of women facing no criminal charges, and who had been left alone or with sole care of their children, as a means of intimidating them.

*"In the case of our community, up to 55 trucks of soldiers surrounded us, it was way out of line. They even broke into some homes, raiding and looting them. A lady had her savings taken away, they ate all the fruit she had to make *chocobananos*, which she sells. They did a lot of damage to our homes."*

Testimony of Carmelia Marcelly Mérida¹⁷⁹

175 Consejo Comunitario de Desarrollo (Community Development Council, in English), a territorial coordination organisation in the Barillas area.

176 "Las voces del río", p. 70

177 "El caso de la empresa Ecoener-Hidralia en el norte de Guatemala", p. 25

178 "Santa Cruz de Barillas: criminalización y presos políticos", p. 43

179 "Las voces del río", p. 93

"The state of siege was designed as way of stealing from our homes, to take away the two or three cents our families had left. They went too far. Some even arrived with their faces covered, they were the same ones who had assaulted us. They were pointing out the houses to be searched, they thought we had something worth taking. Thank God we are people who live by modest means."

Testimony of Rogelio Velásquez, community leader jailed following his opposition to the Hidro Santa Cruz project in Barillas¹⁸⁰

Many of those persecuted and criminalised were forced to leave their homes and take refuge in the mountains, in very precarious conditions, with the fear of being discovered and with memories of the war very present in their minds.

In El Quimbo, houses which had been occupied by the local community for several generations were submerged underwater following the construction of the dam. Despite the company's commitment to relocating those affected to other areas, the community found that their new housing did not meet their needs.

In the construction of their former homes, families drew upon *bahareque*, a construction system which employs interwoven reeds and mud covering, insulating them from outside temperatures. This system is synchronised with both the materials naturally available in the local area and the cultural practices of the local residents.

Their new homes were made with different materials, consisting of multiple bedrooms and an outdoor barbecue area, facilities which fail to meet the needs, spaces and customs of the local population. For women, who are often assigned domestic care duties, these changes have been especially significant in their daily lives.

Public spaces in the resettlement areas also fail to serve as spaces for community cohesion, instead acting as thoroughfares, with resultant changes in the bonds between neighbours.

In Buenaventura, the houses closest to the container terminal have begun to suffer serious damage as a result of earthquakes and seismicity induced by the use of machinery in the port. Cracks, displacement of walls and ceilings, flooding and loss of belongings are just some of the consequences that have arisen.

"With this problem we have with TCBuen, we've ended up repairing the house every two or three months. Before the development, we reinforced the house every year; we would change the odd support and redo the roof every eight months, because the water weakened it. Now, my house has sloped and I spend a lot of time trying to fix it. I use good quality wood, nato, so that it lasts. Every now and then our roofs give in. The day before yesterday it rained, my bed got wet, I had to sleep on the floor... you can see that the bed was wet."

Testimony of a woman leader from the neighbourhood of La Inmaculada¹⁸¹

As a result of these damages, and faced with the imminent risk of their collapse, some residents have decided to leave their homes. In moving to other areas, they leave behind the neighbourhood they founded and the houses they built, with all the consequent feelings of frustration and estrangement that

¹⁸⁰ Ibid., p. 93

¹⁸¹ "Más puertos, menos comunidad", p. 11

this entails. In addition, they are forced to pay rents to live in their new homes, further complicating their already-precarious financial situation.

The company's actions on the matter have been limited to offering initially to underwrite the reparation of certain damage, only to later disavow its responsibility and refuse to make further repairs or pay the rental costs of those affected.¹⁸²

"They [the company] say that we are invaders and that we have to adapt to the noise or rent in other neighbourhoods. It makes me terribly sad, the way our eardrums burst with the noise and the buzz of the diggers, [but] we are not going to leave."

Testimony of a woman leader from the neighbourhood of La Inmaculada¹⁸¹

TCBuen also purchased homes and land from several residents in order to expand in the area. Those who accepted the offer were forced to leave the neighbourhood and lost their ties to the community. Some of them, in addition, were left in financial difficulties years later, and were forced to return to the place where their home had been.

"In a part of La Inmaculada, near the company site, a considerable number of people were bought out of their homes, in the Santa Fe neighbourhood as well. Some people were happy, they received the money and left, but others returned because they had nowhere to go, their money ran out due to mismanagement. They had to spend it all to meet their needs. Their houses, the vast majority, were stilt houses. They did not manage what they had well: instead of buying a property, what they did was rent a house, and they began to use up the rest of what they had obtained. They practically had to start from scratch: where before they had their own home, today they're stuck paying rent."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

In addition to forced displacements, several houses in Commune 5, near the company's premises, were set on fire. According to accounts from the testimonies gathered, residents fear that these fires were an attempt to forcibly evict the population, which may have been seen as a "nuisance" by the company.

6.8.2 Intangible consequences

One of the principal non-material consequences for the right to housing is the breakdown of community ties between neighbours. In El Quimbo, those affected have been relocated to other settlements, which has had an impact on the personal ties between them and on previously established community networks. Many of these networks, based on solidarity and mutual support and sustained chiefly by women, have been fragmented as the community has been dispersed over different areas.

Moreover, many have been forcibly displaced from the areas familiar to them, which are deeply connected to their experiences, memories, sense of belonging, identity and roots.

¹⁸² Ibid., p. 11-25

¹⁸³ Ibid., p. 11

Furthermore, some of these people had already suffered forced displacement due to violence and the presence of armed groups in their territories of origin. As such, they have been stripped of their territories again, stirring painful memories of their past and retraumatising them.

"An armed group turned up that wanted my brothers to go with them. My dad is a stubborn man, he said: 'I'll die in my valley and on the land where I belong, no one will take me from here, only God'. One day, about six months later, my mother left with my two little sisters and never came back. That was in 1994. In 1995, they killed my brother. That was when my dad knew it was serious, and he came with us to Tarqui."

Testimony of Luz Mery Anacona

In Barillas, the presence of soldiers, violence and arbitrary raids on the homes of persecuted leaders brought rights violations in their wake, including the right to safety and physical wellbeing in one's own home.

Accounts of the terror to which families were subjected after military interventions and raids on their homes show how domestic spaces ceased to be safe havens.

"At eleven o'clock at night on 2 May 2012, before the state of siege was announced in the written press as they are legally obliged to do, our house was surrounded by several squad cars, army artillery vehicles, and dozens of soldiers and police entered the house in the early hours of the morning. (...) Our neighbours were terrified to see so many people in uniform surrounding the house. About an hour after entering the house, they left without finding anything."

Testimony of Francisco Lucas¹⁸⁴.

"I was at home, washing up, when some comrades came to tell me that they [the authorities] were coming, that they had my photo and my name. They told me, 'They are going to catch you, they are going to take you to jail, they could end up doing anything to you'. Soldiers and police arrived at my door, I was scared because I was alone with my five children, my daughter-in-law and my granddaughter. My daughter-in-law began to cry. I was thinking, 'Now what are we going to do? Where are we going to go? Is there no way out of this? Maybe they'll kill us'"

Testimony of Angelina Pérez¹⁸⁵

In Buenaventura, the principal non-material consequences in terms of the right to housing are related to violence and a lack of sanctity of residents' homes. Testimonies refer to nocturnal raids in the Santa Fe neighbourhood, during which armed men have fired on homes, creating a sense of insecurity and resulting in several people being injured.

