



DEMOCRACIAABIERTA

Damming dissent: how an Italian multinational is persecuting environmental defenders In Colombia

The practices of an Italian multinational in Huila, Colombia, exemplify how the criminalization of activists is increasingly used to end dissent and real democratic participation in Latin America. *Español*

[Philippa De Boissière](#)

[Thomas Mc Donagh](#)

23 January 2017



Local communities organise. Authors' photo. All rights reserved.

"EMGESA's strategy is to stop this resistance, because the whole department of Huila is rising up against dams, against fracking." Miller Dussan

In his late sixties, Miller Dussan is an affable, well-respected Colombian academic and community leader. Yet on 6th February 2017 the father of two will appear in court to face one of two legal charges that could see him locked behind bars for up to twelve years. Miller's alleged crimes stem from his committed defense of Colombia's main waterway in his native region of Huila and the livelihoods of those that depend upon it. His accuser, EMGESA, is the local subsidiary of Italian multinational energy giant ENEL.

EMGESA is the operator of the Quimbo megadam project that Dussan, together with local communities in the province of Huila, has been tirelessly resisting for nearly a decade. It is clear to those fighting this battle that the court charges are a powerful weapon which the corporation is using to try and break that resistance.

Now, instead of dedicating his energy and resources to community organizing, Dussan spends most of his time defending his name and reputation in the public media and in the courts of Colombia.

The story of the Quimbo dam and what is happening to Dussan now is an increasingly familiar one across Latin America and elsewhere, of corporations and governments clamping down on dissent by criminalizing public protest. It is yet another example of how corporate power attempts to trump people power, using criminalization as a tactic -one of many - to stamp out dissent and real democratic participation.

The Quimbo dam – A brief history

Plans for the Quimbo hydroelectric dam were initially shot down in 1997 over a series of ecological, economic and technical concerns. The impacts of stemming the flow of the Magdalena river, Colombia's most important waterway - which assessments had indicated would displace and destroy the livelihoods of farmers and fisherfolk and put the region's food security at risk - were deemed too high a price to pay. But ten years later, like a plot from a zombie blockbuster, the Quimbo dam project was resuscitated and forced through planning processes by the government of President Alvaro Uribe. So numerous and glaring are the exceptions that have been granted in favour of EMGESA that the megadam's very legality remains in question.

By 2012 the predicted dire impacts of constructing the dam were becoming reality. So much so that a coalition of residents, government and civil society bodies declared a humanitarian crisis in Huila. Nearly 1,500 people have been evicted to make way for the dam, many forcibly and without recourse to compensation. The project has destroyed thousands of hectares of the most agriculturally rich lands in the region and pushed families into economic vulnerability and food insecurity.

Environmentally, the toll is just as devastating. The project not only floods part of an Amazon Reserve, it is a climate disaster. EMGESA's failure to comply with regulations to remove biomass from within the reservoir has turned it into a methane time bomb as a result of rotting vegetation. Methane is 86 times more potent a greenhouse gas (GHG) than carbon dioxide in the short term.

In classic corporate spin, EMGESA's own locally distributed radio program and newspaper paint a very different picture of el Quimbo, promising vast improvements in the wellbeing of ordinary Colombians through the provision of energy to the national grid. However, you don't have to look too hard at the facts on the ground to see that the purpose of the project was never to serve ordinary people. Colombia already generates more energy than it consumes and President Santos' vision for 'development' is hinged on the expansion of extractivism. Rather than connecting more families to the grid, the energy from el Quimbo is destined to meet the energy demands both of the export market and of new fracking and mining projects domestically. While major hydroelectric projects are often sold as clean, green energy - this is dangerously misleading when their real beneficiaries are extractivist multinationals such as Drummond, Pacific Rubiales and AngloGold Ashanti.

Local resistance



The people of Huila take to the streets. Authors' photo. All rights reserved.

National frameworks designed to uphold human rights, including Colombia's very own Constitution, have systematically failed to protect those living in the shadow of the megadam. International agreements, such as those ratified between Colombia and the UN International Labour Organization (ILO) have done no better in the face of Enel's private interests. Given the failure of both national and international safeguards, local communities were left with no recourse but to exercise their democratic rights by organising locally. The Association of those Affected by the Quimbo Dam, (ASOQUIMBO) is a collective of farmers, fisherfolk, academics, labourers and local families, formed in 2009. Elsa Ardilla, former President of the association, explained that communities felt that they had been left with no choice but to take action when it became clear that 'consultation' processes were a mere formality, not actually designed to take local opinion into account. Ardilla, like Dussan, also faces criminal charges at the hands of EMGESA.

Over the past three years ASOQUIMBO has combined direct action tactics, such as public mobilisations and regional strikes, with more institutional approaches including testifying at the Inter-American Court of Human Rights.

Despite this opposition the Quimbo dam began flooding the region's richest agricultural land in June 2015 and began generating its lucrative energy output in November of 2015 – over a year and a half late and US\$256 million over budget.

Although ASOQUIMBO has not managed to block the dam's construction, it has been successful at mobilizing broad social sectors against further extractive projects in the region. This effort has achieved numerous successes, including the election of a candidate with a strong position against the construction of new mega dams as new governor in the regional elections in late 2015, as well as the establishment of a Roundtable on Environment, Water and Territory with the aim of reviewing mining and energy policy regionally.

Miller Dussan has been at the forefront of this effort. He has been spokesperson, president, and one of the driving forces behind ASOQUIMBO since its inception in 2009.

But these successes in local organizing have come at a high price.

Together with Ardilla, Dussan is accused of obstructing public roads and affecting public order – a charge that carries up to four years in prison. According to Dussan, these charges relate to a January 2012 mobilisation that was organised by a broad range of affected social sectors - not just ASOQUIMBO- to protest damage made to a local bridge by EMGESA.

