

How Colombia disenfranchised Indigenous Inga communities in favor of oil

by Cuestión Pública / Mongabay Latam on 2 June 2022 | Translated by Sarah Engel



- In 2014, Colombia's environmental licensing authority granted the local subsidiary of Canada's Gran Tierra Energy a permit to prospect for oil in Villagarzón municipality, in the Amazonian department of Putumayo.
- The approval was granted in part on certification from the Ministry of the Interior that there were no Indigenous communities in the proposed project's area of influence — despite the project site overlapping with seven reserves that are home to the Inga people.
- Since then, the ministry has revised its certification to recognize just one of those reserves, leaving the rest of the Inga communities bereft of their legal right to prior consultation on the proposed development on their territory.
- Following 10 years of protest in the country, the Inga people say they are now ready to escalate their case to the Inter-American Commission on Human Rights.

For more than a decade, Canadian oil company Gran Tierra Energy has been attempting to boost its presence in Colombia's Putumayo department, where it operates its La Cabaña exploratory drilling area, or APE—La Cabaña, in Villagarzón municipality. Along the way, however, its ambitions have brushed up against at least seven Indigenous reserves that are

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home to the Inga people. During this dispute, government agencies have [denied](#) the [presence](#) of the Inga people and have given the oil interests free rein for exploration and extraction.

By being overlooked, the Inga people say their right to prior consultation has been violated. The community has resisted Gran Tierra Energy's project on their land since 2012. That was the year that the company's Colombian subsidiary sought permission from the National Environmental Licensing Authority (ANLA) to begin oil exploration activities in Villagarzón. Located in the Colombian Amazon, Villagarzón is the site of abundant crude oil reserves — as well as conflicts between oil companies and Indigenous communities.

Gran Tierra Energy built its La Cabaña exploration rig in 2014, after obtaining an environmental license from the ANLA that same year. But a [statement](#) presented by the Inga forced the oil project to a halt in 2015. According to the communities, however, this didn't stop the repeated violations of their rights. Of the seven reserves closest to the project, only the presence of one was acknowledged by the state. The others are now joining forces to take their case to an international forum while they try to survive, community members told Mongabay Latam and Colombian investigative reporting outlet Cuestión Pública.

"We will take the defense to the highest levels, including escalating the case to the Inter-American Commission on Human Rights, if the Colombian government does not guarantee the rights that we have as communities at risk of [disappearing](#) physically and culturally," said Carlos López Descanse, a member of the Inga community.

López Descanse is also president of the Association of Indigenous Councils of the Municipality of Villagarzón (ACIMVIP), an organization founded in 1998 in defense of the rights of Indigenous communities in the municipality.



The Inga people of Villagarzón, in Colombia's Putumayo department, have not been able to make their voices heard in their attempt to claim their right to "suma kausai," or "good living," in their territory. Image by the Association of Indigenous Councils of the Municipality of Villagarzón (ACIMVIP).

The case of the Inga people reveals how the Colombian government has made decisions with a disregard for the history of the territory, and, in turn, has distanced itself from its responsibility to investigate the oil companies. *Corneamazonia*

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responsibility to investigate and on companies. Corporazon, the environmental protection agency for Colombia's Amazonian region, including Putumayo, responded to Mongabay Latam and Cuestión Pública with a statement saying that it's out of the agency's jurisdiction to impose sanctions on these companies.

During our investigation for the series "ManchadosXelPetróleo," (or "Stained by Oil"), Mongabay Latam and Cuestión Pública heard several complaints regarding government neglect when it comes to conflicts between extractive companies and Indigenous communities. We also compiled a database identifying the overlap between oil lots and Indigenous reserves, which shows that the Colombian government has granted extractive rights to oil companies on ancestral lands.

Ghost territories

In mid-2012, Gran Tierra Energy requested an environmental license from the ANLA to begin its La Cabaña project. To do this, for three months, the company had to go before the then-Directorate of Prior Consultation (now known as the National Prior Consultation Authority). Approval from this entity, which is a department within the Ministry of the Interior, was needed to determine whether Indigenous, Afro-Colombian, or other minority groups were present in the area.

This point is key since, if the area was vacant, the oil company could proceed without the need for prior consultation with the communities in the area. Prior consultation is a mechanism that guarantees rights in Colombia. In Putumayo, 58% of cases in which companies have sought prior consultation with communities have resulted in the latter rejecting the proposed developments on the grounds that they don't respect their territory: Of 159 prior consultations in the department between 2011 and 2020, only 51 came to an agreement, according to data from the Crudo Transparente (or "Transparent Crude [Oil]") portal.