Moreover, the isolation and stigmatisation which comes with living in a neighbourhood branded as violent has deprived the community of access to certain services and products (gas, milk, etc.), and even to their homes, with both other people and transport providers avoiding the area.

¹⁸⁴ Ibid., p. 97

¹⁸⁵ Ibid., p. 97

6.9 The right to education

6.9.1 Material consequences

Those who have been most affected by violations of the right to education are local children of compulsory school age.

In El Quimbo, the construction of the dam submerged the local school underwater. Although the company responsible for the project promised to build a new school in one of the resettlement areas, it has so far not met this commitment¹⁸⁶. Children are forced to make long trips to attend classes, and there has been a decrease in the number of students enrolled in at least one of the areas affected¹⁸⁷.

In Barillas, the climate of violence has made commuting to and from school more dangerous, with threats and pressure from company staff. In the specific case of girls, this has been aggravated by threats of sexual assault.

"When the children leave for school, the company's workers sometimes stand and take pictures of them to see who they are. You don't know what they're up to, they might want to kill them or kidnap them."

Testimony of Angelina Pérez¹⁸⁸

In Buenaventura, illiteracy rates in the population over 15 years of age stand at between 12% and 23%, with a dropout rate of 25% among primary school children, and 48% among older children. In some cases, the cycle of violence and the forced recruitment of children and adolescents by armed groups has prevented them from attending school and obtaining their education.

6.9.2 Intangible consequences

In Barillas, the absence of parents from the home as the direct result of arrest and imprisonment – or indirectly, by way of prison visits and judicial hearings – has also had a negative impact on children's attendance at school.

"I decided to go home for my children. Sometimes they went to school and sometimes they didn't."

Testimony of Angelina Pérez¹⁸⁹

Many of these children suffer significant emotional effects that prevent them from attending class or affect their academic performance. In some cases, they receive support from teachers to ensure that they continue studying.

"After they arrested [my partner], my children went about a month without going to school, because they were afraid and felt sad that their father was not around. Their teachers did us the favour of coming to the home and lifted

¹⁸⁶ "Cuerpos, agua y emociones", p. 83

¹⁸⁷ Ibid., p. 42

¹⁸⁸ "Las voces del río", p.128

¹⁸⁹ Ibid., p. 98

their spirits, but their grades dropped and their education suffered as a result".

Testimony of Carmelia Marcely Mérida¹⁹⁰

In other cases, children have been bullied by schoolmates and teachers as a result of their parents' detention.

"My children, when we talked on the phone, always asked me through tears when I'd come back and told me that they no longer had food they wanted to eat. They cried a lot, they fought, they did not want to go to school, they got sick constantly and their schoolmates asked them why their dad was not around. What they went through on a daily basis caused them to despair and their grades to drop."

Testimony of Francisco Lucas¹⁹¹

"Sometimes, children would be late for school because of their involvement in the resistance, teachers mistreated them, they talked badly about them."

Testimony of Angelina Pérez¹⁹²

In other families, older children are left to care for their younger siblings, making it difficult for them to attend school. Some of them have had to abandon their studies and start working due to the financial hardships at home resulting from their parents' arrest and imprisonment (as in Barillas) or murder (as in Buenaventura):

"Many men were killed and many women became widows. Everything changed, and the children had to leave school to work and contribute to the home."

Testimony of a source in Buenaventura¹⁹³

6.10 The right to employment

6.10.1 Material consequences

The emergence of hydroelectric and port development projects has led to local residents being deprived of their traditional forms of employment, either through alteration of the ecosystem – as in the case of El Quimbo – or as the result of the persecution and stigmatisation which they have been subjected to. On other occasions, as has happened in Buenaventura, the arrival of the company has been accompanied with the promise of better jobs, yet these promises are never fulfilled.

In El Quimbo, the disappearance of the farmland that was submerged for construction of the dam has led to the wholesale disappearance of places of work.

The decrease in the catches available for fishing, and restrictions on the areas in which fishing is authorised, have also had negative effects for local residents engaged in these activities.

¹⁹⁰ Ibid., p. 110

¹⁹¹ Ibid., p. 97

¹⁹² Ibid., p. 128

¹⁹³ "Asedio a las comunidades", p. 144

Other activities, such as the metal and mineral extraction from riverbeds which is carried out on a small scale by those known as *baharequeros*, have also disappeared following the flooding of their areas of work.

"As a result of the construction [of the dam] in El Quimbo, life changed completely for us. The trade changed because the entire area where we worked was flooded. There are no more bays, nowhere to work. It was wholesale displacement; we were flooded out of our entire working area. As a woman it has been very hard for me, the river was my livelihood. I have never in my life had employers that order me around: the river has always been my source of income, my employer. So, for me it was a huge change, I had to leave the river behind and start working in coffee production, bagging dirt, fixing houses... it has been very hard. I'm doing what I never did before."

Testimony of Luz Mery Anacona, president of the association of *baharequero* artisans in the municipality of Tarqui, in the department of Huila¹⁹⁴

In Barillas, the persecution and imprisonment of local residents has meant that they have to abandon their places of work, leaving their families in serious economic difficulties. Upon release from prison, stigmatisation against those who have been criminalised makes it difficult for them to access employment.

"The difficulties we have had to go through are mainly due to my husband not having a job. We're waiting for something to come up, he's out of a job and in debt. Oh, God! It makes you despair. You don't know what to do or what to say."

Testimony of Catarina Juan Ramón¹⁹⁵

"The most difficult thing was for him to get a job because he had been imprisoned. He had always worked in bricklaying, and that was what he had the hardest time finding."

Testimony of Carmelia Marcelly Mérida¹⁹⁶

"Esteban had work, we had no debts, we were all set as a family. But once his job as a teacher was taken away, he went into debt, he took a loan from the bank."

Testimony of Francisca Hernández¹⁹⁷

In Buenaventura, where unemployment stands at around 64% and 62% of the population lives under the poverty line, women tended to make a living collecting and selling pianguas and other seafood products, as well as a local alcoholic drink known as *viche*¹⁹⁸.

"Before you could sell all manner of things here, all over the Pacific they used to say 'if you sell in the port, you sell everything'. That's how I managed to pay for my daughters' studies."

Testimony of a Buenaventura resident involved in the Black Communities' Process¹⁹⁹

¹⁹⁴ "Mujer y despojo en El Quimbo"

¹⁹⁵ "Las voces del río", p. 122

¹⁹⁶ Ibid., p. 122

¹⁹⁷ Ibid., p. 123

¹⁹⁸ "Buenaventura, un puerto sin comunidad", National Center for Historical Memory, 2015. Available in Spanish at: <http://www.centrodehistoriahistorica.gov.co/descargas/informes2015/buenaventuraPuebloSinComunidad/buenaventura-un-puerto-sin-comunidad.pdf>

¹⁹⁹ Ibid., p. 154

In the years before the arrival of TCBuen, many women in the La Inmaculada neighbourhood worked peeling, weighing and packing shrimp for export in several cooperative fishing companies.

