

Line of fire **BP and human rights abuses in Colombia**

*From Chapter 11 of 'Some Common Concerns', by Greg Muttitt and James Marriott, October 2002
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At BP's annual shareholder meeting in April 2002 in London, company chairman Peter Sutherland lost his temper when asked about human rights issues in Colombia. "This AGM [Annual General Meeting] on an annual basis is not going to be allowed to become a pantomime for the discussion of political issues that we on the board and you, most of the shareholders, are not concerned with", he fumed.ⁱ

Perhaps it was unsurprising that he was so sensitive, as BP has, since 1996, been heavily criticised by journalists, human rights groups and politicians for the human rights consequences of its security policies in Colombia.

There has been a civil war in Colombia for nearly four decades, and over 35,000 people have been killed in the last ten years. Two main left-wing rebel groups have been engaged in guerrilla conflict against the state. The FARC¹ (the larger of the two) attacks the military and political institutions of the state, while the ELN² tends to destroy physical infrastructure such as oil pipelines and electricity cables, and is renowned for frequent kidnappings. Partly in reaction to the guerrilla groups, right-wing paramilitary units have sprung up, some of them growing from the government having legalised vigilante activities as a means to fight crime, and others set up by powerful, land-owning and drug-trafficking interests. The paramilitaries are widely recognised to be responsible for most of the extra-judicial executions, torture and enforced 'disappearances' in Colombia, but with a common enemy in the guerrilla, they are generally ignored or tolerated – or even co-operated with – by the government, the police and the armed forces.ⁱⁱ

The guerrilla

In one of the worst tragedies of Colombia's conflict, at least 70 people were killed in the village of Machuca (in Antioquia state) in October 1998 when the ELN guerrilla group blew up BP's OCENSA pipeline. According to press reports, one survivor described a 50-metre fireball roaring along a river before hitting the village, where it engulfed wooden homes where villagers were sleeping.ⁱⁱⁱ

The guerrilla groups believe that the extraction of oil by foreign companies is against the national interest, and have frequently attacked the oil infrastructure, especially the pipelines – even though the pipelines are generally underground. Furthermore, the sheer value of the oil transported inevitably serves to exacerbate political tensions. In 1999, five British development agencies – CAFOD³, Christian Aid, CIIR⁴, Oxfam GB and Save the Children Fund UK – commented that:

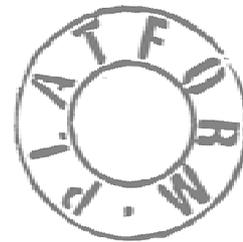
"BPXC (BP Exploration Colombia) has seriously underestimated the implications that its investments in a region of violent conflict would have for the security of the poor in the region. Given the country's history of conflict around strategic resources such as oil, the company's presence risks polarising local society, thereby a) creating victims of the armed conflict and b)

¹ Fuerzas Armadas Revolucionarias de Colombia, Revolutionary Armed Forces of Colombia

² Ejército Nacional de Liberación, National Liberation Army

³ Catholic Agency for Overseas Development

⁴ Catholic Institute for International Relations



contributing to increasing poverty, as a result of disputes over distribution of revenues, however unwittingly.^{iv}

It remains open to question whether BP was quite so ignorant of the impact of pumping US\$ 7 million worth of crude oil per day^v through such a politically volatile region. When OCENSA was built, Colombia's other major pipeline – run by Occidental Petroleum – had been in existence for nine years (since 1986) and had a reputation for being frequently attacked by the guerrilla groups.