On April 3, 2012, Rafael Antonio Torres Martín, head of the Directorate of Prior Consultation, signed off on paperwork certifying that no Indigenous communities existed near APE—La Cabaña. In doing so, he denied the fundamental rights of the Inga reserves to participate in the consultation process.

However, an analysis of a database created by Mongabay Latam for the ManchadosXelPetróleo special (with data from the Amazon Geo-Referenced Socio-Environmental Information Network, or RAISG) shows that the area licensed by the Colombian government to Gran Tierra Energy would occupy 80% of the Wasipungo Inga reserve and 100% of the San Miguel de la Castellana reserve. A third Inga reserve, Blasiaku, also has 100% percent of its area licensed out to La Cabaña. It was also determined that the Chaluayaco Inga reserve has a 100% overlap with another block owned by Gran Tierra Energy, PUT-10. This information is based on the presence of oil blocks in areas inhabited by Indigenous communities in Colombia, Bolivia, Peru and Ecuador.

In other municipalities of Putumayo, other oil companies also have licenses for areas that overlap 100% with the Inga reserves of Calenturas (in Mocoa municipality) and Wasipanga (Puerto


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Guzmán). This is also the case for Amerisur, a company we covered in this [investigation](#).

"We have been able to analyze that there is bad faith on the part of [state] institutions, which does not allow for our rights, like prior consultation, to be recognized," López Descanse told Mongabay Latam and Cuestión Pública. "[This] is one of the main tools that we have to protect our territories from the interests of third parties that do not acknowledge our vision."

According to the Environment and Society Association, a civil society organization that has advised the Inga people, Gran Tierra Energy presented an environmental impact study to the ANLA on May 31, 2012, to apply for the license for its La Cabaña project. This environmental impact study contained the certification from the Ministry of the Interior's Directorate of Prior Consultation that failed to acknowledge the presence of the Inga communities. Because of the ministry's denial of the presence of the Indigenous reserves, the ANLA gave free rein to La Cabaña.

Gran Tierra Energy's ambitions took shape on July 1, 2014. On that day, the ANLA [granted](#) the company an environmental license, reiterating the supposed nonexistence of the Indigenous communities in the area of influence around the project, as the Ministry of the Interior had stated.



In 2014, after the ANLA granted a license for the APE–La Cabaña project, the Inga community sought to present a united front against the oil activity in their territory. Image by the Association of Indigenous Councils of the Municipality of Villagarzón (ACIMVIP).

Although the request for exploration was made in 2012 and the license was granted in 2014, neither the Ministry of the Interior nor the company documented the existence of the Indigenous communities during those two years. This happened despite the fact that three of the affected reserves were previously legally registered with the now-defunct Colombian Institute of Rural Development (INCODER): Blasíaku in [2004](#), San Miguel de la Castellana in [2002](#) and Wasipungo in [1999](#). Effectively, they pushed ahead without prior consultation.

'There is bad faith on the part of [state] institutions'

The Inga people have resisted many attempts at what they call "a new colonization" that they say promises to bring

a new colonization and they say promises to bring development, but not for them. First was rubber, then coca, and now oil.

In response to the actions of the Ministry of the Interior, they began to resist with "strategies at the community level, but it was not sufficient to make the problem visible; for this reason, it was necessary to bring legal actions," López Descanse said. He was referring to the [statement](#) that ACIMVIP presented before the Administrative Tribunal of Nariño in 2015.

The Inga people used internal strategies to demonstrate their presence in the area of influence around the APE—La Cabaña project. This process of generating geographic information autonomously was previously [documented](#) by Mongabay Latam and Colombian newspaper *El Espectador*.



Indigenous monitors guard the Inga territory. Image by Sergio Silva for El Espectador.

In October 2014, a verification visit had already [taken place](#), months after the license was granted, in which the statement from the Ministry of the Interior's Directorate of Prior Consultation [maintained](#) that "there was no evidence of ethnic groups." After the ruling on July 15, 2015, in favor of the Inga, the Administrative Tribunal of Nariño ordered [the suspension](#) of the legal effects of the environmental license that had been granted to Gran Tierra Energy until the presence of this community could be verified.

This sparked conversations with the community to coordinate a [new visit](#) to determine whether the community fell within the project's area of influence. But the situation did not end favorably for the Inga.