Following the closure of these companies, unemployment began to rise. For this reason, news of the entry of a new company in the neighbourhood was received with hope by the local population. The prospect of working there was cause for encouragement:

"Construction began in La Loma and we were told the shrimp factories would be moved there. We were happy, because we thought that the factories would return. A lot of women from the community worked there, and the fishermen sold the fish to the company: that's why we didn't put up a fight at the time."

Testimony of a community leader from Buenaventura²⁰⁰

"TCBuen reached an agreement with SENA [the National Learning Service, a training body belonging to the Colombian government] to provide training for people who wished to work there, and to increase the employability of the locals so that they could get a job [with the company]. They gave us entrepreneurship training, a series of sessions. We were all excited that we might have the opportunity to work at this company."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

"I think that what people experienced at the outset of the TCBuen development were lies and deception. They were told that they were going to build a fishery and, although it had been a space for collective use, people did not object because there was great expectation. Six years ago, the neighbourhood had two fishing companies that provided employment to the people of the area. The men fished and brought their products there, sold them at a very good price, and the women packed and processed the fish, and they were also well paid for their labour. It was a massive source of employment, there were about 300 women employed there. When the companies were liquidated, the fishermen were left with nowhere to sell their products, and the women were left unemployed. So, when they started to set up the TCBuen infrastructure, people asked and were told that a fishery would be part of it. They were happy and supported the development, thinking the company would bring employment."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

Nevertheless, as time went on, residents in the area realised that the company that was to be set up was not a fishing company, but a pier dedicated to international trade that, in addition, would not be offering employment to the local population.

"Time began to pass, and when we went to ask when the supposed fisheries were going to open, we got no information. Shortly after, we found out that the project involved a company called TCBuen."

Testimony of local resident and community leader from Buenaventura²⁰¹

"We had always hoped that we would have the opportunity to work there [at TCBuen]. I was between studying social work and dreaming of the chance to work, thinking how good it would be. But as time went on, nothing happened. The people who finished the training courses, above all the men, were given the opportunity of working two or three months before they were laid off, when their contracts expired."

200 "Más puertos, menos comunidad", p. 9.

201 Ibid.

It was all short-term. Some leaders protested, saying 'My son is unemployed, how are you going to leave him like this?'. The odd one got another shot, because the leaders were close to the managers and had certain privileges. But the rest of us were left in the lurch."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

Local residents felt deceived, having invested time and effort in training to work at TCBuen, only for the company to fail to offer them a job or another way out of the cycle of unemployment that women in the community found themselves trapped in.

"I applied to start working there and I didn't have a chance (...). They had promised us that if we did the courses, they would give us the opportunity. But most women have got nowhere near working at TCBuen. We had the expectation of this chance of employment as women, we're the ones who've been doing the most training, studying the most, because we want to live a dignified life in better conditions. But just when you think there's an opportunity, they take it away, they close the door on you having a better quality of life working somewhere in your neighbourhood. I felt cheated. I was told to do this, that and the next thing, I took entrepreneurship courses, which were no use! I started studying, but I didn't even stand a chance of working there. You look at it and think, how sad! There are so many unemployed women, and they haven't had a chance."

Testimony of a source from Commune 5 of Buenaventura, declarations provided to the authors

Statistically, Afro-descendant women in Buenaventura face higher unemployment than men and non-Afro-descendant women, have lower incomes than men, and are mostly engaged in informal employment such as cleaning and domestic work, with monthly salaries between 150,000 and 300,000 pesos (approximately 62 to 124 euros). Their impoverishment is especially serious considering that many of these women are the heads of their household, with several children in their care²⁰².

Loss of employment can push women into precarious jobs or domestic work in someone else's home, leading to exploitation and increased risk of abuse.

6.10.2 Intangible consequences

The loss of means of employment not only materially affects people, but also causes an emotional impact, especially when they are forced to move from their homes in search of other sources of income.

"El Quimbo caused untold damage to our entire society. I practically lost my children, because when I lost my job, my children all had to go out and look for work elsewhere. It's like they took half my life away from me "

Testimony of Luz Mery Anacona²⁰³

In addition, lack of unemployment has caused anguish, uncertainty and despondency.

202 "Asedio a las comunidades", p. 39

203 Ibid.



7.

Towards resistance: developing strategies

In this section, we will detail the different strategies developed by women engaged in resistance against transnational megaprojects and the attendant cycles of violence and expropriation that these bring. The aim is that these experiences serve as an inspiration to other communities in their fight against transnational corporations, as well the organisations and networks that provide them with support. We consider it essential to underline the agency and resilience of women who have survived violence, and to avoid the paternalistic approach of presenting them solely as victims.

7.1 Strengthening women's organisations

Women's political participation is a strategy which enables those affected to provide an account of the effects of transnational corporations on their bodies and lives, and to fight back in ways that reflect their specific needs.

A. Barillas

In the case of Barillas, we have identified how persecution and criminalisation against defenders, as well as the violence they have experienced, have resulted in greater unity among women and the reinforcement of their empowerment as political actors.

"With the experience we had of being persecuted, we found ourselves in some tough situations, but it also strengthened us a lot and we built strategies for support and care. We created spaces of trust, networks of mutual support.

All this began to open doors and inroads for us. Our comrades who were persecuted and criminalised began to get involved and it was from there that we began

to say that it was not only about the defence of the territory, but also the defence of our bodies. Stigmatisation also affects our bodies.

We started to position ourselves, and that opened our minds. We began to create our own safety strategies, and not only did we use them, but we shared them with the rest of our comrades."

Testimony of Hermelinda Simon²⁰⁴

In a patriarchal context, it has been women who have become relevant actors in the resistance against hydroelectric power. They have managed to make their own demands heard, and have shown a culture of organisation based on mutual support which contrasts with the verticality and rivalries of men's organisations²⁰⁵.

The existence of mutual support networks is evident, especially in cases where women and their children have faced economic hardship following the imprisonment of their partners.

"In the community, the first few days after their arrest, they collected food and money. It was support that they gave us, on two or three occasions they helped us. As we're involved in the Catholic Church, they came in, and we always received food. They set up a group which provide us with a monthly stipend, it wasn't much, but they did give us that helping hand. They came to the community several times to provide aid and bring us things from the other towns, so we managed to get by, and to keep fighting too."

Testimony of Carmelia Marcely Mérida²⁰⁶

Other organisations also stood in solidarity with the Barillas cause:

"Something necessary not only for me, but for many people, was the support from organisations and institutions in the face of the company's aggressiveness."

Testimony of Hermelinda Claret Simón²⁰⁷

"The organisations supported us through and through, and people also came together to provide food or accommodation, even to feed our children. People who did not know us called us and told us that they were going to leave us this and that, or asked us for a list with the names of all the women who were affected. If they called me, I would give them list, if they called from the centre or from Recreo, they would also give them the list, so that help could reach all of them, that's how we supported each other over those eight months."

Testimony of Carmelia Marcely Mérida²⁰⁸

"The first time I left [due to the state of siege], I was accompanied on my return by comrades from the Mayan Women's Movement and Mamá Maqin. They stayed with me for two days. The second time, comrades from my organisation came

204 From an interview with Hermelinda Simón.

205 "Una hidroeléctrica española contra los pueblos indígenas. El caso de Ecoener-Hidralia en el norte de Guatemala", Alianza por la Solidaridad, p. 36.

