
Colombia: Even historical documents confirm the U'wa's territorial rights

The U'wa indigenous people are maintaining a long conflict with the Colombian state and the oil company Occidental Petroleum in the defense of their traditional territories. The permit granted to the company and the beginning of the works of oil prospection at the Bloque Samoré, located in the premontane forest region along the border between Colombia and Venezuela, constitutes a threat for the U'wa's life and environment. To the U'wa culture, oil is Mother Earth's blood, and to drill it would be a desecration. Their struggle has been long and the U'wa have suffered violence to the hands of the government's armed corps. At the same time --as was proven by the independent international mission that visited the region in March 2000-- the works undertaken by Occidental have already caused negative environmental impacts in the area of the Gibraltar 1 well (see WRM bulletins 22, 23, 26, 27 and 29).

The struggle is being carried out in different scenarios and one of them is that related to the legal aspects. Article 332 of the 1991 Colombian Constitution recognizes indigenous peoples' rights to the subsoil and natural resources in their territories. The U'wa have recently presented to the national and provincial authorities new documentation which confirm that they are the legitimate owners of the contested lands. To obtain such documents, a delegation of the U'wa travelled to Spain. At the Indian Archives (Archivo de Indias) of Seville they were able to find the land titles granted by the Spanish Crown in the 18th century, when this territory was part of the New Kingdom of Nueva Granada under the Spanish empire. This means that their land titles were documented even before the existence of the Colombian state, which now questions the U'wa's rights. Together with these highly important historical documents, the U'wa presented jurisprudence generated by the Colombian Court of Justice and State Council, which clearly define and protect their right to the land and its subsoil.

Even though these new documents are in themselves not sufficient to make the government change its mind and to stop defending the interests of Occidental, they constitute an important tool in the struggle of the U'wa people for their rights. The Colombian authorities --led by the Ministry of the Environment-- have until now done nothing but deceive, intimidate and repress the U'wa. Nevertheless, they will not give up in their fair struggle. The U'wa's resistance --as well as that of other indigenous peoples and black communities all over Colombia-- constitutes an example of peaceful people's action in a country trapped by violence and intolerance by the armed forces, the paramilitary and the guerrilla.

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