In 2018, after the second verification visit, the Ministry of the Interior maintained that no Indigenous communities were present in the area. After repeated requests from the Inga people, a third verification protocol was scheduled for late 2020, but was postponed as a result of the COVID-19 pandemic. The death of Inga leader Robinson López followed, and the community began mourning.

The postponed visit finally took place in [March 2021](#). After that, the National Prior Consultation Authority, the successor to the Directorate of Prior Consultation, finally admitted to the presence of the Inga community — nine years after first denying it. However, the authority only acknowledged the

existence of the San Miguel de la Castellana reserve, ignoring the other six reserves that had requested verification.

Citing Resolution 1471 (from Oct. 27, 2021), the National Prior Consultation Authority [said](#) that "prior consultation is appropriate for the petitioning community of the San Miguel de la Castellana Indigenous reserve for the 'APE—LA CABAÑA' project, located in the jurisdiction of the municipality of Villagarzón ... as ordered by the Administrative Tribunal of Nariño through a statement on July 15, 2015."

This resolution also [indicated](#) that "prior consultation with the petitioning communities is not appropriate: the Wasipungo Indigenous reserve, the Blasiaku Indigenous reserve, the Nukanchipa Alpa Amukunapa Wasi Indigenous reserve ... the Chaluayaco Indigenous reserve, the Albania Indigenous reserve, and the Saladillo yaco Indigenous community ... for the APE—LA CABAÑA project."

One of the complaints of those living in the reserves is that part of La Cabaña's platform, in an area spanning 529 hectares (1,554 acres), has been built over a wetland with spiritual significance to the Inga. This, they say, affects the connection between the entire community and their spirits.



ACIMVIP unites five reserves and five councils of the Inga people. Image by Sergio Silva for El Espectador.

On the topic of the Indigenous communities in Putumayo, Laura Rojas, a lawyer from the organization Amazon Frontlines, told Mongabay Latam and Cuestión Pública that "there is no response on the part of the responsible entities on the local and departmental level. In Putumayo, any type of impact to the environment, health or survival remains completely unpunished," she said. "This is how confrontational dynamics with oil companies are generated: by the imposition of an economic model that is contrary to the communities, military presence in the territories, and the impediment of ceremonial practices."

The water of the Inga people is at stake

In the [environmental feasibility study](#) that it submitted, Gran Tierra Energy [said](#) the project would have water capture points in the basins of the Putumayo and San Vicente rivers, which cross through Villagarzón, and in the Sambico ravine.

"The San Vicente River, one of the most beautiful places in the territory, passes through and supplies [water to] each of the Inga communities in Villagarzón," Joaquín Jansasoy, the Inga coordinator for the territory, told Mongabay Latam and Cuestión Pública. Jansasoy added that, for this reason, all of the reserves and councils in the territory are affected directly.



The need to defend the territory has caused the Inga people to resist in the streets on a local and national level. Image by the Association of Indigenous Councils of the Municipality of Villagarzón (ACIMVIP).

A 2018 ruling by the Constitutional Court of Colombia

explained that the direct impact on Indigenous and Afro-Colombian communities is not only measured by impacts on health or the environment, but also on the social, economic and cultural structures of the group. Luis Jansasoy, coordinator of the Inga Indigenous Guard, elaborated on the social effects that the Ministry of the Interior's decision had wrought. "This has caused division and disharmony in the Inga communities. Many have tried to disconnect from their own culture," he said. The intangible, he added, is disappearing.

A story that repeats itself

The Piedra Sagrada reserve, home to the Pastos ethnic group, lies in the village of San José del Guineo, in Villagarzón, 29 kilometers (18 miles) from the Inga territory. Indigenous people from the Pastos community have also spent 10 years fighting against the same company, Gran Tierra Energy Colombia.

Camilo Rojas, the governor of this reserve, told Mongabay Latam and Cuestión Pública that the most recent case was in 2019. "The oil company began to implement the Chontayaco project. Now, they call this a 'project in development' to be able to obtain [licenses for] drilling, maintenance, and production, but to implement each process, there must be a different consultation," Rojas said. In other words, according to the Pastos leader, each process, such as drilling or production, requires its own consultation process — yet the company is seeking to obtain the permits rapidly by combining them into a single request.