Thomas G Finck, chairman and CEO of BP's pipeline partner, Dallas-based Triton Energy, seemed to know what was likely to happen. He commented during the construction of the OCENSA pipeline that the companies had built excess capacity and backup systems into the production plan and pipeline – allowing any damage to the line to be repaired without much disruption to the flow. "What people don't realize is that as many times as the Occidental line has been attacked, other than polluting the environment it really hasn't affected their operations significantly", Finck explained.^{vi}

The paramilitaries

The right-wing paramilitary groups have been responsible for numerous assassinations and massacres in Colombia. Their main target is anyone who sympathises with the guerrillas, but by extension this stretches to anyone who criticises the government, the paramilitaries or the oil companies. As a result, numerous trade unionists, environmental campaigners and community activists who have criticised BP and the other oil companies have been murdered.

On 13th April 1995, for example, Carlos Mesías Arrigú Cerquera and Gabriel Federico Ascencio, two peasant activists, were shot dead by gunmen in Arrigú Cerquera's residence and shop in Yopal. The assassins fled on a motorcycle that had no licence plates and have not been caught. Arrigú Cerquera was president of the Asociación Departamental de Usuarios Campesinos (ADUC – smallholders association) in Casanare, and leader of a work stoppage protest in El Morro against BP in January 1994.^{vii}

The Colombia Solidarity Campaign reports that in 1997, farmer Eliodoro Torres and his nephew were murdered. Torres had sold part of his land to BP for a production facility, and then later complained that the constant flaring of gas was preventing his cattle from breeding. After his assassination, his widow took up the case with the oil companies, and her son was later assassinated. In a subsequent legal case that she lost, the local court did not even allow her to give evidence.^{viii}

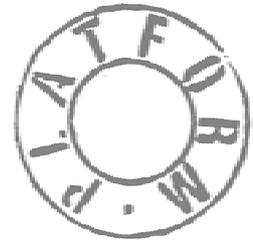
The British ITV television documentary programme *World in Action* was told by Gabriel Narvaez, an adviser to the El Morro Association, a community group in the oil region, that "to speak against the large state programmes, or those of the multinationals, is an act of suicide. It is almost like condemning oneself to death."^{ix}

In none of these three cases is there a suggestion that BP is directly responsible, even though the paramilitaries seem to have believed they were acting in BP's interest. BP's responsibility lies rather in its decision to invest in a region where it should have known its presence would exacerbate the violent conflict.

In other cases there have been accusations of greater knowledge of paramilitary activities, and even involvement, by BP.

A BBC2 television documentary in 1997 alleged that ex-Colonel Fabiano Augusto Bejarano Bernal participated in paramilitary activities, including human rights violations, while working for BP as a security officer. The company dismissed Bejarano in November 1996.^x

BP's private security firm, Defence Systems Colombia (see below), contracted since 1992 to coordinate the defence of BP facilities and staff with Colombian army and police, employed former Colombian army commander General Hernan Guzman Rodriguez, whose name appears in the 1995 report on *State Terrorism in Colombia* produced by international and Colombian human rights lawyers, including Pax Christi and the World Organisation Against Torture. The report says that there is "abundant evidence and



testimony" linking Guzman to the paramilitary group MAS,⁵ which is responsible for 149 murders from 1987 to 1990. Guzman denies these allegations.^{xi}

The army

Oil companies operating in Colombia are required by the Colombian government to pay a US\$ 1 per barrel 'war tax' to help finance army and police protection of oil facilities.^{xii} According to journalists who investigated the case, in 1995, BP signed three-year collaborative agreements with the Colombian Defense Ministry, worth US\$ 11.6 million, of which BP would provide \$2.2 million,^{xiii} on top of the mandatory 'war tax'.