206 "Las voces del río", p. 114

207 Ibid., p. 113

208 Ibid., p. 112

to collect me. I have received a lot of support from my organisation, and from my family as well. My sisters, when I was not there, supported me by ensuring that my daughters did not want for anything."

Testimony of Hermelinda Claret Simón²⁰⁹

In many cases, women were already politically active, participating in community organisations before the arrival of the Hidro Santa Cruz project.

"I am in a women's organisation called Las Florecitas, I am the president, we have a board of directors, it's all official. In addition, I was a catechist for four years, when I was there, I studied pedagogy and theology, and they gave me a diploma for my participation. I was a sheriff in my community for a year, delivering urgent notices if they arrived. I also took a course on how to make food for schoolchildren. "

Testimony of Francisca Hernández Juan²¹⁰

"I've always enjoyed being involved. I come from a family that has a history of community leadership. My parents were leaders where we lived in. My mother tells me that, when she attended meetings, I would come with her, giving my opinion despite the fact that I was 8 or 10 years old. She tells me I was always talking about the things I wanted to do.

When I started studying, I enjoyed participating in youth groups, in the Catholic church. In 1996, I started working with a women's organisation.

I am part of the Aq'ab'al women's association. We stand up for our rights, we work with young women from the northern region of the department and provide support to victims of violence and sexual assault. We've been working to defend the territory since 2006, and in 2011 we began to work in the rest of the municipalities in the northern region of the department.

When I started working as a teacher, I knew it was a contribution to the community, but I was going to be very limited. So, when I started working with women's organisations, I got closer to the reality of the violence affecting them in their communities. I said, 'I can't do anything other than work with women, with communities', because this is where I can contribute as a woman. And, given that I was academically qualified, I was able to contribute that way too."

Testimony of Hermelinda Claret Simón²¹¹

These organisations derive strength from facing up to increasing violence, the result of the presence of private security forces, and of the military after the declaration of the state of siege.

"When we found out that the company was going to build a hydroelectric plant around the waterfall that supplied water to the surrounding communities, we got together to defend our resources and fight back."

Testimony of Hermelinda Claret Simón²¹²

"When they declared the state of siege, people stood up. In Recreo B, our organisation grew stronger. People got together and made sure everyone knew what was going on."

Testimony of Francisca Hernández Juan²¹³

209 Ibid., p. 102

210 Ibid., p. 59

211 Ibid., p. 60

212 Ibid., p. 72

213 Ibid., p. 92

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"We began to meet with the wives of the other detainees. They lived in other communities, while I lived here in Barillas, so we began to meet and to get to know the people of the CEIBA organisation, and those from the CUC."

Testimony of Catarina Juan Ramón²¹⁴

"It's a disgrace, men are being killed, women are being raped. But now there is organisation standing with us in our villages. In Santa Cruz Barillas there are 265 organised communities."

Testimony of Francisca Hernández Juan²¹⁵

In certain circumstances, however, judicial persecution has driven defenders away from their organisations, and the need to protect their lives has forced them to seek out other forms of activism and resistance:

"In my case, I have been involved in the resistance since 2006. I am not as active as I was, but I am not inactive either. I'm focused on the radio show, on speaking out. I also participate in other ways. I keep in touch with my comrades."

Testimony of Hermelinda Claret Simón²¹⁶

B. Buenaventura

Against the backdrop of extreme violence, murders and forced disappearances in Buenaventura, women's organisations have played an especially prominent role, with several emerging between 2005 and 2007. These are the ones leading the resistance, organising the fight for their rights and speaking out against femicides and the increasing violence and torture they have been subjected to in Buenaventura.

"It's fair to say that the violence here tended to end in our men being shot. The women began to say: are we going to let ourselves fall in line? They took the lead, the women took things forward. I always say that, had these women not taken on this issue, I don't know where I would have ended up, we would be finished. The women began to hold their heads up and take charge."

Testimony of a woman leader²¹⁷

In 2007, the collective Madres por la Vida (Mothers for Life) was created to provide emotional support and political advocacy strategies for the families of survivors of the armed conflict. It deals with issues such as forced displacement, sexual violence and forced disappearance.

"We began to provide training, after studying the law and getting trained up ourselves, we also began to look at how we could make ourselves known in Buenaventura. And in Buenaventura (...) we went back to look at who had been the victims of forced disappearance, of selective death, who had been displaced and so on. And we took stock of what we wanted to achieve and thought about what we were going to call ourselves."

Testimony of a woman community leader in Buenaventura²¹⁸

214 Ibid., p. 113

215 Ibid., p. 133

216 Ibid., p. 132

217 "Buenaventura, un puerto sin comunidad", p. 405

218 "Buenaventura, un puerto sin comunidad", p. 406

That same year, the Women's Group of Triana, made up of women survivors of the massacres and forced disappearances in the early 2000s, was founded. Their work focuses on documenting cases, reconstructing victims' accounts, and seeking truth, justice, and reparation.

In 2010, Butterflies with New Wings Building a Future was founded. A solidarity network fighting violence against women, it brings together several organisations for the defence of the rights and quality of life of women in Buenaventura. It received the Nansen award from the United Nations High Commissioner for Refugees (UNHCR) in 2014 for the support it has provided to thousands of women survivors of violence in Buenaventura²¹⁹.

“Through the network, I have become stronger. It has given me the courage to raise my voice. I realised I couldn't keep it a secret any longer. When I spoke out, it was like removing a cancer that had been consuming me for years.”

Testimony of a displaced woman, survivor of sexual violence and member of Butterflies²²⁰

C. El Quimbo

In the case of the El Quimbo dam, women involved in organisations such as Asoquimbo mention that their political activism has been a learning process, as well as a way of strengthening their struggles and their demands, even if they have had to overcome the opposition of their husbands or other male relatives.

“A committee from Asoquimbo was formed here to see if the dam could be stopped. My husband said to me, ‘Do not get involved, it's dangerous’. But no: if you love Pachamama (Mother Earth) and the rivers, you have to defend where you live, you have to stand up for the place which has given you food to support your children (...) Had I not got into the resistance, I would have felt like a fool, because it's a way of cherishing and arming yourself with the courage you need to stand up for yourself. I am very proud to belong to Asoquimbo. Sometimes they ask me: ‘Are you still in Asoquimbo? Asoquimbo hasn't achieved anything’. And I say that it has achieved a lot in terms of learning. And I feel like I'm younger, like I'm prettier, because Asoquimbo has given us an energy, enthusiasm, courage.”

Testimony of Celina Zúñiga²²¹

“I can say, as a woman, that in Asoquimbo I feel important. Everything I have learned and the great knowledge I have acquired, I didn't have before. I thank Asoquimbo because it has taught us what it means to defend our territory. Thanks to Asoquimbo, I have had the courage and the strength to stand in a square on a platform and say: ‘No more! No more dams in southern Huila’. And I'm willing to fight, because I have the courage, because Asoquimbo has given it to me.”

Testimony of Luz Mery Anaconda²²²

In the latter case, the activist's defence of the territory is tied with her struggle for workers' rights, standing out as one of the few women in the field who, nonetheless, has become president of her union.