Between March 5 and 6 this year, a procedure was performed as part of the prior consultation process for the project with this reserve. "The company did not want to settle on a proposal

from us because it entails a high budget for them. It caused us to lose time," Camilo Rojas told Mongabay Latam and Cuestión Pública.

In any case, according to Camilo Rojas, prior consultation doesn't guarantee that their rights will be respected. Years earlier, in another area of exploration called Churuco — located in the PUT-1 block like La Cabaña and given up by Colombia's Ecopetrol to the local subsidiary of Gran Tierra Energy — the Directorate of Prior Consultation certified the presence of the Pastos's Piedra Sagrada reserve in the project's area of influence. Despite this, Camilo Rojas said, they have felt excluded from the prior consultation process for the project.

"We have not seen guarantees in the prior consultation process," he said. "The guarantor for us is the Ministry of the Interior, which must ensure that neither the company nor the community are harmed, as the law requires, but we realize that there is neither neutrality nor impartiality on the part of this to guarantee the effectiveness of the prior consultation."

So far, the reserve has not taken legal action for the violations of its territory, but its proximity to the Inga community has made its fight an example.

Threats and intimidation: The price of resisting

The defense of the rights of both communities has been synonymous with the threats against the leaders of the cause.

"Pamphlets always come out with the names of some groups in the margins of the law [who are] opposed to what we are doing. In this case, they tell us that we are leftists, that we are guerrillas, [and] that we Indigenous [people] work with the guerrillas," said an Indigenous leader who asked to remain anonymous for fear of retaliation. The leader added that some mayors, presumably seeking to protect oil activity, appear to be implicated in those threats.

Another leader said groups present in that area include dissidents from the now-disbanded guerrilla group FARC who later joined the Carolina Ramírez Front. Another group present in southern and central Putumayo is the Border Command, or "Comandos de Frontera." This leader, also speaking on condition of anonymity, said the communities have denounced these groups as perpetrators of the harassment.





Despite the harassment they face, the Indigenous communities in Villagarzón continue to stand up in defense of their ancestral territory. Image courtesy of Joaquín Jansasoy.

"We have been branded as enemies of development, and that has made us a target of threats," said one of the leaders, asking to remain anonymous. Several spokespeople, also requesting anonymity, gave a similar assessment. None of them wanted to use their real name when denouncing those they accuse of being behind the harassment.

Despite this, the community members said "we will keep working from the ground up; the resistance continues in order to not be forgotten, so as not to continue to be stained by death, coca and oil."

While the Amazon remains in "intensive care," the Indigenous people say, they will continue standing up in the defense of their rights and fighting for the survival of their communities. However, according to sources in the territory, in the midst of Colombia's presidential election, the oil companies are rushing to obtain as many environmental licenses as they can before the change in administration, regardless of whether this violates the human — and spiritual — rights of these people.

On April 13, 2022, Gran Tierra Energy responded to questions from Mongabay Latam and Cuestión Pública.

Regarding the relationship with the communities close to its projects, the company said that "Gran Tierra Energy is a partner committed to the communities around our operations in Putumayo and we are focused on leaving a legacy of environmental protection in the regions where we work."

Regarding the consultation process with the Inga people, Gran Tierra Energy said that it "is ready to participate in this new prior consultation process once it is announced by the Ministry of the Interior." On the subject of the exclusion of the six reserves by the Ministry of the Interior, Gran Tierra Energy said that it recognizes that prior consultation is a fundamental right and an important mechanism to guarantee that ethnic and Indigenous groups are adequately informed and consulted. For this reason, the company claims that it will be ready to complete and comply with any prior consultation process ordered and/or announced by the Ministry of the Interior.

Regarding the situation with the Chontayaco project and the Pastos community, the company indicated that it "has complied with all the legal requests of the Ministry of the Interior to protect this community's fundamental right to prior consultation." Read the oil company's complete response [here](#).

Mongabay Latam and Cuestión Pública contacted the press offices of the Ministry of the Interior and the ANLA, but neither entity had responded by the time of this article's publication in Spanish.

Banner image of a protest outside Gran Tierra Energy's operations center as part of a national strike on June 17, 2021. Image courtesy of Joaquín Jansasoy.

This story was reported by Mongabay Latam and Colombian investigative reporting outlet Cuestión Pública and first published [here](#) on our [Latam site](#) on April 19, 2022.

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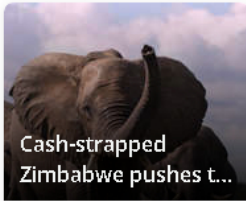
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