Much of BP's payment was spent on the XVI (16th) Brigade, an army unit assigned specifically to protect BP's oil installations. BP provided the NGO Human Rights Watch with a copy of the agreement. The agreement called for BP to provide security and communications equipment, administration materials, "information," engineering and health services, helicopter time and land transport.^{xiv}

According to British journalists Michael Sean Gillard and Melissa Jones,

"The army brings to Casanare a US-designed counter-insurgency strategy of dirty war, known locally as "quitarle agua al pez" or draining the fish tank. Instead of fighting the guerrillas, the army and pro-government paramilitary death squads target people they consider sympathisers."^{xv}

In 1995, residents of the village of El Morro set up a roadblock to demand compensation for damage to an access road by BP lorries. According to British national newspaper, *The Guardian*, the brigade commander protecting BP claimed that the blockade was guerrilla-inspired and unleashed a crackdown against its organisers. Two of the blockade leaders were assassinated and others were threatened. Government human rights lawyers investigated the killings and reported that BP's military protectors were "out of control".^{xvi}

On 3rd June 1996, Marcos Mendoza was shot dead in his home, allegedly by the Guías de Casanare Battalion of the Colombian army. Mendoza had earlier participated in a work stoppage in protest against BP.^{xvii} Three months later, in September 1996, a protest against BP took place at Tauramena. Security forces were called in to tackle the protest, and a photographer covering it was killed.^{xviii}

In September 1996, Member of the European Parliament Richard Howitt was part of a European Parliament delegation to Colombia. While there, he was handed an unpublished report, written in July 1995, by a commission including the President's human rights adviser, the Attorney General and the Ombudsman, which accused BP of gross human rights violations.

The report alleged that oil companies handed photos and videos of local protesters near its Casanare oilfields to the army, which released their names. Many protesters were later assassinated, kidnapped or beaten by the army or, more often, by paramilitary groups. According to journalists who saw the report, an army colonel described in it how valuable the army found oil companies' security systems and how videotapes recorded by the oil companies at community meetings were used by military intelligence. He explicitly mentioned BP in a taped testimony to government lawyers on the Commission as one of the companies who shared such information with the military.^{xix}

BP has always strongly denied this sharing of information and even claimed in 1997 that the colonel had written to them, denying that he had named BP, but the company has refused to make copies of this supposed letter available when quizzed by journalists. BP has also claimed to be exonerated by an investigation by the Colombian Public Prosecutor's office⁶ into the allegations, published in 1998. In fact, the investigation was closed because of lack of evidence, even though it did not interview the colonel, or the authors of the 1995 report given to Howitt. According to *The Observer*, this prompted several NGOs including Amnesty International to complain that the issue had not been properly investigated. The investigation did, however, find in the XVI (16th) Brigade's files 18 irregular payments by BP totalling US\$

⁵ Muerte a Secuestradores, Death to Kidnappers

⁶ La Fiscalía



312,000 between May 1996 and August 2001. BP had told the investigation that this was for "extras", including "intelligence work".^{xx}

A joint investigation by the British *Guardian* and Colombian *El Espectador* newspapers, published in October 1998, concluded that:

- In May 1997, BP provided 60 pairs of restricted night-vision goggles to the notorious XIV (14th) Brigade, which operates in Segovia, through which the OCENSA pipeline passes. In previous incidents in Segovia (not connected with the oil industry), evidence had implicated the XIV(14th) Brigade in the massacre in 1988 of 43 men, women and children, and in April 1996 of a further 14 people.
- Between July 1996 and February 1997, BP and OCENSA discussed supplying the Brigade with armoured attack helicopters, the "anti-guerrilla special weaponry and ammo", small robotic spy planes (drones) and secure communications equipment.

Following intense public criticism, BP attempted to distance itself from responsibility for the army's human rights abuses. In June 1998, it renegotiated its contracts such that payments for security would be made to the state-owned Ecopetrol as a conduit to the Defense Ministry, instead of directly from the companies to the army.^{xxi}

The private security firm

In June 1996, BP contracted private security company Defence Systems Colombia (DSC) to protect its sites. But journalists found that DSC was being used to train the police (who were assigned to protect the oil facilities) in counter-guerrilla tactics, such as lethal-weapons handling, sniper fire and close-quarter combat (rather than simply defensive operations for the BP sites).^{xxii} A former security adviser to DSC, who had previously worked for BP in Colombia, told ITV's *World in Action* programme:

"The police are now being trained in military subjects. They are getting more involved with patrolling activities that are the normal requirements of an infantry unit, which is definitely being seen by the population as another military force in the area. The people are scared to death, you can see it on their faces as you go through the villages, you see them, no one is smiling. You see people watching every move you make, you can feel the tenseness in the air."^{xxiii}

The 1998 investigation by *The Guardian* and *El Espectador* newspapers interviewed someone who worked for DSC as part of a 35-strong team of former Colombian officers. He revealed his own involvement in a spying operation targeting perceived guerrillas and "subversives" in communities in and around the pipeline. OCENSA security staff, he says, work as civilians in local communities. His job was to nurture informants in the local community, to find out about union and community leaders, and to attend and monitor community meetings. The informants were paid from a secret fund at OCENSA's security department. He added that the information is regularly shared with the Colombian defence ministry and local army brigade.^{xxiv}

BP now admits that DSC trainers wear police uniforms on the oil installation sites but denies it is providing lethal military training to the police.

The investigation also found that Silver Shadow, an Israeli security company contracted to OCENSA, had offered "a state-of-the-art investigation-intelligence and psychological warfare 18-day seminar", tailored "to suit OCENSA/BP special requirements" along the pipeline. BP and Silver Shadow discussed using former Israeli intelligence officers to train OCENSA security staff in interrogation, intelligence collection, targeting and running informants in the field, preparation of intelligence files and investigation of private individuals.^{xxv}

BP reacted to *The Guardian's* investigation by sacking its chief security officer, Roger Brown, and asking DSC to conduct an internal inquiry^{xxvi}. MEP Richard Howitt commented:

"What they are seeking to do is to minimise public attention of this problem by the sacking of Mr Brown and individualising the impact of the allegations against them. They are trying to say it's only one bad apple, when my research has shown that there's a pattern of threats and abuse against people who speak out against BP in Colombia."^{xxvii}

Roger Brown was moved to Venezuela where he later started working for BP again.^{xxviii}



A pertinent solution?

BP has consistently responded to criticism of its role in Colombia arguing that it has no choice but to work with the national police and army, and to employ its own security. This raises an obvious question, as was posed by Tessa Kingham MP, a member of the UK House of Commons Select Committee on International Development's 1998 inquiry into economic development and conflict:

“Do you [BP] feel that by having any kind of contact with a brigade that has been implicated in human rights abuses and massacres of innocent civilians those are the kinds of bedfellows that BP should have? Do you not feel that it would be in order for a reputable company to have no contact with these people at all? . . . Would you then consider it to be pertinent not to put your profits above human rights abuses and people's lives and actually withdraw from that situation?”^{xxix}

ⁱ *The Independent*, 19/4/02, 'BP pressured by "pantomime" of protests', by Saeed Shah

ⁱⁱ see eg United Nations High Commissioner for Human Rights, 9/3/98, Report on Colombia

ⁱⁱⁱ Associated Press, 19/10/98, 'Death toll mounts, guerrilla role probed in pipeline explosion', by Jared Kotler; and Reuters, 12/11/98, 'Colombia rebels admit pipeline bombing massacre'

^{iv} Inter-Agency Group, July 1999, 'Good intentions are not enough', policy paper, p.4

^v The average throughput of the pipeline is 350,000 barrels per day. An average oil price of \$20 / barrel gives \$7m / day

^{vi} *Dallas Morning News*, 5/1/97, 'Dallas' Triton Energy helps bring Colombia online as a source of high-quality crude', by Gregg Jones

^{vii} Human Rights Watch, April 1998, 'Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies', Letter To President Ernesto Samper, hrw.org/advocacy/corporations/colombia/Oilpat-03.htm

^{viii} *Colombia Solidarity*, April-June 2002, p.24, pub Colombia Solidarity Campaign

^{ix} ITV, *World in Action* television programme, 30/6/97, 'Colombia – BP's secret soldiers'