219 “Asedio a las comunidades”, p. 168

220 Quoted in: https://www.acnur.org/fileadmin/Documentos/Eventos/2014/Red_Mariposas_de_Alas_Nuevas_Premio_Nansen_2014.pdf

221 “Mujer y despojo en El Quimbo”

222 Ibid.

Her case offers an example of female leadership in a mostly male organisation, and of empowerment through political activism.

"Leading the association of *baharequeros*, which is almost entirely made up of men, has put me on the same standing as them. They have placed their trust in me, I come and hold meetings, I discuss with my colleagues, and they are the ones who say: 'Luz Mery will deal with it, because Luz Mery is a strong woman, she is not afraid to raise her voice and speak her mind'. That is to say, they recognise me as an equal, and I can represent them where needs be."

Testimony of Luz Mery Anacona²²³

7.2 Ceremonies and processes for collective healing

Ceremonies and processes for collective healing stand as a means to overcome the emotional impact of violence, persecution, criminalisation and stigmatisation suffered by women defenders of the territory. At the same time, they are also spaces for the expression of cultural identity.

"While I was away, I participated in ceremonies that gave me a lot of strength and courage to face what I was going through."

Testimony of Hermelinda Simon²²⁴

The emotional work and healing carried out in these spaces is based on the worldview of the women affected by violence.

"An important lesson is to get to know each other's situations and the ways in which we handle our emotions. That's the basis for what we teach about how to deal with these processes. We proposed strategies on how to heal, to recover our vitality and sense of peace from our own standpoint. That was a springboard to getting organised and finding out how we could support one another. It strengthened us as an organisation. "

Testimony of Hermelinda Simon²²⁵

Safe space for temporary accommodation, such as Casa La Serena, in Oaxaca (Mexico), offer opportunities for "recovery, healing, rest and reflection" for human rights defenders who experience "extreme fatigue, emotional or physical exhaustion, personal crises, conflict or unresolved losses and other circumstances that arise from the cycle of violence and patriarchal culture which both shape and hinder the defence work they carry out"²²⁶.

These alternatives focus on the self-care and recovery of women defenders, understood as "political actions and part of comprehensive protection", and are centred around the concepts of "holistic health, alternative therapies and traditional medicine of ancestral peoples".

223 Ibid.

224 "Las voces del río", p.101

225 From an interview with Hermelinda Simón.

226 See: <https://cuidadoysanaciondh.consorticiooaxaca.org/casa-la-serena/>

Similarly, in Buenaventura, women's organisations and certain groups with ties to the church have created spaces for peer support and sharing experiences, which survivors of violence have identified as helping in their recovery.

“For the most part, the women involved in the Network have their own story to tell about violence. Therefore, what we're engaged in is recovery, supporting the women who arrive in their healing, accompanying them on their journey if they wish to speak out (...) Through the Network, we put our arm around these women, with a circle of healers, we listen to what they have to say, guide them and support them emotionally and physically. We are not so much looking for them to speak out, it's more about healing, through our circles and camaraderie, that is our strategy (...). We are sister figures. We love each other, we support each other, we respect each other, we stand in solidarity with each other. That is what we practice at the Network: support to overcome the pain that war produces, whether it is physical, mental or sexual. Women often feel they cannot count on institutional support, because the authorities sometimes fail to uphold their confidentiality or do not provide the kind of human support that one would hope for. Women often feel alone, and the only way to help and protect them is by supporting and talking with each other.”

Testimony of Daniel Salgar Antolínez, published in El Espectador.com, September 2014²²⁷

7.3 Listening and emotional communities

Women's organisations have not only been key in recovering the fabric of the community through resistance: they have also provided many women survivors of violence with a mutual support group, and served as a space in which they have been able to discuss their experiences and receive and offer peer support to women who have had similar experiences.

“I received a lot of support, both from my community and from my family and friends. I can say that they have given me a lot, because they are helping me grow again, after I was so sure I wouldn't be able to go on. I know that it is hard for us, or at least for me, to look back, but I must never forget, because the day I forget my past, there'll be nothing left of me. If I remember it and I'm still here, it doesn't heal that wound, the wound is there, but I have the strength to encourage others. If I see someone crying, then I also break down. So, what am I going to do, if all we can do is cry, who is going to provide comfort to the other?”

Testimony of a woman community leader in Buenaventura

As a result, what are known as "emotional communities" have been constituted. These are spaces shared by women who have survived the same losses – the same violence – and which reinforce ties through shared pain and resilience.

227 “Buenaventura, un puerto sin comunidad”, p.406. Available in Spanish at: <https://www.elespectador.com/noticias/nacional/las-comadres-sanadoras-de-buenaventura/>

"Women's organisations have created spaces for mutual support, where social and community ties are strengthened, which helps mitigate the emotional impacts of war. In this sense, emotional communities are engaged in building a new version of the events experienced, through the use of emotional language, responsible listening and solidarity with those who have suffered, as strategies that allow us to broaden our horizons and understanding of the versions built on the violence which has taken place. The process of remembering can be very painful for the victims; however, it is a matter of incorporating the experience of pain into the history of the subject in order to fight against forgetting and, therefore, dignify the memory of those who were killed or disappeared."²²⁸

These communities are safe and trusted spaces where experiences of suffering can be publicly retold. This enables victims to come together, and to "transcend the stories of pain and show the resources that people have to get ahead"²²⁹. Emotional communities underpin the recovery of survivors and their processes of resistance. They connect multiple individual and subjective stories and traumas with each other, to reconstruct what has happened through the voices and versions of those affected.

The practices of these communities include listening to stories of suffering, identifying with the suffering of others, supporting individual and collective processes of grief, and providing support for reporting and seeking justice.

The value of listening resides not only in the emotional relief it provides to survivors, but also the opportunity it gives to chronicle violence and historical memory through the expression of the experiences, visions and feelings of different peoples and communities, whose recounting of events is shaped by their identity.

"I think it is important to listen to the voice of black people, Afro-descendant people, Palenquero and Raizal people. It's another voice, another story, other feelings, other messages and another narrative."

Bibiana Peñaranda, Butterfly with New Wings Network²³⁰

Amandine Fulchiron also points to the role of listening in women's groups, especially those who have suffered sexual violence.

"Treating each other with tenderness is another big thing in women's groups. The fact that we are listened to and treated well allows us to heal our bodies and replace violent memories. The group is a space of justice, and offers the possibility of internal rebirth."

Statements by Amandine Fulchiron²³¹

7.4 Memory

The construction of physical spaces dedicated to memory, remembrance and homage to the victims of massacres and forced disappearances is another of the strategies implemented by women in communities hit by violence, as in the case of Buenaventura.

²²⁸ "Buenaventura, un puerto sin comunidad", p. 409

²²⁹ Ibid.

²³⁰ Statements to the Truth Commission: <https://www.youtube.com/watch?v=t10LxmNgzn4>

²³¹ Conversation with Novembre Feminista, September 2019.

Initiatives such as the Chapel of Memory have been launched:

"There, in act of modest spirituality and solidarity – and after having experienced very similar situations – the journey begins for the women, leaders and mothers who seek to make their pain visible. They find, more than company, a space to express themselves, to recount and share, to raise their voices and defend their rights, on the understanding that remembrance – more than a duty of society – is a right of victims."²³²

For its part, the Women's Group of Triana founded the House of Memory of Triana, in tribute to the people killed and disappeared in the Via Cabal Pombo massacre in 2000. In this space, rituals offerings are made in tribute to the victims of the massacre, and ancestral practices such as "medicine, the use of musical instruments or artisanal drinks" are made use of, with the aim that these serve for "the reconstruction of the social fabric"²³³, thus transforming into outlets for the survival of the cultural identity of Afro communities.