Dussan also faces a second charge for allegedly instigating the occupation of land owned by the corporation, a charge that carries a sentence of up to eight years in prison. According to Dussan's lawyer, these charges relate to land occupations by small farmer communities in 2013 as part of a protest against forced displacement and in order to demand just compensation from the corporation.

The court cases and the potential of up to twelve years in prison now hang like a dark and threatening cloud over Dussan and ASOQUIMBO.

Criminalisation of protest as corporate strategy

While EMGESA's persecution of Dussan through the courts is causing him and his family high levels of personal stress, the resistance leader is clear that this is about much more than him. "Their strategy is to stop this resistance, because the whole department (of Huila) is rising up against dams, against fracking".

Indeed, more and more people across the region are connecting the dots between individual megaprojects and the overall extractivist model that they form a part of. As well as the localised protests against the Quimbo dam, there have been several regional mobilizations and days of action against this and other extractive projects including mining and fracking – one of the most recent of which mobilised over eight thousand people in the towns of Pitalito, Garzon and Neiva in 2016.

Dussan's lawyer, German Romero, also sees the criminalization of protest as a very deliberate strategy designed to quell dissent. According to Romero “in Colombia this is a recurring practice by multinationals...they associate themselves with powerful groups of lawyers and with sectors close to economic and political power...that are trying to affect the human rights work of social leaders or to break their organizations....It’s basically a strategy of terror, fear and repression that corporations have been involved in more and more when they feel under pressure by successful social leaders working in defence of human rights”.

The extent of the chilling effect on social protest has particular nuances in the context of Colombia - a country with some of the highest rates of both internal displacement and killings of environmental defenders in the world. The risks to prominent social leaders go way beyond attacks on their public reputation, or even their freedom. The heightened public profile and the association with criminality also bring risks to one’s safety. According to the UN High Commission for Human Rights, fifty-seven social leaders were murdered between January and November 2016 in Colombia. That’s a rate of more than one every week. Many of these were social leaders defending their territories against extractive projects.

Dussan has raised these issues in previous conversations with us. “All of this has consequences here in Colombia for one’s personal security. People start to say that you’re a criminal. If somebody decided to kill me, people would say that they killed him because he was a criminal.”

Despite the dangers, civil society in the province has taken a firm stand in support of Dussan. Institutions ranging from the city council of the region’s capital Neiva to the Association of University Professors (ASPU-HUILA) of the Southern Colombia University have publicly come to his defence, calling for a halt

to the 'unjust and irregular charges that are being made against him by the Multinational EMGESA'.

Genuine justice: holding multinational corporations to account



Takign action with affected community members. Authors´ photos. All rights reserved.

Although frontline land and climate struggles are being fought within communities, they are far from 'local'. The struggles of ASOQUIMBO in Colombia, of Berta Caceres' COPINH in Honduras and countless others represent the first line of resistance to an international raid on resources across Latin America and the Global South. The corporate players heading up this assault are causing irreparable damage to cultures, ecosystems and the climate. The bounty from these raids - the minerals, crops, grabbed land and water, fossil fuels - serve to fund lifestyles of conspicuous consumption among the world's rich minority which stand in stark contrast to those of the people resisting such assaults.

On the 6th February, Miller Dussan and Elsa Ardilla will be back in the dock to face ENEL-EMGESA's charges. Their liberty and personal safety hang in the balance as a result of these attempts to repress their work in defence of their communities.

Dussan's story vividly illustrates the power imbalance at the centre of struggles for land and environmental justice. It also points to two potentially important roles for international solidarity.

The first is to deepen our collective understanding of judicial persecution and the criminalisation of protest more broadly as one of many corporate strategies being used to undermine community resistance. In Dussan's own words "if they put me in prison, others are going to stop going out to protest".

The second is to take the struggles of local communities to the seats to power of those who benefit most. Distance and anonymity are factors that allow corporations like ENEL to disassociate themselves from such cases and to present themselves as responsible corporations in their home countries. As such, one essential role of international solidarity must be to bridge that distance and to remove that anonymity.

To begin with, the names of those being pursued through the courts, and of those whose blood is being spilt in the quest for cheap raw materials, need to be hung around the necks of corporate CEOs such as Francesco Starace of Enel.

Share this



Unete a nuestro boletín
¿Qué pasa con la democracia, la
participación y derechos humanos en

Latinoamérica? Entérate a través de nuestro boletín semanal.

Susíbeme al boletín.

Email address

First name (optional)

Last name (optional) →

Comments

We encourage anyone to comment, please consult [the oD commenting guidelines](#) if you have any questions.

0 Comments

openDemocracy

 Login ▾

 Recommend

 Tweet

 Share

Sort by Oldest ▾



Start the discussion...

LOG IN WITH

OR SIGN UP WITH DISQUS 

Name

Be the first to comment.

 Subscribe  Add Disqus to your site  Add Disqus  Disqus' Privacy Policy  Privacy Policy  Privacy Policy  Privacy Policy

Related

[DEMOCRACY AND GOVERNMENT](#)[IDEAS](#)[CIVIL SOCIETY](#)[INTERNATIONAL POLITICS](#)[COLOMBIA](#)[LATIN AMERICA](#)[POLITICS & ACTIVISM](#)

This article is published under a Creative Commons Attribution-NonCommercial 4.0 International licence. If you have any queries about republishing please [contact us](#). Please check individual images for licensing details.

All our projects

© openDemocracy 2019

[About](#)

[People](#)

[Contact](#)

[Write for us](#)

[Jobs](#)

[Privacy notice](#)

Log in