^x BBC2, *Assignment* television program, 8/2/97, "Oil and Terror"

^{xi} *Guardian*, 17/10/98, 'BP sacks security chief over arms deal' and 'BP hands 'tarred in pipeline dirty war', by Michael Gillard, Ignacio Gomez and Melissa Jones; SOA Watch list of graduates 1995 – cited in *Weekly News Update On The Americas* Issue #456, 25/10/98, Nicaragua Solidarity Network Of Greater New York, www.colombiasupport.net/wnu/wnu102598.html

^{xii} On top of the 20% royalties on production, oil companies are required by law to pay to the Colombian treasury — on a per barrel basis — the Special Contribution for the Reestablishment of Public Order (Contribución Especial para el Restablecimiento del Orden Público, commonly known as the "war tax") to help finance the Colombian government's counterinsurgency efforts. The Colombian government imposed on 17 May 1996 a further one-off 1.5% surtax on oil to raise \$400 million to pay for additional security for oil installations. Human Rights Watch, April 1998, 'Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies', www.hrw.org/advocacy/corporations/colombia/Oilpat.htm accessed 10/5/02

^{xiii} pers comm with Melissa Jones, May 2002. Some sources put the payment much higher (at \$54 million, including \$11 million from BP), but these higher figures could not be corroborated.

^{xiv} Human Rights Watch, April 1998, 'Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies', <http://www.hrw.org/advocacy/corporations/colombia/Oilpat.htm> accessed 10/5/02

^{xv} *Guardian*, 30/6/97, 'BP's secret military advisers', by Michael Sean Gillard & Melissa Jones

^{xvi} *Guardian*, 15/08/98, 'BP in Colombia – a tale of death, pollution and deforestation', by Michael Sean Gillard, Melissa Jones, Andrew Rowell and John Vidal, p.4

^{xvii} Human Rights Watch, April 1998, 'Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies', Letter To President Ernesto Samper

^{xviii} Human Rights Watch, April 1998, 'Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies', Letter To President Ernesto Samper

^{xix} *Observer*, 20/10/96, 'Black gold fuels Colombia killing machine', by David Harrison & Melissa Jones; *Financial Post*, 16/11/96, 'Colombian public relations nightmare', by Stephen Fidler

^{xx} *Guardian*, 17/10/98, 'BP hands 'tarred in pipeline dirty war' ', by Michael Gillard, Ignacio Gomez and Melissa Jones

^{xxi} Human Rights Watch, *World Report*, 1999

^{xxii} *Guardian*, 30/6/97, 'BP's secret military advisers', by Michael Sean Gillard & Melissa Jones

^{xxiii} ITV, *World in Action* television programme, 30/6/97, 'Colombia – BP's secret soldiers'; *Guardian*, 30/6/97, 'BP's secret military advisers', by Michael Sean Gillard & Melissa Jones

^{xxiv} *Guardian*, 17/10/98, 'BP hands 'tarred in pipeline dirty war' ', by Michael Gillard, Ignacio Gomez and Melissa Jones

^{xxv} *Guardian*, 17/10/98, 'BP hands 'tarred in pipeline dirty war' ', by Michael Gillard, Ignacio Gomez and Melissa Jones

^{xxvi} *Guardian*, 17/10/98, 'BP hands 'tarred in pipeline dirty war' ', by Michael Gillard, Ignacio Gomez and Melissa Jones

^{xxvii} *BBC News* 17/10/98, Business: The Company File, 'BP denies arms dealing'

^{xxviii} Chris Gibson-Smith (Managing Director, Policies & Regions, BP), 20/10/98, witness examination, House of Commons, Select Committee on International Development, 6th Report, 1998-99 session. During the cross-examination, Gibson-Smith described Brown as a "junior level field representative"; however when a member of the committee later asked a question about the "security chief", he answered without correcting her.

^{xxix} Select Committee on International Development, 6th Report, 1998-99 session.