Spaces for memory bring together rituals and ceremonies of homage to and remembrance of those murdered or disappeared, something which aids the emotional recovery of families and the community grief process. This is especially important given that the presence of armed individuals has often prevented the holding of wakes and funerals in accordance with local traditions.

In addition, these spaces contribute to alleviating the sense of guilt that survivors feel, as well as to creating counter-narratives to the discourses and versions of events sustained by the perpetrators. These versions of events contribute to the fear, silence and isolation which afflict communities besieged by violence.

7.5 Spiritual practices

The recovery of communities' spiritual practices is connected to healing, collective grief and homage to the victims of violence, and is yet another therapeutic strategy and meeting point within the community for sharing and providing support and solidarity in the face of shared suffering.

In Buenaventura, these spiritual practices have a double root: on the one hand, there are those related to religious worship in churches and pastoral communities; on the other, those that belong to the ancestral traditions and religions that people of African descent have preserved over the centuries.

The spiritual support provided by those involved in the church, such as priests and ministers, is therapeutic for those who identify as religious, and can be seen in the fact that some memory spaces are called "chapels". A number of these chapels in Commune 5 have played a key role in community resistance, promoting grassroots campaigning, especially by women's and young people's organisations.

Conversely, spiritual practices linked to Afro-descendent traditions have served as a means of dealing with the pain caused by violent deaths, providing spiritual rest to those who have died following torture, and alleviating uncertainty for the families who have suffered the forced disappearance of loved ones.

232 "Buenaventura, un puerto sin comunidad", p. 412

233 See: <https://redmemoriacolombia.org/site/node/8>

Some of them have engaged in a ritual known as "calling", which allows them to enter into communication with the missing person and confirm if he or she is still alive.

"We came to an agreement to do a calling. It is similar to a wake, where this ritual is carried out. But the songs sung at wakes are different from the songs of the calling. The idea is, a person disappears, this ritual is carried out (...). The ritual is: a tomb is made out, as in a wake when someone dies, it is adorned with wreaths, flowers, candles, and white sheets. Then a butterfly shape is made using a black cloth or on paper, and people sing the songs that are special to them, and pray too. A prayer is said and, in that prayer, they name the young people, the people who have disappeared and so on. This is done all night, it's all done as if someone had died and they are saying goodbye on the last night, and it goes on until 5 in the morning. At 5 in the morning the tomb is opened and, if nothing happened that night, people lose hope. Even though it is a ritual, people have a lot of faith in it, because in many cases people have been seen to come back.

Some people (...) go to see someone, taking some clothing belonging to the dead or missing person. And that person calls on the other (...). Then they look to see if that person is in the place of the dead or in the place of the living."

Testimony of a woman community leader in Buenaventura²³⁴

The funerary rituals of Afro-Colombian Pacific communities are an expression of their culture, featuring musical instruments and the singing of ritual songs such as *alabaos*, which are frequently performed by women. These rituals have been placed in danger as a result of the violence of armed groups, and their recovery is key to preventing their disappearance and providing a sense of cohesion and resistance.

7.6 Self-protection strategies

Faced with persecution and threats, women leaders and rights defenders have developed different self-protection strategies to minimise the risk of attacks.

In Buenaventura, for example, this has taken the form of seeking the support and protection of the community, with informal networks which exist to warn and protect defenders. They are also encouraged to reject violence and be careful of what they say in their public speeches, to avoid being accused of belonging to an armed group and placing themselves in greater danger.

"We make sure they are supported and surrounded by the community. The community is a great shield for the exercise of leadership, and many women leaders have been saved by that very shield that the community represents."

Testimony of a woman leader involved in the Black Communities' Process²³⁵

Another strategy is based on the construction of collective leaderships, in order to ensure that no one person stands out and bears the burden of threats or violence. Instead, the group assumes responsibility for the actions, so that its leaders are less easily identified by armed individuals.

234 "Buenaventura, un puerto sin comunidad", p.426

235 Ibid., p. 415

"The strengthening of the collective that we engage in is aimed at ensuring that all people are equally capable of taking charge at any time, and that we can all put our knowledge into practice. In this sense, there is a set of figureheads (...). I believe that the fundamental strategy here for the protection of leaders is to work at the collective level. It's a question of collective and not just individual strength, although it is always inevitable that someone comes to the fore, but then it is always the organisation that bears the weight, not the individual. "

Testimony of a woman leader involved in the Black Communities' Process²³⁶

This strategy is also aimed at encouraging self-care, especially for high-profile women leaders who bear the triple burden of paid employment, care and activism, and often experience exhaustion and burnout.

Defenders are also asked to take precautions and security measures in their movements, and to have a good knowledge of the territory through which they move. Strategies designed to throw potential persecutors off the scent, in the case of women defenders who are being monitored by armed individuals, are reminiscent of the ancestral tactics of enslaved people when they escaped from the violence and oppression of slave-holding estates²³⁷.

"The strategies we use include carrying a different shirt in our bags, in case we enter at the same time. If we are told to come at eight o'clock, we arrive at nine o'clock or we arrive at seven o'clock; we change the schedule. When we leave our homes, we do not go directly to the next place; for example, I took two forms of transport once I got here, three if we count on the way here. These things have helped us minimise [the risk]."

Testimony of a victims' group leader in Buenaventura²³⁸

7.7 International protection

In both Buenaventura and Barillas, the intervention of regional and international organisations has increased international awareness of human rights violations, and has enabled greater protection of women human rights defenders.

In Barillas, the "Yo también soy Hermelinda" campaign (2012), which enjoyed the backing of several organisations, sought to raise awareness of the persecution and criminalisation of the defender Hermelinda Simón, to win support for her cause, and to fight back against the stigma and accusations that she faced due to her opposition to Hidro Santa Cruz²³⁹.

Other campaigns, such as those promoted by the international organisation Front Line Defenders, are focused on providing information on cases of criminalisation and persecution of human rights defenders, and on ensuring emergency measures and international calls for help, as in the case of several criminalised human rights defenders in Barillas.

236 Ibid.

237 Ibid., p. 417

238 Ibid.

239 For more information (in Spanish) about the campaign, see: <https://maizca.org/2012/10/16/yo-tambien-soy-hermelinda/>

In addition, the Mesoamerican Initiative of Women Human Rights Defenders²⁴⁰ has issued alerts on attacks and the worsening situation of women defenders, and carries out media engagement and awareness-raising activities such as interviews and documentary screenings to increase knowledge and offer defenders the possibility of explaining their experiences.

Other organisations, such as Amnesty International, offer protection to women human rights defenders, issuing regular reports on their situation and the dangers they face, as well as launching campaigns to collect signatures, drum up public support and exert pressure on governments and companies to ensure the human rights and the safety of women human rights defenders are upheld. The organisation has offered protection to women working to defend the rights of the black communities of Buenaventura against armed groups²⁴¹.

