In August 2012, I was sent to Colombia by the Alliance for Lawyers at Risk as a sub-delegation of the Caravana Internacional de Juristas, writes Sue Willman. The other delegation members were Mark Cunningham QC, a commercial silk with a Bar Human Rights Committee background, Sara Chandler, founding chair of the Colombia Caravana, and Neena Acharya a legal aid immigration solicitor. We each have a commitment to working on human rights issues in Colombia, dating back to our first visit with the 2008 Caravana. This time our mission was to investigate civil society’s awareness of the UN ‘Ruggie’ guiding principles on Business and Human Rights, to assess compliance by multinationals and to find out how lawyers in the UK could provide support. The message from lawyers, NGOS and even the judiciary was: ‘Please go home and sue British multinationals in the UK for their human rights and environmental abuses in Colombia.’

The UK is the second largest overseas investor in Colombia. The Foreign and Commonwealth Office and the Department of Trade and Industry have been actively pushing for British business to invest in Colombia after a recent visit to the UK by President Santos in which it was agreed to double two-way trade to £1.75 billion by 2015: http://ukincolombia.fco.gov.uk/resources/en/pdf/pdf1/prosperity/infrastructure-report.

Meanwhile the FCO claims, ‘The Government is fully committed to implementing the Guiding Principles as part of its strategy on business and human rights and expects UK businesses to operate at all times in a way respectful of human rights whether in Britain or overseas’. The UN Special Representative on Business and Human Rights, John Ruggie, has highlighted the difficulties in implementing the business and human rights framework in a conflict zone like Colombia. At an OECD meeting in Paris on 23rd June 2010 John Ruggie remarked that, ‘The worst corporate-related human rights abuses have taken place in areas affected by conflict, or where government otherwise lacks the capacity or will to govern in the public interest – where rule of law tends to score low, and corruption high.’

The links between the State and paramilitaries in Colombia are well-documented by organisations such as Amnesty International. We heard a number of accounts of national and multinational enterprises, as a third player, fuelling the armed conflict. One indicator of this is that Colombia remains the most dangerous country in the world to be a trade unionist, with 26 trade unionists killed last year and not one conviction for murder. Meanwhile the Santos Government’s plan to promote Colombia as a mining country encouraged by tax breaks, investment incentives and deregulation seems to be working; foreign direct investment in the mining sector reached $2 billion in the first eight months of 2012.

These themes converged when we visited Cerrejon, one of the world’s largest open-cast mines. It is partly British controlled by subsidiaries of BHP Billiton and Anglo-African. We had met British embassy officials who had told us it represented the best example of corporate social responsibility in Colombia. We saw schools and roads and health clinics which had been financed by the company. We also visited indigenous Wayuu communities who said the effect of the mine was that they had been forced to relocate from land they have roamed across for centuries into reservations. They explained that in the 30 years since the mine was developed they had gradually lost their traditional knowledge as trees and medicinal plants had died. They said some of their children and livestock were now born with disabilities or even still-born. We met representatives from the local miner’s union, SINTACARBON, who complained of health and safety and environmental breaches. They have issued a class action on behalf of members experiencing coal-related diseases and cancers.
They would welcome support such as an amicus from the UK.

We were moved by our encounter with 75-year-old Simon Soto Boyiru who showed us a bottle of black rainwater, the product of air pollution. Simon lives in the Provincial indigenous community on the banks of the River Rancheria, a couple of mines away from the main mine. He remembers a time when the community would fish with bows and arrows in the clear river water. Now polluted soil water washes into the river with black lumps of carbon in it. The mining company has announced plans to divert 16 miles of the river so they can expand the mine. Speaking Wayyu, Simon said his community opposed the diversion for spiritual and environmental reasons, not least because it would mean damming of the river higher up to control the flow.

When we asked the British embassy informally about the river diversion, their response was that only 130 or so families would be affected. However, the dispute about the river has finally united indigenous and Afro Colombian communities, supported by local students and NGOs. A legal claim known as a tutela has been brought by Dora Lucy Arias of the lawyers collective Cajar. She told us that the case had become emblematic. It represented not simply one community’s resistance to the diversion of the river, but resistance to the further development of the mine and to the human rights and environmental excesses of multinationals across Colombia. I am hopeful that Haldane members and other UK lawyers will support their struggle.

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La Macarena mass grave. Next to a Colombian army base, the grave is estimated to hold around 500 unidentified bodies. Local residents have reported forced disappearances and extrajudicial executions.