One of the self-protection strategies for these defenders is to leave their place of residence and resistance and seek temporary refuge in the homes of comrades and allies.

In other cases, international solidarity networks have organised the safe flight of women defenders from the country and provided refuge abroad, offering them sanctuary and a place to rest, where they often also participate in awareness-raising activities about human rights violations in their communities.

These strategies, however, come at a high cost for the physical and emotional health of defenders, who can feel exposed as a result of being forced to leave their communities, their organisation and their families and loved ones to go and live in territories far from their support networks.

Moreover, when sanctuary is provided in other countries, women defenders must adapt to cultural contexts often very different from those of their communities of origin. It is crucial that, at this stage, they are not overburdened with advocacy work and awareness-raising activities which can wear them down physically – for example, due to continuous travel – and emotionally, insofar as they are obliged to retell their experiences over and over again.

240 <https://im-defensoras.org/es/>

241 <https://www.amnesty.org/en/latest/news/2020/01/afro-colombian-women-risking-lives-defend-communities/>



8.

Recommendations

This section features a series of recommendations addressed to defenders and governmental and non-governmental organisations that are engaged in investigating and providing support and redress for the harm that transnational companies cause to communities. We hope that these recommendations can act as a guide for the incorporation of a feminist perspective in both their research and their activities.

8.1 Data collection

One of the main impediments we have found in studying the specific effects of transnational company projects on women is the lack of data disaggregated by gender that would allow us to quantify and contextualise the extent of the harm caused.

For example, in researching sexual assaults against women, it has been difficult to access data on rape, unwanted pregnancies, sexually transmitted diseases or increases in prostitution in areas where corporations and/or soldiers or private security personnel employed by the company operate.

In many of these cases, taboos surrounding sexual violence, fear of stigma or distrust of the authorities hinder efforts to gather testimonies and relevant data and to draw conclusions as a result.

Therefore, we recommend that both the authorities and grassroots organisations working in areas where an extractivist project is underway or intended for development:

- Include the study of psychological and symbolic violence in the impact assessments and surveys they carry out with the affected communities.
- Include, in these impact assessments, specific questions about:
 - harassment of women in public places
 - sexual assault
 - threats of sexual assault
 - unwanted pregnancies

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- increases in sexually transmitted diseases
 - increases in brothels and prostitution in the area
 - gender-based domestic violence
 - increases in the number of femicides
- Offer, as far as is possible, a comparison between this data and that which reflects the situation prior to the arrival of the transnational project in the area.
 - Include an appraisal of the specific consequences felt by women in light of the roles they occupy in patriarchal structures: as providers of food and water; as providers of care for children and/or sick or dependent persons; as partners of criminalised persons; as sustainers of the social fabric, etc.
 - Study the specific impacts of violence on women community leaders and defenders of the right to territory, and evaluate how the role they play and how they themselves are perceived by the community.
 - Provide information to women in communities affected by transnational projects to enable them to identify and discuss the violence they experience, bearing in mind that, in many circumstances, such violence is naturalised or hidden.
 - Provide gender training to those responsible for carrying out surveys and impact assessment reports, and insist on specific psychosocial training when dealing with victims of violence. As far as is possible, ensure that this task is carried out by women, to foster an environment of greater trust in the gathering of testimonies.
 - Provide women-only spaces in which they can share their testimonies about the violations of their rights and receive acknowledgement of their experiences in peer groups, without the presence of their parents, husbands or male authority figures.
 - Create or improve women-only spaces for survivors of violence, in which they can share their experiences and establish bonds of solidarity as part of their emotional recovery.
 - In qualitative or testimony-based research, offer data disaggregated by gender as a way of providing a more comprehensive picture of men and women's perceptions of how they have been affected.
 - In any questionnaire used in such research, include the possibility of identifying as another gender (neither male nor female), and analyse this data as a means of measuring the non-gender conforming population within communities, as well any ways in which they have been specifically affected.
 - Facilitate access to statistics and promote transparency in requests for public information made to official bodies.
 - Aim, where possible, to collect data and testimonies through interviews with open and closed questions, instead of written interviews, which could be a barrier where women's literacy is lower.
 - Offer interpreters of the predominant indigenous language in the community to facilitate participation and the gathering of testimonies.

- Record (written, audio, etc.) the testimonies of women survivors of violence to limit the number of times they are forced to repeat traumatic stories in front of different individuals, as a means of avoiding their revictimisation. Strictly guard these records in a way that guarantees the anonymity and privacy of the people involved.
- Ensure that the testimonies of those living under threat cannot be used to identify them.

8.2 Care and protection strategies

The collection of data and the study and categorisation of the violence experienced by communities – and women in particular – when an extractivist project is imposed in their area necessarily leads to the identification of cases in which psychosocial intervention may be necessary to address the harm caused and protect against further danger.

This pertains especially to women survivors of violence within the community, with a special emphasis on those who, as a result of their public role as defenders of the territory or community leaders, may be exposed to greater risks.

With regard to the care and protection of survivors of violence, we make the following recommendations²⁴²:

- Offer free psychosocial support to women victims of multiple violence (sexual violence, discrimination, criminalisation, etc.) arising from the activities of transnational companies, and ensure their trauma is addressed.
- Ensure, as far as is possible, that this support is consistent with the cultural conventions of the community, including with regard to language or the management and conception of time.
- It may also be useful to provide childcare or relief from domestic work to free up time for women to participate in therapeutic support.
- Provide security and protection measures for women human rights defenders in their communities. Some of these measures, as already noted above, include:
 - building community leadership
 - knowledge of the area and construction of a network of safe spaces
 - self-protection strategies for travel and transit
 - self-defence training to fight off unarmed physical aggressors
 - strengthening the profile of the defender under threat
 - construction of counter-narratives in cases of defamation
 - local, regional and international solidarity campaigns
- Include training in digital security strategies for the protection of communications and personal data (e-mail, text messages, phone calls, etc.).

242 More protection strategies and recommendations for human rights defenders in Colombia can be found in the report "Mecanismos de autoprotección: comunidades rurales y defensores de Derechos Humanos en Colombia": <https://reliefweb.int/report/colombia/mecanismos-de-autoproteccion-comunidades-rurales-y-defensores-de-derechos-humanos-en>

- Facilitate contact with international organisations and networks which can provide support or means of protection (asylum, safe houses, therapeutic support, solidarity campaigns, etc.) in situations of exceptional risk and vulnerability.
- Offer spaces for dialogue with governments and public authorities in which the voices and leadership of women are recognised.
- Offer medical consultations with guarantees of safety and privacy, for the diagnosis, treatment and monitoring of sexually transmitted diseases and other effects on sexual and reproductive health that may be the consequence of experiences of sexual violence, including psychological and emotional effects.
- Offer the possibility of safe and free termination of pregnancy resulting from rape, especially in the cases of girls between the ages of 10 and 14, where there are serious risks to their health and lives.
- Provide information and prevention measures regarding the situations in which sexual exploitation of women or trafficking may occur (loss of sources of income, militarisation of the area, or entry of armed paramilitary groups).
- Advocate for observatories focused on the risks and effects of transnational projects on women. In the case of the communities directly affected, include community women (leaders and other figureheads) who can periodically report on these effects.
- Provide transport and economic means to improve access to safe houses for defenders and leaders subjected to continuous stress and threats, in accordance with their values and cultural practices.
- Offer information, workshops and therapeutic interventions to share self-care techniques with defenders and survivors of violence, thus enabling them to manage the impact of the harm they have suffered and detect situations in which they may need help or support.
- In cases of asylum or refuge in other countries or regions, ensure that the defender is equipped not only with security measures, but is also provided residence appropriate to their needs and cultural practices and has contact with people with knowledge of their place of origin, to avoid feelings of deracination.
- In cases of temporary refuge, ensure that there are periods of rest and avoid overburdening defenders and leaders with excessive awareness-raising activities such as talks, debates or tours, which could cause them greater physical fatigue due to continuous travel or emotional exhaustion by having to repeat their testimony multiple times in front of different audiences.

8.3 Redress and memory strategies

This section is guided by the principles and guidelines of the United Nations for the reparation of victims of human rights violations, which establish that the State must ensure comprehensive redress for these victims where the perpetrators of the harm caused are unable or unwilling to comply with their obligations.

These principles are based on restitution, which consists in returning, as far as possible, the territory and the community to the situation prior to the occurrence of human rights violations;

compensation, which includes compensation for all economic damages caused; rehabilitation, which includes medical, psychological, legal and social care; and satisfaction, which refers to the adoption of measures to avoid the repetition of these acts, the search for missing persons and the complete disclosure of the truth²⁴³.

In the case of Buenaventura, it has been the black communities who have developed their own proposal for comprehensive reparation of the collective damage which they suffered (that is, the damage caused to the community as a whole). To this end, they propose specific strategies such as establishing the truth about the relationships between megaprojects and the acts of violence which occurred in Buenaventura, and the links between authorities, officials, companies and major economic actors and illegal armed groups.

Taking into account this framework, we make the following recommendations for redress and memory:

- Provide spaces for dialogue with local and regional authorities for the creation of plans to redress the damage caused by companies which are appropriately funded and focused on specific actions and predetermined schedules. Include measures specifically aimed at alleviating the harm suffered by women, based on the effects indicated.
- Study the effects on women of the loss of their sources of income linked to traditional employment, and prioritise their reemployment through measures such as training in other trades, economic compensation and, especially, the restitution of land similar to that which was taken from them.
- Promote specific employment measures or compensation for women who have lost their jobs as a result of companies' activities in their area, suffered persecution or criminalisation either personally or of their partners, or lost their partners or family members as a result of murder or forced disappearance.
- Acknowledge the violence suffered by people in the community and by their forebears who survived war, and take this history of trauma into account when considering any psychosocial measures designed to address the harm caused.
- Encourage the creation of spaces for memory where survivors of violence can commemorate and pay tribute to missing or murdered people and progress through the grieving process.
- Ensure free and lifelong access to medication, diagnostic testing and therapy for sexually transmitted diseases, chronic pathologies and psychological disorders for women survivors of violence.
- In situations of forced displacement, plan the characteristics of any new housing jointly with the communities, taking into account their customs and cultural practices (number of bedrooms, shared outdoor spaces such as patios or porches, gas or wood stoves, preferred system for bathrooms, spaces for cultivation and the breeding of small animals, spaces for storage of boats or fishing equipment, traditional construction materials, etc.). Organise consultations and participatory processes for the design of homes, instead of letting private companies provide housing systems according to their particular criteria and economic interests.

²⁴³ Principles cited in "Asedio a las comunidades", p. 161

- Reach an agreement with the affected communities regarding the conditions for the guarantee of non-repetition of human rights violations. Take their cases as an example or precedent which can serve to inform other communities affected by similar transnational megaprojects either at home or abroad.

8.4 The right to justice

In this report, we have detailed the consequences of the persecution and criminalisation suffered by defenders of the territory, who bear the punitive weight of state intervention in the form of criminal prosecution, arrest and imprisonment. In these cases, our recommendations are addressed to the communities and organisations (local, national and international) which support them:

- Offer free legal aid to those affected by criminalisation. Ensure an explanation of the legal language adapted to the needs of those involved. Ensure further linguistic assistance through translators in the case of indigenous communities.

"This is a difficult issue; I needed my income to get by. I had to attend meetings and take action. I wasn't sure if the organisations were going to provide lawyers. Our partners said that we all had to find a lawyer and pay for it."

Testimony of Hermelinda Claret Simón²⁴⁴

- Provide safe places for women to rest when they travel to attend hearings involving their partners.
- As far as is possible, provide means to ensure safe travel and minimise the risk of violence.

"In Guatemala they also supported us, they gave us somewhere to sleep and eat. The people from the CEIBA, along with those from the CUC, supported us by giving us a place to sleep, they gave us a minibus, they paid for those expenses."

Testimony of Catarina Juan Ramón²⁴⁵

- Address the care needs that may arise from the displacement of these women from their communities. For example, take into account who is left with the care of their children or dependents, and, if necessary, look to provide support.
- Offer psychological support to women who face the criminalisation of their partners. Take advantage of their trips to the cities to follow up on their psychological support.

We also wish to make the following recommendations aimed at guaranteeing the right to justice for communities whose rights have been violated:

- Guarantee the right to justice for survivors of violence and violations of their rights through effective investigation which leads to the identification and punishment of those responsible for the crimes committed.

²⁴⁴ "Las voces del río", p. 101

²⁴⁵ Ibid., p. 113

- Guarantee, in turn, the right to truth of those whose relatives have been killed or disappeared, so that they can discover who committed these acts and the circumstances they occurred.
- As part of the right to the truth, initiate investigations into the mass graves that those who provided their testimony assure are present in Buenaventura, as well as their demarcation and opening, and proceed with the exhumation and identification of those buried in them, with the aim of returning the remains of the victims to their families, so that they can grieve and bury their relatives in accordance with their funeral rites and traditions.
- Ensure the safety of those working on the exhumations, as well as the families who collaborate in the search for mass graves through the provision of testimonies or blood samples to establish the genetic profile of any human remains that are found.

Other measures linked to the right to justice relate to the fight against corporate impunity:

- Involve a variety of legal experts in research who are capable of linking the effects of companies' actions with criminal offences set out in existing legislation, as a means of encouraging legal action.
- Pay special attention to how forms of psychological violence and broader harm are covered by criminal law and, where necessary, propose that the law be changed to include them as offences.
- Acknowledge the testimonies of community members as evidence of the violations of rights and the damages suffered, and situate them within the scope of international human rights conventions as a means of bringing about legal action against companies beyond the local level.

8.5 Women's participation

Before any transnational development project takes place, we propose strengthening the participation of women via consultations, negotiations and decision-making processes. The aim is to create a framework in which their views are taken into account, both by members of their own community and by government or business interlocutors. To this end, we make the following recommendations:

- Ensure that a representative proportion of women take part in any assemblies and prior consultation and decision-making processes. Quantitative systems, such as quotas, can be applied, as well as qualitative measures that ensure that women's voices are heard, taken into account and respected.
- In mixed meetings, use indicators to take note of the reactions of male participants to women's interventions, quantify the number of times women intervene in a meeting, etc.
- Identify and acknowledge women's community leadership and strengthen their role through specific support and protection measures in the event that they experience threats and persecution.



9.

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